

# **THE ASSAM STATE LEGAL SERVICES AUTHORITIES REGULATIONS, 1998**

## **CHAPTER I**

### **PRELIMINARY**

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

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

#### **2. Definitions -**

- 1) In this regulations, unless the context otherwise requires, -
  - a) 'Act' means the Legal Services Authorities Act, 1987 (Central Act No. 39 of 1987);
  - b) 'Authority' means the Assam State Legal Services Authority or a District Legal Services Authority, as the case may be;
  - c) 'Committee' means the High Court Legal Services Committee or a Taluk Legal Services Committee, as the case may be;
  - d) 'Form' means a form appended to these Regulations;
  - e) "High Court" means the Gauhati High Court
  - f) 'Legal aided person' means a person to whom legal aid has been provided under these regulation; and
  - g) 'Rules' means the Assam State Legal Services Authorities Rules, 1996.
- 2) All other words and expressions used in these regulation but not defined herein, shall have the same meaning as has been respectively assigned to them in the Act or the rules.

## **CHAPTER II**

### **STATE LEGAL SERVICES AUTHORITY**

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

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

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

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

11) It shall be the duty of the Member- Secretary to record or cause to be recorded the minutes of the proceedings of each meeting in a register to be maintained for the purpose and such minutes shall be open for inspection at all reasonable times by the members of the State Authority. After the meeting, a copy of the minutes shall, as soon as possible, be furnished to each of the members.

12) All members, including the ex- officio members, shall be entitled to payment of travelling allowances and daily allowances in respect of the journeys performed in connection with the Lok Adalat, legal aid programme and other works of the State Authority from the State Legal Aid Fund at the rate admissible to a class I officer of the Government of Assam.

Provided that the Patron-in-Chief, the Executive Chairman of the State Authority and the Chairman of the High Court Legal Services Committee shall be entitled to draw their travelling allowancing and daily allowances from the State Legal Aid Fund for performing the journeys in connection with the Lok Adalats, legal aid programmes and other works of the State Authority from the State Legal Aid Fund at the rate applicable to them under the rules governing their conditions of service.

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

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

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

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

**Explanation:** For the purposes of this regulation, "Nationalised Bank" means any nationalised bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

3) For the purpose of meeting the incidental minor charges, such as payments for Court Fee, Stamp Duty or other expenditure necessary for obtaining copies of documents and contingent expenditure etc. a permanent advance of not more than rupees five thousand shall be placed at the disposal of the Member-Secretary.

4) All expenditure necessary for carrying out the various functions of the State Authority including the expenses required for its meetings shall be incurred from and out of the fund of the State Authority with the prior written approval of the executive Chairman.

Provided that for an expenditure exceeding rupee ten thousand, the approval of the State Authority shall be taken.

5) The member-Secretary shall maintain or cause to be maintained the accounts and other relevant records of the receipts and disbursements neatly, properly and in accordance with the direction and procedure of the State Government and the Comptroller and auditor General of India.

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

#### **7. Number, experience and qualifications of members of the committee under clause (b) of sub-section (2) of section 6 A of the Act.-**

(1) The Committee shall have not more than eleven members including the Chairman thereof.

(2) The Committee shall consist of the following-

- i) A sitting Judge of the High Court to be nominated by the Chief Justice, Gauhati High Court;
- ii) The Advocate General, Assam;
- iii) The Chairman or any other Member of the Assam Administrative Tribunal;
- iv) The Chairman or any other Member of the Assam Board of Revenue;
- v) The Secretary to the Government of Assam Legislative (LW) Department;
- vi) The Register (General), Gauhati High Court; and
- vii) The President, High Court Bar Association, Gauhati High Court,

3) The Chief Justice of the High Court may nominate other members (not exceeding four Members) from among those who are possessing the experience and qualifications prescribed in sub-regulation (4).

4) A person shall not be qualified for nomination as member of the Committee unless he is-

- (a) An eminent social worker who is engaged in the upliftment of the weaker section of the society, including Scheduled Castes, Scheduled Tribes, women, Children, rural and urban labour; or

- (b) An eminent person in the field of law; or
- (c) A person of repute who is specially interested in the implementation of the Legal Services Schemes; or
- (d) A serving or retired person of the State Legal Service or the State Judicial service.

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

- 1) The term of the office of the members of the committee nominated under sub-regulation (3) of regulation 7 shall be two years and they shall be eligible for re- nomination.
- 2) A member of the Committee nominated under sub-regulation (3) of regulation 7 may be removed by the Chief Justice of the High Court if the member-
  - (a) Fail, without sufficient cause, to attend three consecutive meetings of the Committee; or
  - (b) Has been adjudged an insolvent; or
  - (c) Has been convicted of an offence, which in the opinion of the State Authority, involves moral turpitude; or
  - (d) Has become physically or mentally incapable of acting as a member; or
  - (e) Has so abused his position as to render his continuance in the committee prejudicial to the Public interest:

Provided that no member shall be so removed from the committee without being offered a reasonable opportunity of being heard.

- 3) A member may, by writing under his hand addressed to the Chairman, resign from the Committee and such resignation shall taken effect from the date on which it is accepted by the State Authority on the expiry of thirty days from the date of tendering the resignation, whichever is earlier, unless otherwise decided by the State Authority.
- 4) If any member nominated under Sub- regulation (8) of regulation 7 ceases to be a member of the Committee for any reason the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be a member for the remaining term of the member in whose place he is so nominated.
- 5) All members of the Committee shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed in connection with the works of the Committee and shall be paid by the committee at the rates admissible to the First Grade Officers of the Government of Assam under the relevant rules governing the travelling allowances and daily allowances in respect of such journeys by the First Grade Officers of the Government of Assam.

### **9. Function of the committee**

1) It shall be the duty of the Committee to implement and perform such policies and directions or other functions as may be issued by the State authority from time to time.

2) Without prejudice to the generality of the functions referred to in sub-regulation (1), the Committee shall, in consultation with the executive Chairman of the State Authority, perform all or any of the following functions namely-

- a) Provide legal services to persons who satisfy the criteria laid down -under the Act and the rules; and
- b) Encourage the settlement of dispute by way of negotiation, arbitration or conciliations.

#### **10. Function of the Secretary**

- (1) The Secretary shall be the custodian of all assets, accounts, records and funds placed at the disposal of the Committee and shall work under the supervision and direction of the Chairman of the Committee.
- (2) The Secretary shall maintain or cause to be maintained true and proper accounts of the receipts and disbursement of the funds of the Committee.

#### **11. Meetings of the Committee**

(1)The Committee shall ordinarily meet once a month on such date and at such place within Guwahati as the Secretary may, with the approval of the Chairman notify.

(2)The Chairman, and in the absence of the Chairman, a person chosen by the members present from amongst themselves shall preside over the meeting of the Committee.

(3)The Procedure of any meeting of the District Authority shall be such as may be adopted by it.

(4)The minutes of the proceedings of such meeting shall be truly and faithfully maintained by the Secretary and such minutes shall be open for inspection at all reasonable times by the members of the Committee. A Copy of the minutes shall, as soon as may be after the meeting, be furnished to each of the members and a copy thereof be forwarded to the State Authority.

(5)The quorum for the meeting shall be five including the Chairman or the member presiding over the meeting in the event of absence of the Chairman.

(6)All questions at any meeting of the Committee shall be decided by a majority of the members present and voting and in case of a tie, the person presiding over the meeting shall have a second or casting vote.

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

- (1) The fund of the Committee shall consist of such amounts as may be allocated and granted to it by the State Authority and also such amounts as may be received by the Committee, from time to time, either by way of grant or costs,

charges or expenses recovered from any person to whom legal aid has been provided or the opposite party or otherwise.

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

**Explanation:** For the purpose of this regulation, "Nationalised Bank" means any nationalised bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

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

#### **CHAPTER IV**

#### **DISTRICT LEGAL SERVICES AUTHORITY**

##### **13. Functions of the District legal Services Authority**

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

- (3) The Secretary shall maintain or cause to be maintained true and proper accounts of the receipts and disbursements of the fund or the District Authority.
- (4) The Secretary shall convene meetings of the District Authority with prior approval of the Chairman, attend the meetings and shall be responsible for maintaining a record of the minutes of the proceedings of the meeting.

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

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

#### **15. District Legal Aid Fund**

- (1) The Fund of the District Authority established under section 17 of the Act shall be maintained and operated in an account in a Nationalised Bank.

**Explanation:** For the purpose of this regulation, "Nationalised Bank" means any nationalised bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

- (2) For the purpose of meeting the incidental minor charges, such as payments for Court Fee, Stamp Duty and expenditure necessary for obtaining copies of documents, etc., a permanent advance of rupees one thousand shall be placed at the disposal of the Secretary of the District Authority.
- (3) All expenditure on legal aid or other legal services and also expenditure necessary for carrying out the various functions of the District Authority shall be met from and out of the District Legal Aid Fund in such manner as

may be determined by the District Authority with the approval of the state Authority in accordance with operate the bank account of the District Authority in accordance with the prior written approval of the Chairman.

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

## **CHAPTER V**

### **TALUK LEGAL SERVICES COMMITTEE**

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

(1)The senior most Upper Division Assistant of the office of the person performing the functions of the Chairman of the Taluk Legal Services Committee shall act as and exercise the powers and perform the duties and functions of the Secretary of the Taluk Legal Services Committee.

(2)The Secretary shall be the custodian of all assets, accounts, records and funds of the Taluk Legal Services Committee.

(3)The Secretary shall, with the prior approval of the Chairman, convene meetings of the Taluk Legal Services Committee, attend the meetings and be responsible for maintaining a record of the minutes of the proceedings of the meeting.

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

(1) The Taluk legal Services Committee shall ordinarily meet once a month on such date and at such place within the Sub-Division as the Secretary may, with the prior approval of the Chairman, notify.

(2) The Chairman, and in the absence of the Chairman, a person chosen by the members present from amongst themselves shall preside over the meeting of the Taluk legal Services Committee.

(3) The procedure of any meeting of the Taluk Legal Services Committee shall be such as may be adopted by it.

(4) The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the Secretary and such minutes shall be open for inspection at all reasonable times by the members of the Taluk legal Services Committee. After the meeting, a copy of the minutes shall, as soon as be

possible, be furnished to each of the members and a copy thereof be forwarded to the state Authority.

- (5) The quorum for the meeting shall be three including the Chairman or the person presiding over the meeting in the event of absence of the Chairman.
- (6) All questions at any meeting of the Taluk legal Services Committee shall be decided by a majority of the members present and voting and, in the case of a tie, the person presiding over the meeting shall have a second or casting vote.

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

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

**Explanation:** For the purpose of this regulation, "Nationalised Bank" means any nationalised bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

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

such audit shall be paid by the District Authority from the District Legal Aid fund. A copy of the Audit Report shall be furnished to the State Authority.

## **CHAPTER VI**

### **LOK ADALAT**

#### **19. Procedure for organizing Lok Adalat**

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

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

Provided further that the State Authority may convene and organise a common Lok Adalat for the cases falling within the jurisdiction of a District

Authority and one or more Taluk legal Services Committee of the district, on such date and at such place and time, as may be fixed or directed by the State Authority.

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

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

The High Court, the District Court, the Sub-Divisional Court and other concerned to the Lok Adalat, shall notify the concerned parties or their council, to appear before the Lok Adalat well ahead of time mentioning the date, venue and time of the Lok Adalat and a copy of such notice shall also be forwarded to the State Authority, the High Court Legal Services Legal Services Committee, the District Authority or the Taluk Legal Service Committee, as the case may be, who is organising and convening the Lok Adalat, for information and necessary action.

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

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

- (i) A serving or retired Judge of the High Court or any other retired Judicial Officer not below the rank of a District Judge at the time of retirement;
- (ii) A member of the Legal profession having not less than ten years of practice;
- (iii) A local social worker of repute, who is engaged in the upliftment of the weaker sections of the society;
- (iv) A serving or retired officer of the State Legal Service not below the rank of Grade I of the service.

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

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

- (i) A serving or retired Judicial Officer;
- (ii) A member of the legal profession having, at least ten years of practice;
- (iii) A local social worker of repute, who is engaged in the upliftment of the weaker sections of the society;

- (iv) Any serving or retired person who has been holding or held a post requiring qualification and background of law under the State or any other authority.

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

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

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

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

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

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

(1)The Member-Secretary of the State Authority, the Secretary of the High Court Legal Service Committee, the Secretary of the Taluk Legal Services Committee, as the case may be, may call for the case records of those pending cases which have been referred to the Lok Adalat under section 20 of the Act, from the concerned Court.

(2)If any matter is referred to the Lok Adalat at the pre-litigation stage, the version of each party hereto shall be obtained by the Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, for placing the same before the Lok Adalat.

(3)The Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, shall be responsible for the safe custody of the records from the time he receives it till its return to the concerned Court.

(4)Each concerned Judicial Court shall co-operate in the transmission of the case records to the Lok Adalat.

(5)The case records shall be returned immediately to the respective Court after holding the Lok Adalat, irrespective of whether or not the case is settled by the Lok Adalat with an endorsement by the Member-Secretary or the

Secretary of the Authority or the Committee, as the case may be, about the result of the proceeding.

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

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

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

- (1) The Presiding Officer or other member of the Lok Adalat Bench shall be provided with conveyance or conveyance allowance as per actual fare for the journeys from their residences to the place of the Lok Adalat and back.
- (2) (i) the Presiding Officer of the Lok Adalat Bench held at the High Court level, if he is not a sitting Judge, shall also be entitled to an honorarium at such rate as may be determined by the State Authority but not exceeding Rs. 200/ (Rupees two hundred only) per case decided and subject to a maximum of Rs. 500/- (rupees Five hundred only) per day or at such rate as may be revised by the State Authority from time to time:

Provided that in case there is no disposal of any case in a Bench of the Lok Adalat, the Presiding Officer, if he is not a sitting judge, shall be entitled to a sitting allowance of RS. 200/- (Rupees two hundred only) per day.

(ii) Each of the other members of the Bench of the Lok Adalat held at the High Court level, if he is not a serving Government servant, shall be entitled to an honorarium at such rate as may be determined by the State Authority but not exceeding Rs. 100/- (Rupees one hundred only) per case decided and subject to a maximum of Rs. 300/- (Rupees three hundred only) per day or at such rate as may be revised by the State Authority from time to time:

Provided that in case there is no disposal of any case in a Bench of the Lok Adalat, each of the other members, if he is not a serving Government servant, shall be entitled to a sitting allowance of Rs. 100/- (Rupees one hundred only) per day.

(iii) The Presiding Officer of the Bench of Lok Adalat held at the District or Sub- Division level, if he is not a sitting Judge, shall be entitled to an honorarium at such rate as may be determined by the State Authority but not exceeding Rs. 100/- (Rupees one hundred only) per case decided and subject to a maximum of Rs. 300/- (Rupees three hundred only) per day or at such rate as may be revised by the State Authority from time to time:

Provided that in case there is no disposal of any case in a Bench of the Lok Adalat, the presiding Officer, if he is not a sitting Judge, shall be entitled to a sitting allowance of Rs. 100/- (Rupees one hundred only) per day.

(iv) Each of the other members of the Bench of the Lok Adalat held at the district or Sub-Division level, if he is not a serving Government servant, shall be entitled to an honorarium at such rate as may be determined by the State Authority but not exceeding Rs. 80/- (Rupees eighty only) per case decided and subject to a maximum of Rs. 250/- (Rupees two hundred fifty only) per day or at such rate as may be revised by the State Authority from time to time:

Provided that in case there is no disposal of any case in a Bench of the Lok Adalat, each of the other members, if he is not a serving Government servant, shall be entitled to a sitting allowance of Rs. 80/- (Rupees eighty only) per day.

## **28. Procedure for effecting compromise , or settlement at Lok Adalat**

- (1) Every award or order of the Lok Adalat, shall be signed by the presiding Officer and the other members of the Lok Adalat bench.
- (2) The original award or the order shall form part of the case record and a copy of the award or the order, duly certified by the Member-Secretary or the Secretary of the Authority of the Committee, as the case may be, to be true copy, shall be given to each of the parties free of costs.

## **29. Award or order to be categorical and lucid**

- (1) Every award or order of the Lok Adalat shall be categorical and lucid and shall be written in the language used in the local Courts or in English.
- (2) The parties to the dispute shall be required to affix their signature or thumb impressions, as the case may be, on the statements and or compromise recorded by or to be placed before the Lok Adalat.

## **30. Compilation of results**

At the conclusion of the session of the Lok Adalat, the Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, shall

compile the records of the disposed of cases so as to make a statement of disposed of cases in Form A and forward the same to the State Authority-

**31. Procedure for maintaining records of cases referred to under section 20 of the Act or otherwise-**

- (1) The Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, shall maintain a register, wherein all cases received by him by way of reference to the Lok Adalat or otherwise shall be entered stating the particulars as to-
  - (i) The date of receipt and the name of the Court from which received.
  - (ii) Category and subject wise nature of the case;
  - (iii) Such other particulars as may be deemed necessary; and
  - (iv) Date of settlement and the date of return of the case record.
- (2) When the case is finally disposed of by the Lok Adalat, appropriate entry as to the result thereof shall be made in the register.

**32. Budget**

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

**33. Maintenance of accounts**

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

**34. Procedure in Lok Adalat**

- (1) In the Lok Adalat, the parties are not required to be represented by their lawyers. However, a party may, at his option, get represented by a lawyer .for the purpose of settlement of the dispute and the Lok Adalat shall not refuse such appearance of lawyer.
- (2) Every Bench of Lok Adalat may evolve its own procedure for conducting the proceedings before it and shall not be bound either by the Code of Civil procedure, 1908, the Evidence Act, 1872 or the Code of Criminal Procedure, 1973, subject, however, to the principles of natural justice.

- (3) No fee shall be required for any miscellaneous petition, interlocutory petition or any other kind of application to be filed or contested in any case before the Lok Adalat.

### **35. Modes of Legal aid**

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

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

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

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

- (i) Proceeding wholly or partly in respect of
  - a) defamation, or
  - b) malicious prosecution;
- (ii) Proceeding relating to any election;
- (iii) Proceeding incidental to any proceeding referred to in items No. (i) or (ii) or both;
- (iv) Proceeding in respect of offences punishable with fine only;
- (v) Proceeding in respect of economic offences and offences against social laws such as the protection of Civil rights, Act, 1955, the Suppression of Immoral Traffic in Women and Girls Act, 1956 etc.;
- (vi) Where a person seeking legal aid-
  - (a) Is concerned with the proceeding only in representative or official capacity; or
  - (b) Is concerned only with the proceeding jointly with other person or persons, whose interests are identical with the interest of such a person, or any of such person is adequately represented in the proceeding; or
  - (c) Is only a formal party to the proceeding, not materially concerned in the outcome of the proceeding and his interests are not likely to be prejudiced on account of absence of proper representation.

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

- (1) Any person desiring legal aid or advice may make an application in Form B addressed to the Member-Secretary or the Secretary of the Authority or the Committee, as the case may be. But if the applicant is illiterate or not in a

position to fill in the particulars required in the application, the Member-Secretary or the Secretary, as the case may be, or any other officer of the Authority or the Committee or any legal practitioner, whose name appears in the panel of legal aid lawyers of the said Authority or the Committee, as the case may be, or any person authorised by the applicant, shall gather the necessary particulars from the applicant and prepare the application on his behalf and after reading it over and explaining it to him, obtain his signature or thumb impression on it. In such a case shall also put his signature with an endorsement on the body of the application, to the effect that he has prepared it.

- (2) The Authority or the Committee, as the case may be shall maintain a Register of Applications, wherein all applications for legal aid or advice shall be, entered and registered and action taken on such applications shall be noted against the entry relating to each such application.

### **38. Disposal of applications**

- (1) On receipt of an application for legal aid or advice, the Member-Secretary of the State Authority or the Secretary of the High Court Legal services Committee or of the District Authority, as the case may be, or the Chairman of the Taluk Legal Services Committee, in case of Taluk Legal Services Committee, shall scrutinise the application for the purpose of deciding whether the applicant deserves legal aid or advice in accordance with the provisions of these regulation and for the purpose of arriving at such decision, may require the applicant to submit such further information as may be necessary and also to discuss the matter personally. The application shall be processed as early as possible and preferably within one week.
- (2) The State Authority, the High Court Legal Services Committee, the District Authority or the Taluk Legal Services Committee, to whom an application is made, shall consider the application and decide the desirability for accepting or refusing the application and its decision thereon shall be the final.
- (3) Where an application is decided to be refused, the reasons therefore shall be entered in the Register of Applications maintained by the State Authority, the High Court Legal Services Committee, the District Authority or the Taluk Legal Services Committee, as the case may be, and information in writing shall be communicated to the applicant.
- (4) No applications for legal aid or advice shall be allowed, if the Authority or the Committee, as the case may be, is satisfied that-
  - a) The applicant has knowingly made false statement or furnished false information; or
  - b) In a proceeding other than the case relating to criminal prosecution, there is no prima foal case to institute or, as the case may be, to defend the proceeding; or

- c) The application is frivolous or fictitious; or
- d) The applicant is not entitled to the same under regulation 36 or any other provision of these regulations; or
- e) Having regard to all the circumstances of the case, it is otherwise not reasonable to grant it.

### **39. Certificate of Eligibility**

(1) Where an application for legal aid or advice is allowed, the Member-Secretary of the State authority or the Secretary of the High Court Legal Services Committee, or of the District Authority, as the case may be, and the Chairman, in the case of the Taluk Legal Services Committee, shall issue a Certificate of Eligibility in Form C to the applicant entitling him to legal aid or advice in respect of the proceeding concerned.

(2) The Certificate of eligibility shall stand cancelled if the legal aid is withdrawn and the legal practitioner to whom the case of the applicant is assigned and also the Court before which the case is pending shall be informed in writing accordingly.

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

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

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

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

- (2) No Legal practitioner to whom any case is assigned either for legal aid or for legal advice shall receive any fee or remuneration, whether in cash or in kind or any other advantage, whether monetary or otherwise, from the legal aided person or from any other person on his behalf.
- (3) The Legal practitioner on the panel, who has completed his assignment, shall submit a statement showing the honorarium due to him in connection with

the legal proceedings conducted by him on behalf of the legal aided person to the Member- Secretary or the Secretary of the Authority or the committee, as the case may be, who shall, with the approval of the Executive Chairman or the Chairman, as the case may be, after due scrutiny and countersignature, place the same before the Authority or the Committee, as the case may be, for sanction and, on such sanction having given by the Authority or the Committee, the amount shall be paid by the Member-Secretary or the Secretary, as the case may be, to the Legal practitioner. It shall, however, be open to the legal practitioner to waive the honorarium in whole or in part.

- (4) Notwithstanding anything contained in this regulation, the Court may, in any appropriate case in which no legal practitioner on panel has been engaged, direct engagement of any other legal practitioner as it may deem appropriate and in every such case-
- a) It shall be the duty of the legal practitioner so engaged to inform the fact of his such engagement to the concerned Authority or the Committee; and
  - b) The provisions of these regulations shall apply to such legal practitioner as they apply to the legal practitioners on the panel

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

- (1) A person seeking legal or receiving legal aid or advice shall comply with any requisition or direction that may be made upon him by the Authority or the Committee, as the case may be, from the date of application for legal aid or advice till the completion or cessation of the legal aid or the cancellation of the Certificate of Eligibility.
- (2) Every such person shall execute an agreement in Form D agreeing that in the event of the Court passing a decree or order in his favour awarding costs or other monetary benefit or advantage to him, to repay, by way of reimbursement, to the Authority or the Committee, as the case may be, all costs, charges and expenses incurred by the Authority or the Committee in giving legal services to him. For facilitating such reimbursement, he shall also execute an Irrevocable power of attorney in Form E, authorising the Member-Secretary or the Secretary of the authority or the Committee, as the case may be, to do all such acts and things as may be necessary for recovering or realising the amount decreed, awarded or ordered to be paid to him. The costs, charges and expenses, which may be recovered by the Authority or the Committee as aforesaid, shall be credited to the Fund of the concerned Authority or the committee.
- (3) Every legal aided person or his representative shall attend the office of the Authority or the Committee, as the case may be, as and when required by the

said Authority or the Committee or by the legal practitioner rendering legal services to him and disclosures of the real facts of the dispute or the case to the legal practitioner concerned and shall attend the court as and when required, at his own expenses.

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

(1) The authority or the Committee may, either on its own motion or otherwise, cancel the Certificate of eligibility granted by it under regulation 39 on anyone or more of the following grounds, namely-

- (a) In the event of being found that the legal aided person was possessed of sufficient means or that the Certificate of Eligibility was obtained by misrepresentation or fraud;
- (b) In the event of any material change in the circumstances under which the Certificate of Eligibility was granted to him;
- (c) In the event of any misconduct, misdemeanour or negligence on the part of the legal aided person in the course of receiving the legal aid;
- (d) In the event of the legal aided person not co-operating with the Authority or the Committee concerned or with the legal practitioner assigned by the Authority or the Committee or the Court;
- (e) In the event of the legal aided person engaging a legal practitioner other than the one assigned by the Authority or the Committee unless the engagement is under the direction of any court;
- (f) In the event of death of the legal aided person, except in the case of civil proceedings, where the right or liberty survives;
- (g) A report has been received from the legal practitioner assigned to the legal aided person that the legal aided person is not co-operating with him or is guilty of misconduct towards the legal practitioner and such report has been verified and found correct by the Executive Chairman or the chairman of the Authority or the committee, as the case may be;
- (h) In the event of externment of the legal aided person, under any law for the time being in force, from the area or place of his residence or business

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

2) Where the Certificate of Eligibility is cancelled on the ground set out in clause (a) of sub-regulation (1) above, the Authority or the committee, as the case may be, shall forthwith discontinue the legal aid allowed to him and shall be entitled to recover the amount of the legal aid given from the legal aided person.

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

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

**CHAPTER VII****MISCELLANEOUS****44. Travelling allowances and daily allowances for journeys in connection with Lok Adalat or legal aid programme of High court Legal Services Committee, District authority or Taluk Legal Services Committee**

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

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

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

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

1.	Suits	-----	Rs. 500.00
	Probate Proceedings	-----	Rs. 300.00
	Drafting of Pleaint	-----	Rs. 100.00
	Drafting of Written Statement	-----	Rs. 100.00
2.	Original proceedings before Criminal or Revenue court	-----	Rs. 300.00
3.	Appeal from original decree	-----	Rs. 500.00
4.	Appeal from orders	-----	Rs. 200.00
5.	Criminal Appeal or Revision against order of conviction	-----	Rs. 500.00
6.	Other revisions	-----	Rs. 250.00
7.	Other proceedings	-----	Rs. 250.00

**B. In all cases before the High Court, the honorarium shall be as follows :-**

1.	First Appeal	-----	Rs. 700.00
2.	Second Appeal up to admission	-----	Rs. 200.00
	(a) Hearing	-----	Rs. 500.00
3.	Misc. Appeal up to admission	-----	Rs. 150.00
	(a) Hearing of Misc Appeal	-----	Rs. 250.00
4.	Civil Revision up to admission	-----	Rs. 150.00
	(a) Hearing of civil Revision	-----	Rs. 250.00
5.	Criminal Revision up to admission	-----	Rs. 500.00
6.	Criminal Revision up to admission	-----	Rs. 150.00
	(a) Hearing of Criminal Revision	-----	Rs. 350.00
7.	Proceeding under section 462 of the Code of Criminal Procedure, 1973 up to admission	-----	Rs. 150.00
	(a) Hearing of proceeding under section 482 of the Code of Criminal procedure, 1973	-----	Rs. 350.00

**C. In all other cases for advice (per case)** ----- Rs. 50.00

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

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

Date:.....

Place:.....

Member Secretary/ Secretary

.....Authority/ Committee

**FORM B**  
**APPLICATION FOR LEGAL AID OR ADVICE**  
**[See regulation 37 (1)]**

To

The Member-Secretary/Secretary,  
 .....Authority/Committee  
 Sir,

I, Shri/Shrimati ....., aged about ..... years son / daughter / wife of....., at present residing at ....., beg to apply for legal aid / advice under the following circumstances, namely :-

1. I am employed / not employed :.....
  - (a) Occupation.....  
*(Nature of employment, service, trade, business, etc.)*
  - (b) Whether employed in Army, Navy or Air Force or Police Force or retired there from .....
  - (c) Period of employment and date of retirement.....
  - (d) Total monthly income from all sources is .....
2. My monthly income from all sources is.....
3. (a) My residential premises are rented in my name alone / jointly in the names of .....
- (b) The value / monthly rent thereof is ;.....
4. I have owned land measuring..... in total under Dag No..... of patta No..... of Village / Town .....Mauza .....P.S. .... District .....paying revenue of Rs..... per annum  
*(details of the land particulars shall be furnished).*
  - (a) The value of the produces of the land is Rs. ....
  - (b) My total annual income from the land and other properties is Rs.....
5. My other sources of income are..... *(Detail particulars shall be furnished.)*
6. My other assets, properties and effects and their value are Rs.....  
*(Details particulars shall be furnished.)*

7. I have / have not disposed of any of my properties, assets or effects within a period of six months prior to the date of this application by way of sale, gift, mortgage or otherwise. (If anything has been disposed of details thereof, including the consideration, shall be furnished).

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

	<b>Names</b>	<b>Age</b>	<b>Relationship with the applicant</b>	<b>Occupation (If any)</b>	<b>Annual income (If any)</b>
(1)					
(2)					
(3)					
(4)					

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

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

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

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

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

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

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

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

17. The above statements are true to the best of my knowledge and belief.

Date:  
**Applicant**  
Address.....

**Signature or thumb impression of the**  
Place:

**FORM C**

**CERTIFICATE OF ELIGIBILITY**

**[SEE REGULATION. 39 (1)]**

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

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

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

Date.  
Place.

Member-Secretary / Secretary  
.....Authority / Committee

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

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

Whereas in pursuance of section 6 of the Legal Services Authorities Act, 1987, the Government of Assam have constituted a body called "The Assam State Legal Services Authority" (hereinafter referred to as the "State Authority") for the State of Assam vide the Notification No. LGL. 176/94 / Pt. II / 47 dtd. 7.4.98 published in the Extra-Ordinary issue No. 68 of 1998 of the Assam Gazette to exercise the Powers and to perform the functions conferred on or assigned to a State Authority under the said Act; and

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

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

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

Whereas under the provisions of the regulations, the Applicant has, under the circumstances mentioned herein, to repay to the.....Authority / Committee as and by way of reimbursement the amount of costs, charges and expenses incurred in connection with the said proceeding by the said..... Authority / Committee for and on behalf of the Applicant as and by way of legal aid under the regulations and the Applicant is required to execute an agreement for the purpose in the prescribed form being in fact this present;

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

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

- (i) In the event of the Applicant succeeding in the said proceeding and the Court passing any decree or order awarding costs in favour of the Applicant or the Court Passing any decree or order for payment to the Applicant of any amount, whatsoever, the Applicant shall repay to the..... Authority / Committee as and by way

of reimbursement, all costs, charges and expenses incurred by the..... Authority / Committee for and on behalf of the Applicant in connection with the said proceeding as and by way of legal aid under the regulations.

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

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

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

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

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

- 1.
- 2.

Signed, sealed and delivered by Shri..... Member-

Secretary / Secretary for and on behalf of the....., Authority / Committee in presence of the witnesses.-

- 1.
- 2.

## **FORM E**

### **FORM OF IRREVOCABLE POWER OF ATTORNEY**

**[See regulation 41 (2)]**

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

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

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

And whereas as required by the agreement dated..... which has been executed prior to the execution of this present and made between myself (hereinafter referred to as the "Applicant") on one part and the..... Authority / Committee of the other part, it has been agreed inter alia that the..... Authority / Committee may take such action or proceeding as it thinks fit for executing the decree, award or order passed or that may be passed by the Court / Tribunal/Authority in the said proceeding in my favour and for recovering the amount decreed, award or ordered or that may be decreed, awarded or ordered in the said proceeding to be paid to me and to appropriate there from the amount of costs, charges and expenses incurred in connection with the said proceeding by the..... Authority / Committee for and on my behalf as and by way of legal aid under the said regulations and I have hereby authorized the..... Authority / Committee to do so;

And whereas as per the provisions of the said regulations the Applicant, to whom ..... Authority / Committee has agreed to grant legal aid has to execute an Irrevocable Power of Attorney in favour of the..... Authority/Committee appointing the Member-Secretary / Secretary of the said.....

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

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

(1) to ask, demand, recover and receive from the party who has been or may be decreed or ordered in the said proceeding to pay me the amounts specified therein and upon receipt thereof or any part thereof in my name or in the name of the Attorney or on my behalf, as the case may require, to make, sign, execute and deliver such receipts, as the Attorney may deem fit and proper or as may be advised by the..... Authority / Committee.

(2) to commence, prosecute and enforce, proceeding for realization of the amount of any decree, award or order passed or that may be passed in the said proceeding in my favour where under any amount has been or may be decreed, awarded or ordered to be paid to me including filing of applications for the execution of the said decree, award or order and for the purpose, to sign, declare and affirm all applications, petitions, affidavits that may be necessary and appoint or engage any advocate on such terms and conditions, including the fees payable to them, as the Attorney shall think fit and to sign vakalatnama and other necessary authority in . their favour and from time to time to discharge them and to appoint or employ others in their place and stead;

(3) to compromise, refer to arbitration, abandon or submit to judgment in any such Proceedings specified in clause (2) above;

(4) To concur in doing any of the acts, deeds, matters and things hereinbefore mentioned in conjunction with any other person or persons interested in the premises.

IN GENERAL, to do all other acts, deeds, matters and things, whatsoever, which are necessary or may be necessary for the recovery or realization of the amount which has been or may be decreed, awarded or ordered to be paid to me in the said proceeding as amply and effectually to all intents and purposes as I would have done of my own had this present not been executed.

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

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

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

Date.....  
Place.....

Signature of the Applicant / Executant

,  
Signature and Delivered by the above named Shri / Shrimati .....

in the presence of :

Witness:

- 1.
- 2.