

BIHAR STATE LEGAL SERVICES AUTHORITY
NOTIFICATION NO. 187
15th March 2001

The Bihar State Legal Services Authority in exercise of the powers conferred on it Under Section 29-A of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987), as amended by the Legal Services Authorities (Amendment Act, 1994) (Act No. 39 of 1994), hereby makes the following regulations to give effect to the provisions of the aforesaid Act:-

BIHAR STATE LEGAL SERVICES AUTHORITY
REGULATION, 1998.
CHAPTER-1

PRELIMINARY

1. Short title and commencement:- (A) These regulations may be called the Bihar State Legal Services Authority Regulations, 1998.
(B) They shall come into force from the date of Notification by State Authority.

[(C)- The provisions of Regulations framed by NALSA under Legal Services Authority Act, 1987 (Act 39 of 1987) or framed U/S 89 Civil Procedure Code, 1908 (Act 5 of 1908) will prevail to the extent it will be found contrary to the provisions of Bihar State Legal Services Authority Regulation, 1998.]¹

2. DEFINITIONS:-

In these Regulations, unless the context otherwise requires:--

- (A) 'Act' means the Legal Services Authorities Act, 1987 (Act 39 of 1987) as amended from time to time.
(B) 'Rules' means the Bihar State Legal Services Authority Rules, 1996 framed under the Act as amended from time to time,
(C) 'State Authority' means the State Legal Services Authority constituted Under Section-6 of Legal Services Authorities Act, 1987,
(D) 'High Court Legal Services Committee', means the Committee constituted under section 8-A of Legal Services Authorities Act, 1987 for Patna High Court at Patna.
(E) 'District Legal Services Authority', means the Authority constituted U/s 9 of Legal Services Authorities act, 1987 for each revenue District in the State of Bihar,
(F) 'Taluk Legal Services Committee', means the Committee constituted U/s 11-A of Legal Services Authority Act, 1987 for each of the revenue Sub-divisions in the State of Bihar
(G) 'Continuous Lok Adalat' means Lok Adalat constituted u/s 19 of Legal Services Authority Act, 1987 which holds sitting continuously and regularly on all working days of Civil Courts.
(H) 'Special Lok Adalat' means Lok Adalat constituted u/s 19 of Legal Services Authority Act, 1987 on specified topic or topics which does not hold sitting on all working days of Civil Courts.
(I) 'Mega Lok Adalat' means Lok Adalat constituted u/s 19 of Legal Services Authority Act, 1987 on all topics but which does not hold sitting on all working days of Civil Courts.
(J) 'Permanent Lok Adalat' means Lok Adalat constituted u/s 22-B of Legal Services

¹ Inserted by Notification no. 4 dated 8th July 2015 published in Bihar Gazette (Extraordinary) no. 838 dated 21.7.2015.

Authorities Act, 1987 in respect of Public Utility Services.]²

CHAPTER-II

3. There shall be a High Court Legal Services Committee for Patna High Court at Patna.

4. The following shall be ex-officio members of the Patna High Court Legal Services Committee:--

(i) a sitting Judge of the High Court - Executive Chairman
(to be nominated by the Chief Justice
Of High Court)

(ii) the Advocate General, Bihar - Member

(iii) the President, Patna High Court - Member
Advocate, Bar Association.

(iv) the Secretary, High Court Legal Services - Secretary
Committee, Patna

(v) The Chief Justice of the High Court may nominate other members (not exceeding three) from amongst those possessing the experience and qualifications as prescribed in Regulation (5) below for Patna High Court Legal services Committee.

5. a person shall not be qualified for nomination as member of the High Court Legal Services Committee unless he is:

(a) an eminent social worker who is engaged in the upliftment of the weaker Section of the society, including Scheduled Castes, Scheduled Tribes, Women, Children, Rural and Urban labour, or

(b) an eminent person in the field of law or public administration; or

(c) a person of repute who is specially interested in the implementation of Legal Services Schemes.

6. Term of Office and other conditions of appointment of High Court Legal Services Committee.

(i) The term of office of the member of the High Court Legal Services Committee nominated under regulations (5) by the Chief Justice of the High Court shall be two years and he shall be eligible for renomination.

(ii) A member of the High Court Legal Services Committee nominated under regulation (5) may be removed by the Chief Justice of the High court on the recommendation of the Executive Chairman if—

(a) he fails, without sufficient cause, to attend three consecutive meetings of the High Court Legal Services Committee;

(b) has been adjudged as insolvent; or

(c) has been convicted of an offence, which, in the opinion of the Chief Justice, 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 High court Legal Services Committee prejudicial to the public interest: Provided that, no member shall be removed from the High Court Legal Services Committee, without affording him reasonable opportunity of being heard.

(iii) A member may, by writing under his hand addressed to the Chief Justice, resign from the High Court Legal Services Committee and such resignation shall be effective from the date on which it is accepted by the Chief Justice of the High Court.

² Inserted by Notification No. 01 dated 16th of May, 2017 published in Bihar Gazette (Extraordinary) no. 419 dated 18th of May, 2017

(iv) If any member nominated under regulation (5) ceases to be 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 a member for the remaining term of the member in whose place he is so nominated.

(v) Subject to the provision of sub-regulation (vi) all members nominated under sub-regulation (v) shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed in connection with the meetings and functions of High Court Legal services Committee and shall be paid by the High Court Legal Services Committee at such rates as may be admissible to a class one officers, while traveling on official duty.

(vi) If a member is a Government employee, he shall be entitled to draw the traveling allowance and daily allowance at such rates as admissible to him under the service rules applicable to him and shall draw from the department, in which he is so employed.

(vii) The Secretary of the High Court Legal Services Committee shall be a Judicial Officer not below the rank of Joint Registrar of High Court who shall be appointed by the Chief Justice in consultation with the Executive Chairman and shall be paid an honorarium of Rs. 250/- per month for the performance of the duties, which may be revised from time to time, by the State Government.

7. Functions of High Court Legal Services Committee

(i) It shall be the duty of High Court Legal Services Committee to give effect to the policy and directions of the State Authority.

(ii) Without prejudice to the generality of the functions referred to in subregulation (i) the High Court Legal Services Committee shall perform all or any of the functions, namely,

(a) provide Legal Services to persons who satisfy the criteria laid down under the Act and the rules and regulations framed there under;

(b) conduct Lok Adalats for the cases pending in the High Court; and

(c) encourage the settlement of disputes by way of negotiations, arbitration and conciliation between the parties thereto.

8. Functions of the Secretary

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

(ii) The Secretary shall maintain or cause to be maintained the true and proper accounts of the receipt and disbursement of the funds of the Committee.

(iii) The Secretary shall convene meeting of the Committee with the previous approval of the Chairman and shall also attend meeting and shall be responsible for recording of minutes of such

proceedings of the meetings separately.

9. Meeting of the Committee

(i) The Committee shall ordinarily meet once a month on such date and time at headquarters of the Committee or at such place as the secretary may, in consultation with the Chairman, so decide.

(ii) The Chairman, and in the absence of the Chairman a person nominated by the Chairman, shall preside over the meeting of the Committee.

(iii) The procedure and agenda at any meeting of the Committee shall be such as the Chairman so directs.

(iv) The minutes of the proceedings of each meeting shall be maintained by the Secretary and such minutes shall be open to inspection at all reasonable times by the members of the committee. A copy of the minutes shall as soon as may be, after the meeting, be forwarded to the State Authority within ten days.

(v) The quorum for the meetings shall not be less than one third of the existing members,

including the Chairman or the member presiding over the meeting.

(vi) All the matters relating to agenda of the meeting of the Committee shall be decided by a simple majority of the members so present and voting. And in case of a tie the person presiding shall have the casting vote.

(vii) Matters not included in the agenda shall not be allowed to be raised unless the Chairman or any other member presiding over the meeting, so permits

10. Fund, Accounts and Audit

(i) The funds of the Committee shall consist of such amounts as may be allocated and granted to it by the State Authority as also such amounts as may be received by the Committee from time to time either by way of donation or by way of costs, charges and expenses recovered from the aided person or the opposite party, or otherwise.

(ii) The funds of the Committee shall be maintained in a scheduled Bank under the signature of the Secretary of the respective Committee.

(iii) For the purpose of incidental charges, such as, stamps and expenditure necessary, an adequate amount of permanent advance of not less than two thousand rupees shall be placed at the disposal of the Secretary of the respective Committee.

(iv) All expenditure on Legal Services necessary for carrying out the various functions of the Committee shall be met out of the funds of the Committee. Secretary shall operate the accounts of the Committee in accordance with the directions of the Chairman.

(v) The Secretary of the Committee shall keep and maintain true and correct account of all receipts and disbursements and furnish quarterly return to the State Authority. Such accounts shall be audited in accordance with provisions of section 18 of the Act.

CHAPTER III

District Legal Services Authority

A N D

Taluk Legal Services Committee

11. Functions of District Legal Services Authority

(i) It shall be the duty of every District Authority to perform such of the functions of State Authority in the District as may be delegated to it from time to time by the State Authority.

(iii) Without prejudice to the generality of the functions referred to in sub-regulation (1), the District Authority may perform all or any of the following functions namely-

(a) Coordinate the activities of the Taluk Legal Services Committee and other Legal Services in the District;

(b) Organise Lok Adalat Within the District;

(c) Encourage the settlement of disputes by way of negotiations, arbitration and conciliation between the parties thereto.

(iii) (a) hold legal literacy camps to promote legal awareness in the people, specially the women and weaker Sections of the society;

(b) publish/distribute pamphlets, booklets and other newsletters for legal awareness;

(c) Establish and control Para legal to promote legal awareness;

(d) arrange seminar and workshops to that effect;

(e) Take appropriate measures for spreading Legal Literacy and Legal Awareness amongst the people in particular to educate the Weaker Sections of the society about their rights , benefits

and privileges guaranteed by the constitution and by social welfare legislations an other enactments as well as administrative programmes and measures etc;

(f) Make special efforts to enlist the support of voluntary social welfare institutions working at the Grassroots level, particularly among the scheduled castes and scheduled tribes, women, rural and urban labour segments.

(g) Produce video/ documentary films, publicity materials, literature and publications to inform the general public about the various aspects of the Legal Service Programmes.

(iv) In the discharge of its functions under this Act, the District Authority shall, wherever appropriate, act in accordance with other Government or non.-Governmental institution, universities and others engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the State Authority may give to it in writing.

12 Secretary District Legal Services Authority

(i) The Secretary of District Legal Services Authority appointed under Sub-section (3) of. 9 of the Act shall act, exercise and perform the duties of Secretary of District Legal Services Authority in addition to be discharged by him as a judicial officer. And for such discharge of his additional duties he shall be paid an honorarium of [Rs.2500/-]³ per month which may be revised from time to time by the State Authority in consultation with the State Government.

[Provided that on appointment of full time secretary of the rank of Superior judicial Service, he shall get salary as per condition of appointment.]⁴

(ii) The Secretary shall be the custodian of all assets, accounts, records and funds placed the disposal of State authority.

(iii) The Secretary shall maintain and cause to be maintained true and proper account of the receipt and disbursement of the funds of the District Authority under the supervision of the Chairman.

(iv) The Secretary shall convene meeting of the District Authority with the previous approval of the Chairman and shall also attend meeting, and shall be responsible for maintaining a true and correct record of the minutes of the proceeding of each of such meeting.

[(v) The Chairman of District Legal Services Authority may nominate an officer competent to be appointed as Secretary to officiate as Secretary for specified period in absence of Secretary for any reason.

(vi) Subject to supervision of Chairman full time secretary shall operate the bank account and will also be Drawing & Disbursing officer for the District Legal Services Authority for all purposes and in absence of full time secretary incharge secretary will also function as drawing & disbursing officer subject to approval of the Chairman which shall also be intimated to the treasury officer.]⁵

13. Meeting of the District Authority

(i) The District Authority shall ordinarily meet once a month on such date, time and at such place as the Secretary may, in consultation with the Chairman, so decides.

(ii) The Chairman, and in the absence of the Chairman next senior most Judicial Officer at his headquarters to be nominated by the Chairman, shall preside over the meeting of the District Authority.

(iii) The Agenda and proceedings of the meeting shall be such as the Chairman may determine. The matters not included in the agenda shall not be allowed to be raised unless the Chairman so permits.

(iv) The minutes of the proceedings of each meeting shall be maintained by the Secretary and such minutes shall be open to inspection at all reasonable times by the members of the District Authority.

(v) The quorum for the meeting shall not be less than one third of the existing

³ Inserted by Notification No. 01 dated 16th of May, 2017 published in Bihar Gazette (Extraordinary) no. 419 dated 18th of May, 2017

⁴ Inserted by Notification no. 4 dated 8th July 2015 published in Bihar Gazette (Extraordinary) no. 838 dated 21.7.2015.

⁵ Inserted by Notification no. 4 dated 8th July 2015 published in Bihar Gazette (Extraordinary) no. 838 dated 21.7.2015.

members, including the Chairman.

(vi) All questions at the meeting of District Authority shall be decided by a majority of the members present and voting. And in case of tie the person presiding shall have a casting vote.

14. Fund, Accounts and Audit

(i) The funds of the District Authority shall consist of such amount as may be allocated and granted to it by the State Authority as also such amount as may be received by the District Authority from time to time either by way of donation so approved by the Executive Chairman, by way of costs, charges and expenses recovered from the legal aided person or the opposite party or otherwise.

(ii) The funds of District Authority shall be maintained in a scheduled Bank approved by the Chairman.

(iii) For the purpose of meeting the incidental charges an adequate amount of not less than two thousand rupees shall be placed at the disposal of the Secretary of the District Authority under the supervision of the Chairman.

(iv) All expenditure on Legal Services, including Legal aid and advice as also expenditure necessary for carrying out the various functions of District Authority shall be met out of the funds of District Authority. The Secretary shall operate the Bank accounts of the District Authority under the supervision of the Chairman.

(v) The Secretary of the District Authority shall keep and maintain true and correct account of all receipt and disbursement and furnish quarterly return to the State Authority. Such accounts shall be audited in accordance with the provisions of section 18 of the Act.

15. Functions of Taluk Legal Services Committee

(i) It shall be the duty of every Taluk Legal Services Committee to perform such of the functions of the State Authority or the District Authority, as the case may be, in the Taluk as may be delegated to it from time to time by the State Authority.

(a) Coordinate the activities of Legal Services in the Taluk;

(b) Organize Lok Adalats in the Taluk;

(c) Perform such other functions as the District Authority may assign to it;

(d) Encourage the settlement of disputes by way of negotiations, arbitration and conciliation between the parties thereto.

(iii) (a) To hold Legal Literacy camps to promote legal awareness in the society, specially the Women and Weaker section of the society;

(b) Publish/distribute pamphlets, booklets and other newsletters for legal awareness;

(c) Establish and control para Legal Clinic to promote legal awareness;

(d) To arrange seminars and workshops to that effect;

(e) Take appropriate measures for spreading legal literacy and legal awareness amongst the people in particular to educate Weaker Sections of society about their rights, benefits and privileges

guaranteed by the constitution and by special welfare legislations and other enactments as well as administrative programmes and measures, etc;

(f) make special effects to enlist the support of voluntary social welfare institutions working at the grassroot level, particularly among the scheduled castes and scheduled tribes, women, rural and urban labour.

(g) to produce publicity materials, literature and publications to inform the general public about the various aspects of Legal Services Programmes.

(iv) In the discharge of its functions under this Act, the Taluk Legal Services Committee shall, wherever appropriate, act in accordance with other Governmental and non- Governmental 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 State Authority or the District Authority, may give to it in writing.

16. Secretary of Taluk Legal Services Committee

(i) An official working under the Chairman of Taluk Legal Services committee and so nominated by him, shall act, exercise and perform the duties of the Secretary of Taluk Legal Services Committee and for the discharge of the additional duties he shall be paid an honorarium of [Rs.1500/-]⁶ per month which may be revised from time to time by the State Authority, in consultation with the State Government.

(ii) The Secretary shall be custodian of all assets, accounts, records and funds placed at the disposal of the Taluk Committee.

(iii) The Secretary shall maintain true and proper account of the receipt and disbursement of the funds of the Taluk Committee.

(iv) The Secretary shall, with the previous approval of the Chairman, convene meeting of the Taluk Committee and shall also attend meeting, and shall be responsible for maintaining the true and correct account of the minutes of the proceedings of each such meetings.

17. Meetings of Taluk Committee

(i) The Taluk Committee shall ordinarily meet once a month on such date, time and at such place at the headquarters as the Chairman may decide.

(ii) The Chairman, and in his absence, a person so nominated by the Chairman, shall preside over the meeting of Taluk Committee.

(iii) The procedure and agenda at the meeting shall be such as the Chairman may determine.

(iv) The minutes of the proceeding of each meeting shall be maintained by the Secretary and such minutes shall be open to inspection at all reasonable times by the members of the Taluk committee.

(v) The quorum for the meeting shall not be less than one third of the existing members, including the Chairman or the member presiding over the meeting.

(vi) All questions at the meeting of the Taluk Committee shall be decided by a simple majority of the members present and voting. And in case of a tie the person presiding shall have casting vote.

(vii) The matter not included in the agenda shall not be allowed to be raised unless the Chairman or any other member presiding over the meeting, so permits.

18. Fund, Accounts and Audit of the Taluk Legal Services Committee

(i) The funds of the Taluk Committee shall consist of such amount as may be allocated and granted to it by the State Authority as also such amount as may be received by the Committee from time to time either by way of donation approved by the Chairman of District Authority or by way of costs, charges and expenses recovered from legal aided person or the opposite party, or otherwise.

(ii) The funds of the Taluk Committee shall be maintained in a scheduled Bank approved by the Chairman.

(iii) For the purpose of meeting the incidental charges, an adequate amount of permanent advance of not less than two thousand rupees shall be placed at the disposal of the Secretary of Taluk Committee

(iv) All expenditure on Legal Services necessary for carrying out the various functions of the Taluk Committee shall be met out of the funds of the Taluk Committee. The Chairman shall operate the Bank accounts of the Taluk Committee.

(v) The Secretary of the Taluk Committee shall keep and maintain true and correct account of all receipts and disbursements and furnish quarterly returns to the State Authority in accordance with the direction of Executive Chairman. The accounts of the Taluk

⁶ Inserted by Notification No. 01 dated 16th of May, 2017 published in Bihar Gazette (Extraordinary) no. 419 dated 18th of May, 2017

Committee shall be audited in accordance with provisions of section 18 of the Act.

CHAPTER IV

LEGAL AID

19. [Every person who is a bonafide resident of Bihar and who has to file or defend a case in any Civil, Criminal, or Revenue Court or before any tribunal, Juvenile Justice Board, consumer forum or any other Judicial or quasi Judicial Authority, shall be entitled to legal services, if that person is entitled for legal services under section 12 of Legal Services Authorities Act, 1987 or if he is—

- (a) a transgender; or
- (b) a senior citizen: or
- (c) a person infected with HIV or suffering from Cancer of any type; or
- (d) a worker of unorganized sector or;
- (e) an acid attack victim or;
- (f) a person having annual income not more than Rs. 1,50,000 or as may be fixed under Rule 16 of Bihar State Legal Services Authorities Rules, 1996 from time to time or;
- (g) Notwithstanding the limit of income, the Legal Services Committee, District Authority or State Authority may grant Legal Aid in the following matters :-
 - (i) in case of great public importance:
 - (ii) in a case , the decision of which is likely to affect numerous persons belonging to the weaker section of the community.
 - (iii) in any other case in which any person , for reasons to be recorded in writing by the Chairman is entitled to Legal Aid.]⁷

20. Mode of Legal Aid

Legal aid may be provided in all or any one or more than one of the following manners, namely:-

- (a) Process fees and all other charges payable or incurred in connection with any legal proceeding;
- (b) representation by a legal practitioner in a legal proceeding; (c) obtaining of certified copy of orders and other documents in the legal proceedings;
- (d) preparation of paper book, including printing and translation of documents in the legal proceedings;
- (e) any other expense which Chairman of Legal Services Committee, or District Authority deem fit to grant in special circumstances of a given case.

21. Legal Aid not to be given in certain cases

Legal aid shall not be given in any one of the following cases, namely:--

- (i) proceedings wholly or party in respect of:-
 - (a) defamation;
 - (b) malicious prosecution;
- (c) a person charged with contempt of court in the proceedings;
- (ii) Proceeding relating to any election,
- (iii) Proceedings incidental to any proceeding referred to in item (i) and (ii) above,
- (iv) Proceedings in respect of offences punishable with fine only not exceeding Rs. 1000/-;
- (v) Proceedings in respect of economic offences and offences against social welfare laws or pertaining to moral turpitude;
- (vi) Where a person seeking legal aid--
 - (a) is concerned with the proceeding only in official capacity; or

⁷ Inserted by Notification No. 01 dated 16th of May, 2017 published in Bihar Gazette (Extra-ordinary) no. 419 dated 18th of May, 2017

(b) is a formal party to the proceeding and is not materially concerned in the outcome of the proceedings and his interest is not likely to be prejudiced on account of the absence of proper representation:

Provided that the Chairman may in appropriate cases grant legal aid even in such proceedings for reason to be recorded in writing.

22. Application for legal aid or advice

(i) Any person desiring legal aid or advice may make an application addressed to the Secretary of the concerned Authority/Committee or Chairman of the Taluk Legal Services Committee, as the case may be. But if the Applicant is illiterate or not in a position to fill in the particulars required in the application, the Secretary or any other officer/official of the Authority/Committee or any legal practitioner whose name appears on the panel of legal aid Lawyers, of the Authority/Committee, as the case may be, shall gather the necessary particulars from the applicant and prepare the application on his behalf and after reading it out and explaining to him, obtain his signature or thumb impression on it. The application shall be in proforma indicated in Schedule 'A' of these regulations.

(ii) An affidavit shall accompany the application for Legal Aid, which shall be regarded as sufficient to decide the eligibility for legal aid, unless the concerned District Authority/Committee has reason to disbelieve such an affidavit, (iii) The District Authority/Committee shall maintain register of applications wherein all applications for legal aid and advice shall be entered and the action taken on such application shall be noted against the entry relating to such application.

23. Disposal of applications

(i) On receipt of an application for legal aid or advice, in the case of High Court Committee or District Authority, the Secretary and in the case of Taluk Committee, the Chairman of Taluk Committee, shall scrutinise the application for the purpose of deciding whether the applicant is eligible for grant of Legal Services in accordance with the provisions of these regulations and the Act and the Rules framed thereunder. For the purpose of arriving at such decision he may require the applicant to submit further information as may be necessary and also discuss the matter personally with the applicant. The application shall be processed as early as possible and preferably within one month.

(ii) The District Authority/Committee, to which application is made shall consider the application and decide eligibility of the application and its decision to provide or refuse legal aid, shall be final.

(iii) Where it is decided not to grant legal aid to an applicant, the reasons for not doing so shall be entered in the Register of application maintained by the District Authority/Committee and information in writing to that effect shall be communicated to the applicant.

(iv) No application for legal aid or advice shall be allowed if the District Authority/Committee is satisfied that_

(a) the applicant has knowingly made, false statement or furnish false information regarding case or his means or place of residence, or

(b) in the case of contemplated Civil, Criminal or Revenue or any other matter proposed to be initiated in a court of Law, there is no prima facie case to initiate such proceedings; or

(c) the applicant is not entitled to the same under Regulation- 19 or any other provision of law or the Act and the rules framed thereunder;

(d) having regard to all the circumstances of the case it is not otherwise just and reasonable to grant it.

24. Certificate of Eligibility

(i) Where an application for legal Services is allowed, the Secretary of the District Authority/Committee as the case may be shall issue a Certificate of Eligibility to the applicant

entitling him to legal services in respect of the proceedings concerned. The certificate shall be in proforma indicated in schedule 'B' of these regulations.

(ii) The Certificate of Eligibility shall entitle the applicant to such legal aid as specified therein.

(iii) The certificate of Eligibility shall stand cancelled if the legal aid is withdrawn and the lawyer to whom the case of the applicant is assigned, as also the court before which the case is pending, shall be informed accordingly in writing.

25. [Honorarium payable to Legal Practitioner on the Panel

(i) The Concerned Legal Services Committee/ District Authority/ State Authority shall prepare a panel of legal practitioners who are desirous to represent or plead the case on behalf of legal aided person or on behalf of District Authority/ State Authority under these regulations.

(ii) If a panel lawyer does not offer pro-bono service, the fee payable to such panel lawyer for working in courts/ Juvenile Justice Board/ Consumer Forum/ Tribunal/Judicial or Quasi Judicial Authority or Commission shall be as follows:-

(A) High Court

- i) Drafting of substantive pleading such as Writ Petition, Counter Affidavit Memo of Appeal, Reply, Rejoinder, Replication-Rs. 1500/-
- ii) Drafting of Miscellaneous/ interlocutory applications or its reply such as stay, bail, cancellation of bail, direction etc. – Rs. 500/- per application subject to maximum of Rs. 1000/- for all miscellaneous/ interlocutory applications.
- iii) Appearance- Rs. 1000/- per effective hearing and Rs. 750/- for non effective hearing
subject to maximum of Rs. 10, 000/- (per case)

(B) Subordinate Courts at all level including tribunal Judicial or authority or commission

- i) Drafting of substantive pleading such as in suit, Matrimonial proceedings such as divorce, maintenance custody, restitution, succession, probate, memo of appeal, revision written statement, reply, rejoinder, replication etc- Rs 1200/-
- ii) Drafting of Miscellaneous/application interlocutory applications such as stay, bail, cancellation of bail, direction, exemption etc- Rs. 400/- per application subject to maximum of Rs. 800/- for all miscellaneous/interlocutory applications.
- iii) Appearance Rs. 750/- per effective hearing and Rs. 500/- for non effective hearing
subject to maximum of Rs. 7,500 (per case)

(C) In any case, for reasons to be recorded in writing, the Chairman of Legal Services Committee/District Authority/State Authority may order for payment of Higher fee in view of nature/importance of the issue involved in the case.

(D) (i) Such Legal Practitioner on the panel, to whom any case assigned for legal aid shall not receive any fee or remuneration, whether in cash or in kind or any other advantage, monetary or otherwise from such person or from any other person on his behalf.

(ii) Such Legal Practitioner on the panel who has given advice or drafter plea or appeared in any case shall not, afterwards appear in that case on behalf of a party having adverse interest with the person to whom such legal aid or advise has been given.

(iii) Violation of any other condition mentioned above may be treated as professional misconduct and the concerned legal practitioner may be removed from the legal aid panel or/ and the concerned committee/ District Authority/ State

Authority may take any other appropriate action against the concerned lawyer.]⁸

26. Duty of aided person

Every aided person or his representative shall attend the office of the District Authority/Committee as and when required by it or by legal practitioner so engaged and shall furnish full and true information and shall make full disclosure of the fact of the case to the legal practitioner concerned and shall attend the court as and when required by the practitioner at his own expense.

27. Cancellation of Certificate of Eligibility

The District Authority/Committee may either on its own motion or otherwise cancel the certificate of Eligibility granted under Regulation- 24 in the following circumstances, namely;--

(a) in the event of being found that such person was possessed of sufficient means or certificate of Eligibility was obtained by misrepresentation or fraud;

(b) in the event of any misconduct, misdemeanor or negligence on the part of such person in the course of receiving legal aid;

(c) in the event of such person not cooperating with the District Authority/Committee or with the legal practitioner so assigned by the Committee/District Authority;

(d) in the event of such person engaging a legal practitioner other than the one assigned by the Committee/ District Authority;

(e) in the event of death of such person except in the case where such proceeding survives through his legal representative;

Provided that no such certificate of eligibility shall be cancelled without due notice thereof to such person or to his legal representative in the event of his death, to show cause as to why certificate should not be cancelled.

CHAPTER V

LOK ADALAT

28. Procedure for organizing Lok Adalat

(i) The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall convene and organize Lok Adalat on regular intervals as may be deemed proper in view of the number of cases available for being taken up.

(ii) The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of Taluk Legal Services Committee, as the case may be, shall organize Lok Adalat at least once in every month and as soon as sufficient number of cases referred to it under section 20 of the Act or otherwise are available for being taken up.

(iii) The Secretary of High Court Legal Services Committee or the District Authority or the Chairman of Taluk Legal Services Committee, as the case may be, shall be free to organize special Lok Adalat for any specific kind of cases available for being taken up.

(iv) The members of the Legal profession, college students, members of legal clinic, social organizations, charitable and philanthropic institutions and other similar organizations may be associated in the Lok Adalats.

29. Intimation to the State Authority

(i) The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall inform the State Authority about the proposal to organize the Lok Adalat well before the date on which the Lok Adalat is proposed to be organized and furnish the following information to the State Authority:--

(i) The place, date and time at which Lok Adalat is proposed to be organized;

⁸ Inserted by Notification No. 01 dated 16th of May, 2017 published in Bihar Gazette (Extraordinary) no. 419 dated 18th of May, 2017

(ii) Categories and nature of cases, viz, pending cases or pre-litigation disputes, or both, proposed to be placed before the Lok Adalat;

(iii) Number of cases proposed to be brought before the Lok Adalats;

(iv) Any other information relevant to the convening and organizing of the Lok Adalat.

30. Composition of Lok Adalat at High Court Level

(1) The Lok Adalat shall consist of at least one sitting or retired Judge of High Court and such other members (not more than two) out of the following:--

(a) Member of legal professions;

(b) Social worker,

(c) Person of repute interested in legal services Scheme; and

(d) Representatives of voluntary social organization.

(2) Composition of Lok Adalat at District Level

The Lok Adalat shall consist of at least one sitting or retired Judicial Officer and such other members (not more than two) out of the following:-

(a) Member of Legal professions;

(b) Social worker,

(c) Person of repute interested in legal services Schemes;

(d) Representative of voluntary social organizations.

(3) Composition of Lok Adalat at Taluk Level

The Lok Adalat shall consist of at least one sitting or retired Judicial Officer and such other members (not more than two) out of the following:-

(a) Member of legal professions;

(b) Social worker;

(c) Person of repute interested in legal services Schemes;

(d) Representative of voluntary social organizations.

[(4). Selection of Judicial Member and Non-Judicial Member for Lok Adalat and Mobile Lok Adalat- (a) The District & Sessions Judge—cumChairman, DLSA will invite applications from intending retired Judicial Officer and members of the legal profession, social workers, persons of repute interested in Legal Services Schemes and representatives of voluntary social organizations.

(b) The applicants shall be interviewed by a Committee of at least three persons presided by the Chairman, DLSA, consisting of the Secretary, DLSA and one local social worker of repute.

(c) The Committee inter-alia shall assess general suitability, reputation, commitment and inclination towards free legal services, awareness of legal services Authority Act, NALSA Regulations, Schemes, State Rules and Regulations including beneficent Government Schemes for the deprived segments;

(d) The general reputation and ACR while in service of retired judicial officers shall necessarily be called and considered before selection;

(e) Non-judicial members shall be assessed on basis of general social reputation, social standing and professional acumen in their own field. The selection committee may also call for a report from the District Magistrate and Superintendent of Police if deemed necessary;

(f) For Permanent / Continuous Lok Adalat the tenure of selection will be three years. The persons selected shall not be a party/ accused in any case and must not have any political allegiance. Re-nomination after three years shall be the sole discretion of the BSLSA based on best judgment assessment. There shall be no right to re-nomination;

(g) The nomination of Judicial and Non-judicial Members shall be subject to section-20 (4) of legal services Authority Act,1987. In case of deviation from principles of Justice,

equity, fair play and other legal principles , show cause shall be issued by the Authority to such nominated members

for appropriate action as per law. The Executive Chairman, BSLSA shall have the right to suspend and remove any member on consideration of report and other materials, after due opportunity;

(h) Empanelment of members for mobile lok adalat shall be subject to approval of the Executive Chairman, BSLSA limiting its number to 50 persons from each category i.e. retired Judicial Officers, Legal Professionals, Social Worker and law students. The panel will be revised at three year interval. Other requirements shall remain as per clause (f) and (g).”⁹

31. Organisation of Lok Adalat

A Lok Adalat may be organized at such time and place and on such day, including Saturday, Sundays and holiday as the State Authority, High Court Legal Services Committee, District Authority, Taluk Legal Services Committee, as the case may be deem appropriate.

32. Reference of cases to Lok Adalat

(1) The cases shall be referred to the Lok Adalat by the concerned court as per Section 20 of the Act, if,

(a) the parties there of agree,

(b) one of the parties thereof makes an application to the court for referring his case to the Lok Adalat for settlement and if such court is prima facie satisfied that there is fair chance of settlement; or

(c) the court is otherwise satisfied that the matter is, appropriate one to be taken cognizance by the Lok Adalat.

(2) While making such reference the concerned court shall transmit the record/file to the Secretary of the concerned Committee to put the matter before the Lok Adalat and direct the parties to attend the Lok Adalat on the date fixed thereof.

(3) on receipt of an application moved before Lok Adalat by any one of the parties for settlement of dispute in the Lok Adalat, the concerned Lok Adalat shall send a requisition to the concerned court to transmit the record/file to the Secretary of the Committee/ District Authority or the Chairman of the Taluk Legal Services Committee, to put up the matter before it and direct the parties to attend the Lok Adalat on the date fixed.

(4) The Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall be responsible for the safe custody of the records from the time it received it till they are returned.

(5) The Judicial Officers shall cooperate in holding of Lok Adalat and in transmission of the court records and shall make sincere effort settlement of disputes through Lok Adalat.

(6) The Judicial records shall be returned within ten days of the Lok Adalat irrespective of whether or not the case is settled by the Lok Adalat, with an endorsement about the result of the proceedings. However, the Lok Adalat Committee shall be free to detain the record/file of the case if it thinks proper to place the case in next Lok Adalat when there is possibility of settlement, and inform the court concerned.

33. Lok Adalat at the Pre-litigation stage

(1) On receipt of an application by the Secretary of the District Authority/Committee or the Chairman of the Taluk Legal service Committee, as the case may be, for settlement of a dispute at Pre-litigation stage, he shall examine the matter and if he deems it fit to refer the matter for Pre-litigation settlement, he shall issue a notice alongwith copy of the application and documents, if any, to the opposite party for appearing before him.

⁹ Inserted by Notification no. 4 dated 8 july 2015 published in Bihar Gazette (Extraordinary) no. 838 dated 21.7.2015.

(2) The secretary of the District Authority/Chairman on Taluk Legal Services committee, as the case may be, after hearing the parties, if he thinks proper to refer the matter to the Lok Adalat, he shall direct the parties to appear before the Lok Adalat for Pre-litigation settlement on the date fixed for the Lok Adalat.

(3) The matter so referred, if not settled at the Pre-litigation stage by the Lok Adalat, the Secretary/Chairman of the District Authority/Taluk Committee, as the case may be, shall keep the record of the papers and shall advise the parties for seeking remedy in a court. And if any of the parties is entitled to get legal aid, he shall direct the same to apply for legal aid the proper authority.

(4) In cases which are referred to the Lok Adalat at the Pre-litigation stage, the version of the parties and other documents submitted by them along with the original award of the Lok Adalat, shall form part of Judicial record.

(5) After Lok Adalat is over, the Record of the cases of pre-litigation stage, shall remain in the custody of the Secretary/Chairman of the District Authority/Taluk Committee, as the case may be.

34. Functions of the Lok Adalat

(1) The Secretary of the District Authority or the Chairman of the Taluk Committee, as the case may be, shall assign specific cases to each bench of Lok Adalat.

(2) The Secretary of the District Authority or the Chairman of the Taluk Committee, as the case may be, shall prepare a 'cause list' for each Bench of Lok Adalat and intimate the same to all concerned about the date, time and the place of such Lok Adalat at least seven days before the date of such Lok Adalat. Such notice to the parties may be dispensed with by the Secretary of the District Authority or the Chairman of the Taluk Committee if he is of the opinion that proper and due notice has been given to the parties at the time of making reference under regulation 32 (2) above.

(3) Every bench of the Lok Adalat shall make sincere efforts to bring about a conciliatory settlement in every case put up before it without bringing about any kind of coercion, threat, undue influence, allurement or misrepresentation.

35. Procedure for effecting compromise or settlement at Lok Adalat

(1) When a compromise or settlement has been arrived at between the parties, the Lok Adalat shall proceed to make an Award on the basis of such compromise.

(2) Every Award of the Lok Adalat shall be signed by the panel constituting the Lok Adalat.

(3) 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 of the District Authority or the Chairman of the Taluk Committee as the case may be.

36. Award to be categorical and Lucid

(1) Every Award of the Lok Adalat shall be categorical and lucid and shall be written in the language used in the local courts. The Award may be drawn up in English or in Hindi.

The parties to the dispute shall be required to affix their signatures or thumb impressions, as the case may be, on the Award of the Lok Adalat.

37. Compilation of results

(1) On conclusion of the session of Lok Adalat, the Secretary of the District Authority or the Chairman of Taluk Committee, as the case may be, shall compile the result for submission to the State Authority.

38. Maintenance of Panel of Lok Adalat Judges

(1) The Secretary of the District Authority or the Chairman of the Taluk Committee shall maintain a panel of retired Judges, Advocates, Social workers, etc. who are willing to associate themselves with Lok Adalat.

39. Honorarium to Members Lok Adalat

(1) Every non-Judicial Member of the Bench of Lok Adalat shall be paid an honorarium of [Rs. 2500/- (Two thousand five hundred)]¹⁰ only per sitting of the Lok Adalat.

(2) Every member of the Bench of the []¹¹ Continuous Lok Adalat, who is a retired Judicial Officer, shall be paid the last salary drawn by such member minus the amount of pension paid to him per month:

Provided that in case of the Lok Adalat not being a Permanent & continuous one, such retired Judicial Officer shall only get a consolidated amount of [Rs. 2500/- (Two thousand five hundred)]¹² only per Lok Adalat.

(3) A serving Judicial Officer who sits as a Member of the Lok Adalat, whether it is Permanent or otherwise shall not be entitled to any honorarium except the salary and other entitlements befitting his rank.

[(4) The Judicial and Non-Judicial members in Lok Adalats held on the direction of NALSA (National Lok Adalat) shall be paid Honorarium from NALSA fund as per direction.]¹³

EXPLANATION

A 'Non-Judicial Member' means and includes any other Member of the Lok Adalat who is neither a serving Judicial Officer nor a retired Judicial Officer.

40. Procedure for maintaining record of cases referred to Lok Adalat under Section 20 of the Act or otherwise

(1) The Secretary of the District Authority and the Chairman of the Taluk Committee shall maintain a Register where in all the cases received by him by way of reference to the Lok Adalat shall be entered giving particulars as below:-

- (i) date of receipt
- (ii) nature of the case
- (iii) name and address of the parties
- (iv) such other particulars as may be deemed necessary,
- (v) Result of the settlement with date
- (vi) date of returning the case record to the concerned court.

41. Miscellaneous

(1) The appearance of lawyers on behalf or the parties at the Lok Adalat shall not be refused.

(2) No court fee shall be payable by the parties in respect of matters or cases brought before or referred to a Lok Adalat.

(3) The Secretary of the High Court Legal Services Committee, Secretary of District Authority and the Chairman of taluk Committee, as the case may be, shall provide all assistance as may be necessary to the Lok Adalat.

CHAPTER VI

FUNDS AND ACCOUNTS

42. (1) The High Court Legal Services Committee and the District Authority shall submit the Budget estimates to the State Authority for ensuing financial year in respect of the Scheme envisaged by the Act, Rules and Regulations.

(2) The Taluk Legal Services Committee shall submit its Budget estimates to the

¹⁰ Inserted by Notification no. 4 dated 8th of July 2015 published in Bihar Gazette (Extraordinary) no. 838 dated 21.7.2015.

¹¹ 'Permanent and' deleted by Notification No. 01 dated 16th of May, 2017 published in Bihar Gazette (Extraordinary) no. 419 dated 18th of May, 2017

¹² Inserted by Notification no. 4 dated 8th of July 2015 published in Bihar Gazette (Extraordinary) no. 838 dated 21.7.2015.

¹³ Inserted by Notification No. 01 dated 16th of May, 2017 published in Bihar Gazette (Extraordinary) no. 419 dated 18th of May, 2017

District Authority concerned for the next financial year in respect of the Scheme envisaged by the Act, Rules and Regulations which shall be forwarded to the State Legal Services Authority.

(3) The expenditure for such schemes shall constitute 'Non-plan' expenditure and may be met out of the grants received by the High Court Legal Services committee and District Authority and the Taluk Legal Services Committee, as the case may be.

43. Maintenance of Accounts

(1) The Chairman of the High court Legal Services Committee/ District Authority/ Taluk Legal Services Committee shall exercise complete and full control over the expenditure to be incurred on the schemes.

(2) The Secretary of the High Court Legal Services Committee and the Secretary of the District Authority shall render true and proper accounts of the State Authority every quarter.

(3) The Chairman of the Taluk Legal Services Committee shall render true and proper accounts to the District Authority every month which shall be forwarded to the STATE Authority after due scrutiny.

44. Allotment of special Grants

On a request received from the High Court Legal Services Committee or the District Authority or the Taluk Legal services Committee, as the case may be, the State Legal Services Authority may release special grants for convening and holding of Lok Adalats, if considered necessary.

45. Maintenance of Accounts, etc.

The General financial and Accounts Rules shall apply for maintenance of Accounts except where there is inconsistency with these Regulations or Rules and the Act thereunder.

CHAPTER VII
LEGAL LITERACY

46. LEGAL AWARENESS COMMITTEE

(1) There shall be a separate High Court Legal awareness Committee for High Court a Patna which shall work under the direction and supervision of High court Legal services Committee at Patna .

(2) Each High Court Legal Awareness Committee shall have fifteen members.

(3) The following shall be the ex-officio members of the High Court Legal Awareness Committee, Patna:-

- | | |
|--|--------------|
| (i) Chairman of Patna High Court Legal Services Committee. | .. Chairman |
| (ii) Secretary of Patna High Court Legal Services Committee. | .. Secretary |
| (iii) President, Patna High Court, Bar Association | .. Member |
| (iv) Director of Social Welfare Department of Bihar, Patna. | .. Member |

(4) The Executive Chairman of Bihar State Legal Services Authority shall nominate, in consultation with the Chief Justice of Patna High Court, other members (not exceeding eleven) from amongst those possessing the experience and qualification prescribed in sub-regulation (6) of this regulation, which shall include a least one member each from scheduled castes, scheduled tribes and women.

(5) A person shall not be qualified for nomination as member of the High Court Legal Awareness Committee unless he is--

(a) an eminent social worker who is engaged in the upliftment of the weaker sections of the people, including SC, ST, Women, Children, rural and urban labour, or

- (b) an eminent person in the field of Law, or
- (c) a person of repute who is specially interested in the implementation of Legal Awareness schemes; or
- (d) a person who is involved or was involved in educational field.;
- (e) law students who are involved in the scheme envisaged by the Act, Rules and the Regulation thereunder.

47. Term of office and other conditions of appointment of High Court Legal Awareness Committee

(i) The term of office of the member of High Court Legal Awareness Committee nominated under Sub- regulation (5) of Regulation 46 shall be two years and they shall be eligible for re-nomination.

(ii) All member nominated under sub- regulation (5) of Regulation -47 shall be entitled to payment of traveling allowance and daily allowance in respect of journey performed in connection with the meeting. camps held by the High Court Legal Awareness Committee and shall be paid at such rates as may be admissible to a class I officer while traveling on official duty or as may be prescribed by State Legal Services Authority.

(iii) If a member is a Government employee, he shall be entitled to draw the T.A and D.A. at the rates to which he is entitled under the Services rules applicable to him and shall draw from the department in which he is employed.

(48) Functions of High Court Legal Awareness Committee

(i) It shall be the duty of the High Court Legal Awareness Committee to give effect to the policy and directions of the State Authority with required to Legal Awareness.

(ii) Without prejudice to the generality of the functions referred in sub regulation (i) ,the High Court Legal awareness Committee shall, for the High Court perform all or any of the following functions:-

(a) hold legal literacy camps to promote legal awareness in the society, specially among the women and weaker sections of society;

(b) publish/distribute pamphlets, booklets and other newsletters for legal awareness;

(c) establish and control para-legal clinics to promote legal awareness;

(d) to arrange seminars and workshop to that effect,

(e) to take appropriate measures for spreading legal literacy and legal awareness amongst the people, in particulars to educate weaker sections of society about their rights, benefits and privileges

guaranteed by the Constitution and by social welfare legislations and other enactments as well as administrative programmes and measures, etc.

(f) to make special efforts to enlist the support of voluntary social welfare institutions working at the grassroot-level, particularly among the SC, ST, Women, rural and urban labour segments.

(g) to produce publicity materials and literature to inform general public about various aspects of Legal Services Programmes.

49. Functions of Secretary

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

(ii) The Secretary shall maintain true and proper accounts of the receipts and disbursement of the fund of the Committee.

(iii) The Secretary shall convene meeting of the Committee/Legal Literacy camps with the previous approval of the Chairman and shall also attend meetings and shall be responsible for maintaining a record of the minutes of the proceedings of the meetings.

50. Meeting of the Committee

(i) The Committee shall meet once in three months on such date, time and place as

the Secretary may, in consultation with the Chairman, decide.

(ii) The Chairman, and in his absence, a person nominated by him shall preside at the meeting of the Committee.

(iii) The procedure at any meeting of the Committee shall be such as the Chairman may determine.

(iv) The minutes of the proceedings of each meeting shall be maintained by the Secretary, which shall be open to inspection at all reasonable times by the member of the Committee. A copy of the minutes shall be forwarded to State Authority.

(v) The quorum for the meeting shall be not less than one third of the existing members, including the Chairman or the member presiding over the meeting.

(vi) All questions at the meeting shall be decided by a majority of the members present and voting. And in case of a tie, the person presiding shall have a casting vote.

51. District legal Awareness Committee

(i) There shall be a separate District Legal Awareness Committee for the concerned district which shall work under the direction and supervision of the District Authority.

(ii) The District Legal Awareness Committee shall have eleven members including Chairman.

(iii) The following shall be ex-officio members of the District Legal Awareness Committee:--

(i) The District Judge of the .. Chairman
Concerned District.

(ii) President of District Bar .. Member
Association

(iii) Chief Judicial Magistrate .. Secretary
of the District

(iv) District Social Welfare .. Member
Officer

(v) Public Relation Officer .. Member

(vi) The Chairman of District Legal Awareness Committee may nominate other members (not more than six) from among the person possessing the experience and qualifications prescribed in sub-regulation (6) Regulation 7 47 which shall include at least one member each from SC, ST, and Women.

52. Term of Office and other conditions of appointment of the District Legal Awareness Committee

(i) The term of office of the members of the District Legal Awareness of the Committee nominated under sub-regulation (iv) of Regulation (52) shall be two years and they shall be eligible for re-nomination.

(ii) Subject to the provisions of sub-regulation (III) the members of the Committee shall be entitled to payment of traveling allowance and daily allowance in respect of journeys performed in connection with the meeting/camp held by the District Legal Awareness Committee and shall be paid by the District Legal services Committee at such rates admissible to the class two officer of the State Government, or as may be prescribed by State Legal Services Authority.

iii) Without prejudice to the generality of the functions referred to in subregulation (i) above, the District Legal Awareness Committee shall perform, for that district all or any of the functions enumerated in sub-regulation (iii) of Regulation 49 hereinbefore mentioned for High Court Legal Awareness Committee.

53. Functions of the District Legal Awareness Committee

(i) It shall be the duty of the District Legal Awareness Committee to give effect to the policy and direction of the State Authority with regard to legal awareness.

Without prejudice to the generality of the functions referred to in sub-regulation (1) above, the District Legal Awareness Committee shall perform, for that district, all or any of the functions as enumerated in Regulation 48 hereinbefore mentioned for the High Court Legal Awareness Committee.

54. Meetings of the Committee

(i) The Committee shall ordinarily meet once in three months on such date, time and place as the Secretary may, in consultation with the Chairman, decide;

(ii) The Chairman, and in his absence, a person nominated by him shall preside at the meeting of the Committee.

(iii) The produce at any meeting of the Committee shall be such as the Chairman may determine.

(iv) The minutes of the proceedings of each meeting shall be maintained by the Secretary and such minutes shall be open to inspection at all reasonable times by the members of the Committee. A copy of the minutes shall be forwarded to State Authority within fifteen days of the meeting.

(v) The quorum for the meeting shall be not less than one third of the existing members, including the Chairman of the members presiding over the meeting.

(vi) All questions at the meeting shall be decided by a majority of the members present and voting. And in case of a tie, the person presiding shall have a casting vote.

55. Taluk Legal Awareness Committee-- Constitution of Legal Awareness Committee.

(i) There shall be a separate Taluk Legal Awareness Committee for each of the Taluk Sub-division under the supervision of the Taluk Legal Services Committee.

(ii) The Taluk Legal Awareness Committee shall have nine members including Chairman.

(iii) The following shall be ex-officio members of the Taluk Legal Awareness Committee:--

(i) The Senior most Judicial Officer .. Chairman
of the Concerned Judicial Officer

(ii) President of Bar Association .. Member

(iii) Sub-divisional Magistrate .. Member

(iv) The Chairman of Taluk Legal Awareness Committee shall nominate, in consultation with the Chairman District Legal Awareness Committee, other members (not more than six) from amongst those possessing the experience and qualifications prescribed in sub-regulation (6) Regulation- 47 which shall included one member each from SC and ST.

(v) A person shall not be qualified for nomination as member of the Taluk Legal Awareness Committee unless he is:-

(a) an eminent social worker who is, engaged in the upliftment of the weaker sections of the society including scheduled castes, scheduled tribes, women, children, rural and urban labour segment; or

(b) an eminent person in the field of Law, (c) a person of repute who is specially interested in the implementation of Legal Awareness Schemes.

(d) a person who is involved or was involved in educational field,

(e) Law students.

56. Term of office and other Conditions of appointment of Taluk Legal Awareness Committee

(i) The term of office of the members of Taluk Legal Awareness Committee nominated under sub-regulation (4) of Regulation (56) shall be two years and they shall be eligible for renomination.

(ii) Subject to the provisions of sub-regulation (III) the members of the Committee shall be entitled to payment of traveling allowance and daily allowance in respect of journeys

performed in connection with the meeting/camp held by Taluk Legal Awareness Committee and shall be paid by Taluk Legal Services Committee at such rates as may be admissible to class two employees while traveling on official duty or as may be prescribed by the State Legal Services Authority.

(iii) If a member is a Government employee, he shall be entitled to draw the traveling allowance and daily allowance at the rates to which he is entitled under the service rules applicable to him and shall draw from the department in which he is employed.

(iv) Any other Judicial Officer posted in the concerned Taluk (sub-division) and nominated by the District Judge of the District within which that Taluk exists, shall be the Secretary of the Taluk Legal Awareness Committee.

57. Functions of Taluk Legal Awareness Committee

(i) It shall be the duty of the Taluk Legal Awareness Committee to give effect to the policy and direction of the state Authority and District Legal Awareness Committee.

(ii) Without prejudice to the generality of the functions referred to in subregulation (i) above, the Taluk Legal awareness Committee shall perform, for that Taluk, all or any of the functions, enumerated in regulation 48 herein before mentioned for the High Court Legal awareness Committee.

58. Meeting of the Committee

(i) The Committee shall ordinarily meet once in three months on such date, time and place as the Secretary may, in consultation with the Chairman, decide.

(ii) The Chairman, and in his absence, a person authorized by him shall preside over meeting or the Committee.

(iii) The procedure at the meeting shall be such as determined by the Chairman,

(iv) The minutes of the proceedings of each meeting shall be maintained by the Secretary and such minutes shall be open to inspection at all reasonable times by the member of the Committee. A copy of the minutes shall be forwarded to the District Authority within fifteen days of the meeting.

(v) The quorum for the meeting shall be not less than one third of existing members including Chairman or the person presiding over the meeting.

(vi) All questions the meeting shall be decided by majority of the members present attending. And in case of a tie, the person presiding shall have a casting vote.

59. Procedure for Organising Legal Literacy Camp

(i) The secretary of the High Court Legal Literacy Awareness Committee or the District Legal Awareness Committee or the Chairman of Taluk Legal Awareness Committee as the case may be, shall convene and organise Legal literacy camps at least once in a month.

(ii) The members of the legal profession, College students social organisations charitable and philanthropic institutions should be associated with such Legal literacy camps.

60. Intimation to State Authority

(i) The Secretary of the High Court Legal awareness Committee, the District Legal Awareness Committee and the Chairman of Taluk Awareness Committee, and Chairman of Taluk Awareness Committee, as the case may be, shall inform the State Authority about the proposal to organise legal literacy camp well before the date on which such camp is proposed to be organised, and will send the details regarding the place, date, time of such camps as well as organisation associated with it.

61. Protection of Action taken in good faith

No suit, prosecution or other legal proceedings shall lie against the members or any officer or person acting under the direction of the High Court Legal Services Committee/ District Authority / Taluk Legal Services Committee, as the case may be, for executing any order made under these Regulations or in respect of any thing which is done in good faith, or is intended to be done by such member, officer or the person under these Regulation.

SCHEDULE-'A'
(See Regulation 20)
APPLICATION FOR GRANT OF LEGAL AID

1. Name of the applicant :
2. Name of the father/husband :
of the applicant
3. Whether applicant belongs :
SC/ST, if so, mention
sub-caste.
4. Occupation of the applicant :
5. Applicant's address :
6. Annual Income of the applicant:
7. Name of the Court/Tribunal,
in which the case is to be
instituted or is pending
8. Name and address of the opponent :
- 9 Subject matter of the dispute :
- 10 name of the lawyer, whose :
services the applicant would
like to avail of.
11. Whether any proceeding in :
relation to the same subject
matter was instituted in any
Court/Tribunal, and if so,
with what result.
12. Whether any legal aid was applied
for, obtained or refused, on any
previous occasion? If so, give the
particulars of the proceedings and
the Legal Aid received.

Place:-

Date:-

Signature of the applicant

VERIFICATION

SCHEDULE- 'B'
(See Regulation 22)
OFFICE OF THE LEGAL SERVICES AUTHORITY
COMMITTEE
CERTIFICATE

It is hereby certified that the Legal Services Authority/ Committee on the particulars furnished by the applicant Shri/ Smt./ Kumari S/o, D/o, H/o Shri Resident of has decided to grant Legal Aid to the said applicant in case No. pending/to be instituted in the Court of and as per desire of applicant Shri Advocate is appointed on behalf of the applicant to appear and plead the case in the concerned Court according to the Regulations, Act and the Rules made thereunder.

Place:-

Date:-

Chairman/Secretary
Legal Services Authority/Committee