

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT LAW DEPARTMENT

Srinagar the 9th October, 1997.

The following Act as passed by the Jammu and Kashmir State Legislature received the assent of the Governor on 8th October, 1997 and is hereby published for general information :—

'THE JAMMU AND KASHMIR LEGAL SERVICES
AUTHORITIES ACT, 1997

(Act No. XXXIII of 1997)

[8th October 1997]

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

Be it enacted by the Jammu and Kashmir State Legislature in the Forty-eighth Year of the Republic of India as follows :—

CHAPTER 1

Preliminary

1. *Short title and commencement.*—This Act may be called the Jammu and Kashmir Legal Services Authorities Act, 1997.

(2) It extends to the whole of the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Government may, by notification in the Government Gazette, appoint and different dates may be appointed for different provisions of this Act.

Definitions.—In this Act, unless the context otherwise requires,—

(a) “case” includes a suit or any proceeding before a court ;

- (b) “court” means a civil, criminal or revenue court and includes any tribunal or any other authority constituted under any law for the time being in force, to exercise judicial or quasi judicial functions ;
- (c) “legal service” includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter ;
- (d) “High Court Legal Services Committee” means the High Court Legal Services Committee constituted under section 6 ;
- (e) “legal service” includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter ;
- (f) “Lok Adalat” means a Lok Adalat organized under Chapter V ;
- (g) “notification” means a notification published in the Government Gazette ;
- (h) “prescribed” means prescribed by rules made under this Act ;
- (i) “regulations” means regulation made under this Act ;
- (j) “Scheme” means any scheme framed by the State Authority or a District Authority for the purpose of giving effect to any of the provisions of this Act ;
- (k) “State Authority” means the State Legal Services Authority constituted under section 3 ;
- (l) “Tehsil Legal Services Committee” means a Tahsil Legal Services Committee constituted under section 10.

CHAPTER II

State Legal Services Authority

3. *Constitution of State Legal Service Authority.*—(1) The Government shall constitute a body to be called the Legal Services Authority for the State to exercise the powers and perform the functions conferred on, or assigned to the State Authority under this Act.

(2) The State Authority shall consist of—

- (a) the Chief Justice of the High Court who shall be the Patron-in-Chief ;
- (b) a serving or retired Judge of the High Court, to be nominated by the Governor, in consultation with the Chief Justice of the High Court, who shall be the Executive Chairman ; and
- (c) such number of other members, possessing such experience and qualifications as may be prescribed by the Government, to be nominated by the Government in consultation with the Chief Justice of the High Court.

(3) Commissioner/Secretary to Government, Law Department shall be the ex-officio Member-Secretary of the State Legal Services Authority.

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

(5) The officers and other employees of the State Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the Government in consultation with the Chief Justice of the High Court.

(6) The administrative expenses of the State Authority, including the salaries, allowances and pensions payable to the Member-Secretary,

officers and other employees of the State Authority shall be defrayed out of the Consolidated Fund of the State.

(7) All orders and decisions of the State Authority shall be authenticated by the Member-Secretary or any other officer of the State Authority duly authorized by the Executive Chairman of the State Authority.

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

4. *Functions of the State Authority.*—The State Authority shall, subject to the general directions of the Government, perform all or any of the following functions, namely :—

- (a) lay down policies and principles for making legal services available under the provisions of this Act ;
- (b) frame the most effective and economical schemes for the purpose of making legal services available under the provisions of this Act ;
- (c) utilise the funds at its disposal and make appropriate allocations of funds to the District Authorities ;
- (d) take necessary steps by way of social justice, litigation with regard to consumer protection, environment protection or any other matter of special concern to the weaker sections of the society and for this purpose, give training to social workers in legal skills ;
- (e) organise legal aid camps especially in rural areas, slums or labour colonies with the dual purpose of educating the weaker sections of the society as to their right it as well as encouraging the settlement of disputes through Lok Adalats ;
- (f) encourage the settlement of disputes by way of negotiations, arbitration and conciliation ;

- (g) undertake and promote research in the field of legal services with special reference to the need for such services among the poor ;
- (h) monitor and evaluate implementation of the legal aid programmes at periodic intervals and provide for independent evaluation of programmes and schemes implemented in whole or in part by funds provided under this Act ;
- (i) provide grants-in-aid for specific schemes to various voluntary social service institutions and the State and District Authorities, from out of the amounts placed at its disposal for the implementation of legal services schemes under the provisions of this Act ;
- (j) develop, in consultation with the State Bar Council, programmes for clinical legal education and promote guidance and supervise the establishment and working of legal services clinics in universities and other institutions ;
- (k) take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures ;
- (l) make special efforts to enlist the supports of voluntary social welfare institutions working at the grass root level, particularly among the Scheduled Castes and the Scheduled Tribes, women and rural and urban labour ;
- (m) co-ordinate and monitor the functioning of State Authority, High Court Legal Services Committee, District Authorities, Tehsil Legal Services Committees and other voluntary social welfare institutions and other legal services organisations and give general directions for the proper implementation of the legal services programmes ;

- (n) give legal services to persons who satisfy the criteria laid down under this Act ;
- (o) conduct Lok Adalat ; and
- (p) perform such other functions as the State Authority may fix by regulations.

5. *State Authority to Act in co-ordination with other agencies and be subject to direction given by the Government.*—In the discharge of its functions under this Act, the State Authority shall, wherever appropriate, act in co-ordination with other Governmental agencies, non-governmental voluntary social welfare institutions, universities and others engaged in the work of promoting the cause of legal services to the poor and shall be guided by the directions as the Government may give to it in writing.

6. *High Court Legal Services Committee.*—(1) The State Authority shall constitute a Committee to be called the High Court Legal Services Committee for the High Court, for the purpose of exercising such powers and performing such functions as may be determined by regulations made by the State Authority.

- (2) The Committee shall consist of—
 - (a) sitting Judge of the High Court who shall be the Chairman ; and
 - (b) such number of other members possessing, such experience and qualification as may be determined by regulations made by the State Authority,

to be nominated by the Chief Justice of the High Court.

(3) The Chief Justice of the High Court shall appoint a Secretary to the Committee possessing such experience and qualification as may be prescribed by the Government.

(4) The terms of office and other conditions relating thereto, of the members and Secretary of the Committee shall be such as may be determined by regulation made by the State Authority.

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

(6) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the Government in consultation with the Chief Justice of the High Court.

7. *District Legal Services Authority.*—(1) The Government shall in consultation with the Chief Justice of the High Court constitute a body to be called the District Legal Services Authority for every District in the State to exercise the powers and perform the functions conferred on or assigned to, the District Authority under this Act.

(2) The District Authority shall consist of—

- (a) the District-Judge who shall be its Chairman ; and
- (b) such number of other members possessing such experience and qualifications, as may be prescribed by Government to be nominated by the Government in consultation with the Chief Justice of the High Court.

(3) The State Authority shall, in consultation with the Chairman of the District Authority, appoint a person belonging to the State Judicial Service not lower in rank than that of a Subordinate Judge or Civil Judge posted at the seat of the District Judiciary as Secretary of the District Authority to exercise such powers and perform such duties under the Chairman of that Committee as may be assigned to him by such Chairman.

(4) The terms of office and other conditions relating thereto, of members and Secretary of the District Authority shall be such as may be determined by regulations made by the State Authority in consultation with the Chief Justice of the High Court.

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

(6) The officers and other employees of the District Authority shall be entitled to such salary and allowances and shall be subject to such other employees conditions of service as may be prescribed by the Government in consultation with the Chief Justice of the High Court.

(7) The administrative expenses of every District Authority including the salaries, allowances and pensions payable to the Secretary, officers and other of the District Authority shall be defrayed out of the Consolidated Fund of the State.

(8) All orders and decisions of the District Authority shall be authenticated by the Secretary or by any other officer of the District Authority duly authorized by the Chairman of that Authority.

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

8. *Function of District Authority.*—(1) It shall be the duty of the District Authority to perform such of the functions of the State Authority in the District as may be delegated to it from time to time, by the State Authority.

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

- (a) co-ordinate the activities of Tehsil Legal Services Committee and other legal services in the District ;
- (b) organize Lok Adalats with in the District ; and
- (c) perform such other functions as the State Authority may fix by regulations.

9. *District Authority to act in co-ordination with other agencies be subject to direction given by the State Authority.*—In the discharge of its functions under this Act, the District Authority shall, wherever appropriate, act in co-ordination with other governmental and non-governmental 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 may give to it in writing.

10. *Tehsil Legal Services Committee.*—(1) The State Authority may constitute a Committee to be called the Tehsil Legal Services Committee for each Tehsil or for group of Tehsil.

(2) The Committee shall consist of—

- (a) the Senior Subordinate Judge operating within the jurisdiction of the Committee who shall be ex-officio Chairman ; and
- (b) such number of other members, possessing such experience and qualifications, as may be prescribed by the Government, to be nominated, by the Government in consultation with the Chief Justice of the High Court.

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

(4) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by Government in consultation with the Chief Justice of the High Court.

(5) The administrative expenses of the Committee shall be defrayed out of the District Legal Aid Fund by the District Authority.

11. *Functions of Tehsil Legal Services Committee.*— The Tehsil Legal Services Committee may perform' all or any of the following functions, namely :—

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

CHAPTER III.

Entitlement to Legal Services

12. *Criteria for giving legal services.*—Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is—

- (a) member of a Scheduled Caste or Scheduled Tribe ;
- (b) a victim of trafficking in human being or beggar as refractile to in Article 23 of the Constitution ;
- (c) a woman or a child ;
- (d) a mentally ill or otherwise disabled person ;
- (e) a person under circumstances of under served want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster ; or
- (f) an industrial workman ; or
- (g) in custody, including custody in a protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention) Act, 1956 or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987 ; or

- (h) in respect of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the Government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Government, if the case is before the Supreme Court.

13. *Entitlement to legal services.*—(1) Persons who satisfy all or any of the criteria specified in section 12 shall be entitled to receive legal service provided that the concerned Authority is satisfied that such person has a *prima facie* case to prosecute or to defend.

(2) An affidavit made by a person as to his income may be regarded as sufficient for making him eligible to the entitlement of legal services under this Act unless the concerned Authority has reason disbelieve such affidavit.

CHAPTER IV

Grants

14. *Grants by the Government.*—The Government shall, after due appropriation made by law in this behalf, pay to the State Authority, by way of grants, such sums of money as the Government may think fit for being utilized for the purposes of this Act.

15. *State Legal Aid Fund.*—(1) The State Authority shall establish a fund to be called the State Legal Aid Fund and there shall be credited thereto,—

- (a) all grants or donations that may be made to the State Authority by the Government or by any person for the purposes of this Act ;
- (b) all sums of money paid to it or any grant made by the Central Authority constituted under the Legal Services Authorities Act, 1987 (Central) ;
- (c) any other amount received by the State Authority under the orders of any court or from any other source.

(2) The State Legal Aid Fund shall be applied for meetings—

- (a) the cost of functions referred to in section 4 ;
- (b) the cost of legal services rendered by the High Court Legal Services Committee ;
- (c) any other expenses which are required to be met by the State Authority.

16. *District Legal Aid Fund.*—(1) Every District Authority shall establish a fund to be called the District Legal Aid Fund and there shall be credited thereto,—

- (a) all sums of money paid or any grants made by the State Authority to the District Authority for the purposes of this Act ;
- (b) any grants or donations that may be made to the District Authority by any person with the prior approval of the State Authority, for the purposes of this Act ;
- (c) any other amount received by the District Authority under the orders of any court or from any other source.

(2) A District Legal Aid Fund shall be applied for meetings,—

- (a) the cost of functions referred to in sections 8 and 11 ;
- (b) any other expenses which are required to be met by the District Authority.

17. *Accounts and audit.*—(1) The State Authority or the District Authority (hereinafter referred to in this section as the 'Authority') and as the case may be, shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the income and expenditure account and the balance sheet in such manner as may be prescribed.

(2) The accounts of the Authorities shall be audited by the Comptroller and Auditor General of India in such intervals as may

be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority concerned to the Comptroller and Auditor General of India.

(3) The Comptroller and Auditor General of India and any other person appointed by him in connection with the auditing of the accounts of an Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor General of India has in connection with such auditing of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the officers or the Authorities under this Act.

(4) The accounts of the Authorities, as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually by the Authorities to the Government.

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

CHAPTER V

Lok Adalats

18. *Organization of Lok Adalats.*—(1) The State Authority or District Authority or the High Court Legal Services Committee, or as the case may be, Tehsil Legal Services Committee may organize Lok Adalats as such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit. .

(2) Every Lok Adalat organised for an area shall consist of such number of—

- (a) serving or retired judicial officers ; and
- (b) other persons,

of the area as may be specified by the State Authority or the District Authority or the High Court Legal Services Committee, or as the case may be, the Tehsil Legal Services Committee, organising such Lok Adalats.

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

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

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

Provided that the Lok Adalat shall have no jurisdiction in respect of any case of matter relating to an offence not compoundable under any Law.

19. *Cognizance of cases by Lok Adalats.*—(1) Wherein any case referred to in clause (1) of sub-section (4) of section 18,—

- (i) (a) the parties thereof agree ; or
- (b) one of the parties thereof makes an application to the Court for referring the case to the Lok Adalat for settlement and if such court prima facie satisfied that there are chances of such settlement ; or
- (ii) the court is satisfied that the matter as an appropriate one to be taken cognizance of by the Lok Adalat,

the court shall refer the case to the Lok Adalat :

Provided that no case shall be referred to the Lok Adalat under sub-clause (b) of clause (i) or clause (ii) by such court except after giving a reasonable opportunity of being heard to the parties.

(2) Notwithstanding anything contained in any other law for the time being in force, the Authority or Committee organising the Lok Adalat under sub-section (1) of section 18 may, on receipt of an application from anyone of the parties to any matter referred to in clause (ii) of sub-section (4) of section 18 that such matter needs to be determined by a Lok Adalat refer such matter to the Lok Adalat, for determination :

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

(3) Where any case is referred to the Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section (2), the Lok Adalat shall proceed to dispose of the case or matter and arrive at a compromise or settlement between the parties.

(4) Every Lok Adalat shall, while determining any reference before it under this Act, with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of justice, equity, fair play and other legal principles.

(5) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it, to the court, from which the reference has been received under sub-section (1) for disposal in accordance with law.

(6) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, in a matter referred to in sub-section (2), that Lok Adalat shall advise the parties to seek remedy in a court.

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

20. *Award of Lok Adalat.*—(1) Every award of the Lok Adalat shall be deemed to be a decree of a civil or, as the case may be an order of any other court and where a compromise or settlement

has been arrived at, by a Lok Adalat in a case referred to it under sub-section (1) of section 19, the Court fee paid in such case shall be refunded in the manner provided under the Court Fees Act, Samvat 1977.

(2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.

21. *Powers of Lok Adalats.*—(1) The Lok Adalat shall, for the purposes of holding any determination under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, Samvat 1977, while trying a suit in respect of the following matters, namely :—

- (a) the summoning and enforcing the attendance of any witness and examining him on oath ;
- (b) the discovery and production of any document ;
- (c) the reception of evidence on affidavits ;
- (d) the requisitioning of any public record or document or copy of such record or document from any court or office ; and
- (e) such other matters as may be prescribed.

(2) Without prejudice to the generality of the powers contained in sub-section (1), every Lok Adalat shall have the requisite powers to specify its own procedure for the determination of any dispute coming before it.

(3) All proceedings before a Lok Adalat shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Ranbir Penal Code, Samvat 1989 and every Lok Adalat shall be deemed to be a civil court for the purpose of section 195 and Chapter XXXV of the Code of Criminal Procedure, Samvat 1989.

CHAPTER VI

Miscellaneous

22. *Members and staff of Authorities and Lok Adalats to be public servants.*—The members including Member-Secretary or, as the case may be, Secretary of the State Authority, the District Authorities, the High Court Legal Services Committee, Tehsil Legal Services Committees and officers and other employees of such Authorities, Committees and the members of the Lok Adalats shall be deemed to be public servants within the meaning of section 21 of the Ranbir Penal Code.

23. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against—

- (a) the Government ;
- (b) Patron-in-Chief Executive Chairman, Member, Member-Secretary or officers or other employees of the State Authority ;
- (c) Chairman, Secretary, Members or officers or other employees of the High Court Legal Services Committees, Tehsil Legal Services Committees or the District Authority ; or
- (d) any other person authorised by the Patron-In-Chief Executive Chairman, Chairman, Member, Member-Secretary referred to in sub-clause (b) and (c), for anything which is in good faith done or intended to be done under the provisions of this Act or any rule or regulation made thereunder.

24. *Act to have overriding effect.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

25. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Government Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty :

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act come, into force.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of the State Legislature.

26. *Power of the Government to make rules.*—(1) The Government in consultation with the Chief Justice of the High Court may, by notification make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the number, experience and qualifications of other members of the State Authority under clause (c) of sub-section (2) of section 3 ;
- (b) the powers and functions of the Member-Secretary of the State Authority under sub-section (3) of section 3 ;
- (c) the terms of office and other conditions relating thereto of members and Member-Secretary of the State Authority under sub-section (4) of section 3 ;
- (d) the number of officers and other employees of State Authority under sub-section (5) of section 3 ;

- (e) the conditions of service and the salary and allowances of officers and other employees of the State Authority under sub-section (6) of sections 3 ;
- (f) the experience and qualifications of Secretary of the High Court Legal Services Committees under sub-section (3) of section 6 ;
- (g) the number of officer and other employees of High Court Legal Services Committee under sub-section (5) of section 6 and the conditions of service and salary and allowances payable to them under sub-section (6) of that section ;
- (h) the number, experience and qualifications of members of the District Authority under clause (b) of section (2) of section 7 ;
- (i) the number of officers and other employees of the District Authority under sub-section (5) of section 7 ;
- (j) the conditions of service and salary and allowances of the officers and other employees of the District Authority under sub-section (6) of section 7 ;
- (k) the number, experience and qualifications of members of the Tehsil Legal Services Committee under clause (b) of sub-section (2) of section 10 ;
- (l) the number of officers and other employees of the tahsil Legal Services Committee under sub-section (3) of section 10 ;
- (m) the conditions of service and salary and allowances of the officers and other employees of the Tehsil Legal Services Committee under sub-section (4) of section 10 ;
- (n) the upper limit of annual income of a person entitling him to legal services under clause (h) of section 12 ;

- (o) the experience and qualifications of other persons of the Lok Adalats referred to in sub-section (3) of section 12 ;
- (p) any other matter which is to be or may be prescribed.

27. *Power to make regulations.*—(1) The State Authority may, by notification, make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provision is necessary or expedient for the purposes of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

- (a) the other functions to be performed by the State Authority under clause (p) section 4 ;
- (b) the powers and functions of the High Court Legal Services Committee under sub-section (1) of section 6 ;
- (c) the number, experience and qualifications of members of the High Court Legal Services Committee under clause be of sub-section (2) of section 6 ;
- (d) the terms of office and other conditions relating thereto of the members and Secretary of the High Court Legal Services Committee under sub-section (4) of section 6 ;
- (e) the terms of office and other conditions relating there to of the members and Secretary of the District Authority under sub.section (4) of section 7 ;

- (f) the number, experience and qualifications of members of the High Court Legal Services Committee under clause (b) of sub.section (2) of section 6 ;
- (g) other functions to be performed by the District Authority under clause (e) of sub-section (2) of section 8.

28. *Laying of rules and regulations.*—Every rule made under this Act by the Government and every regulation made by the State Authority thereunder shall be laid, as soon as may be, after it is made, before the State Legislature.

(Sd.).....

Deputy Legal Remembrancer,
Law Department.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—LAW DEPARTMENT

Notification

Jammu, the 2nd January, 1998.

SRO-1.—In exercise of the powers conferred by section 26 of the Jammu and Kashmir Legal Services Authorities Act, 1997 (Act No. XXXIII of 1997) the Government, in consultation with the Chief Justice of the High Court of Jammu and Kashmir, make the following rules, namely :—

1. *Short title and commencement.*—(1) These rules shall be called the Jammu and Kashmir Legal Services Authorities Rules, 1998.

(2) These rules shall come into force on and with effect from the date of their publication in the Government Gazette.

2. *Definitions*—(1) In this rules, unless the context otherwise requires,—

- (a) “Act” means the Jammu and Kashmir Legal Services Authorities Act, 1997 ;
- (b) “aided person” means a person to whom legal service is provided in accordance with the provisions of these rules ;
- (c) “eligible person” means a person who is eligible for legal services under these rules ;
- (d) “Government” means the Government of Jammu and Kashmir State ;
- (e) “High Court” means the High Court of Jammu and Kashmir ;
- (f) “Legal Practitioner” shall have the same meaning as assigned to this expression in the Advocates Act, 1961 (Central) ;

- (g) “Legal proceedings” means civil, criminal, revenue or any other proceeding arising under any law for the time being in force from its inception to final disposal in a court of law and includes preparatory steps for institution of such proceedings and also includes quasi-judicial and administrative proceedings before any tribunal or authority established under any law.
- (h) “Member” means the State Authority, High Court Legal Services Committee, District Authority or Tehsil Legal Service Committee, as the case may be.

(2) All other words and expressions used in these rules, but not defined shall have the meaning as assigned to them in the Act.

3. *The number, experience and qualifications of other members of the State Authority*— Besides, the Chief Justice of the High Court as its Patron-in-Chief and a serving or retired Judge of the High Court nominated by the Governor in consultation with the Chief Justice of the High Court as its Executive Chairman of the State Authority shall consist of the following members, namely:—

(A) Ex-officio Members :—

- (i) Additional Chief Secretary/Commissioner/Secretary to Government, Home Department ;
- (ii) Additional Chief Secretary/Commissioner/Secretary to Government, Finance Department ;
- (iii) Advocate General, J&K ;
- (iv) Secretary to Government, Information Department ;
- (v) President, Bar Association, Jammu/Srinagar.

(B) The following other members to be nominated by the Government in consultation with the Chief Justice of High Court (hereinafter referred to as the nominated members), namely :—

- (i) two Chairman of the District Authorities ;

- (ii) five eminent Social Workers (of which at least three shall be women) who are engaged in the upliftment of the weaker sections of the society including Scheduled Castes, Women, Children and rural and urban labour ; and
- (iii) one member out of the following persons, by rotation in the order given below, namely :—
 - (a) Head of the Law Department, Kashmir University ; and
 - (b) Head of the Law Department, Jammu University.

(C) Secretary to Government, Law Department shall be the ex-officio Member-Secretary of the State Authority.

4. *Headquarters of the State Authority.*— The office of the State Authority shall be located at Jammu/Srinagar.

5. *Special Provisions for Patron-in-Chief, the Executive Chairman and Chairman, High Court Legal Services Committee.*—The Patron-in-Chief, the Executive Chairman and the Chairman, High Court Legal Services Committee, being a sitting Judge of the High Court, shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed in connection with the work of the State Authority and be paid by the State Authority in accordance with the provisions of the High Court Judges (Travelling Allowance) Rules, 1959 as amended from time to time.

6. *Conditions of service of Executive Chairman in case of retired Judge.*— Where the Executive Chairman is a retired Judge of the High Court, his terms and conditions of service be such as are specified by the Government, as may be applicable to the retired Judges of the High Court appointed on Commissions or Committees.

7. *Member-Secretary, State Legal Services Authority.*—Member-Secretary of the State Authority constituted under these rules shall exercise the following powers and shall perform the following duties, namely :—

- (a) to give free legal services to the eligible persons and weaker sections of the society ;

- (b) to work out modalities of the Legal Services Schemes and Programmes approved by the State Authority and ensure their effective monitoring and implementation ;
- (c) to exercise the powers as Member-Secretary in respect of Administrative House keeping, Finance and Budget matters as Head of the Department of Legal Services ;
- (d) to maintain true and proper accounts of the State Authority including periodical checking and auditing in respect thereof ;
- (e) to manage the properties, records, and funds of the State Authority ;
- (f) to prepare Annual Income and Expenditure Accounts Balance Sheet of the State Authority ;
- (g) to liaison with the Social Action Groups, District Authorities and Tehsil Committees ;
- (h) to maintain up to date complete statistical information including progress made in the implementation of various Legal Services Programmes from time to time ;
- (i) to process proposals for financial assistance and issue Utilization Certificate thereof ;
- (j) to organize various legal services programmes as approved by the State Authority and convene meeting or seminars and workshops connected with ;
- (k) to produce video or documentary films, publicity material, literature and publication to inform general public about the various aspects of the; legal services programmes ;
- (l) to lay stress on the resolution of rural disputes and to take extra measures to draw schemes for effective and meaningful legal services for settling rural

disputes at the door steps of the rural people including organizations of Mediation Centres in the rural as well as urban areas ;

- (m) to perform such other functions as are necessary to give effect to the policy and directions of the State Authority ; and
- (n) to perform such other duties as may be expedient for efficient functioning of the State Authority or as may be assigned to him by the Executive Chairman.

8. *The term of office and other conditions of Members of the State Authority.*—(1) The term of office of the members nominated under clauses (B) of rule 3 of the State Authority shall be two years and they shall be eligible for re-nomination.

(2) A member of the State Authority nominated under clause (B) of rule 3 may be removed by the Government, if—

- (a) he fails, without sufficient cause, to attend three consecutive meetings of State Authority or five meetings held within the space of two years ; or
- (b) has been adjudged as insolvent ; or
- (c) has been convicted of an offence which in the opinion of the Government 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 State Authority prejudicial to the public interest.

(3) Notwithstanding anything contained in sub-rule (2), no member shall be removed from the State Authority on the grounds specified therein unless a reference in this behalf is received by the Government from the Executive Chairman after holding such an enquiry as he deems fit.

(4) A member may, by writing under his hand addressed to the Executive Chairman, resign from the State Authority and such resignation, shall take effect on the expiry of a period of thirty days from the date of tendering resignation.

(5) If any nominated member ceases to be member of the State Authority for any reason, the vacancy shall be filled up in the manner and from the source from which the same was originally filled under clause (B) of the rule 3 and a person so nominated to fill a 'casual' vacancy shall continue to be a member for remainder of his predecessor's term.

(6) All nominated members shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed in connection with the meetings of the State Authority and shall be paid by the State Authority in accordance with the rules as are applicable to the Class I Officers of the Government as amended from time to time.

(7) The ex-office members shall be entitled to travelling allowance and daily allowance either from his parent Department, or as the case may be, from the State Authority.

9. *The number of officers and other employees of the State Authority.*—The State Authority shall have such number of officers and other employees for rendering secretarial and field assistance and its day to day functions as may be sanctioned by the Government from time to time.

10. *The conditions of service and the salary and allowances of officers and other employees of the State Authority.*—(1) The officers and other employees of the State Authority shall be entitled to draw pay and allowances in the scales of pay admissible to the Jammu and Kashmir Government employees holding equivalent posts and shall also be entitled to same status, privileges and facilities.

(2) In all other matters like age of retirement and disciplinary matters, the officers and other employees of the State Authority shall be governed by the Jammu and Kashmir Civil Service Regulations as are applicable to the employees holding equivalent posts.

11. *Qualification of Secretary of the High Court Legal Services Committee.*—A person shall not be qualified for appointment as Secretary of the High Court Legal Service Committee unless he is a member of the Jammu and Kashmir (Gazetted) Judicial Service.

12. *The number of officers and other employes of the High Court Legal Services Committee and the conditions of service and Salary and allowances payable to them.*—(1) The High Court Legal Services Committee shall be provided with such number of officers and other employees for rendering secretarial assistance and its day to day functions as may be sanctioned by the Government from time to time.

(2) The officers and other' employees of the High Court Legal Services Committee shall be entitled to draw pay and allowances and other benefits in the scale of pay at par with the Government employees as the case may be, holding equivalent posts and shall also be entitled to, the same status, privileges and facilities.

(3) In all other matters like age of retirement and disciplinary matters the officers and other employees of the High. Court Legal Services Committee shall be governed by the Service Rules of the Government and if belonging to the establishment of the High Court, then the rules of the High Court.

13. *The number experience and qualifications of members of the District Authority.*—(I) The District Authority shall consult of the following members, namely :—

(A) Ex-officio members—

- | | |
|--|----------|
| (i) District and Sessions Judge | Chairman |
| (ii) Deputy Commissioner | Member |
| (iii) Additional District and Sessions Judge | Member |
| (iv) Senior Superintendent of Police | Member |

- | | |
|--|--------|
| (v) Chief Judicial Magistrate | Member |
| (vi) President, District Bar Association | Member |

(B) Nominated members—

(2) Three members from amongst eminent social workers (of which at least one shall be women) who are engaged in the upliftment of the weaker sections of the society including Scheduled Castes and Backward Classes to be nominated by the Government in consultation with the Chief Justice of the High Court.

(3) The Assistant Commissioner (R) of the District shall be the Member-Secretary of the District Authority.

14. *The number of officers and other employees of the District Authority.*—The District Authority shall have such number of officers and other employees for rendering secretarial and field assistance in its day to day functions as may be sanctioned by the Government from time to time.

15. *The conditions of service and the salary and allowances of the officers and other employees of the District Authority.*—(1) The officers and other employees of the District Authority shall be entitled to draw pay and allowances in the scales of pay admissible to the Government employees holding equivalent posts and shall be entitled to same status, privileges and facilities.

(2) In all other matters, like age of retirement and disciplinary matters, the officers and other employees of the District Authority shall be governed by the State Government rules as are applicable to persons holding equivalent posts.

16. *The number, experience and qualifications of the members of the Tehsil Legal Services Committee.*—(1) The Tehsil Legal Services Committee shall consist of the following members, namely :—

(A) Ex-officio members—

- | | |
|---|----------|
| (i) Sub-Judge/Chief Judicial Magistrate/Munsiff | Chairman |
|---|----------|

- | | | |
|-------|---|--------|
| (ii) | Sub Divisional Magistrate | Member |
| (iii) | Deputy Superintendent of Police
Senior Police Officers in the Tehsil | Member |
| (iv) | Tehsildar | Member |
| (v) | All Block Development Officers
and Panchayat Officers in the Tehsil | Member |
| (vi) | President, Tehsil Bar Association | Member |
| (B) | Nominated members. | |

(2) Three members from amongst the eminent social workers (of which at least one should be women) interested in the upliftment of the weaker sections of the society including Scheduled Castes and Backward Classes, Women, Children and rural labour, to be nominated by the Government in consultation with the Chief Justice of the High Court.

(3) The Naib-Tehsildar of the Tehsil shall be the Member-Secretary of the Tehsil Legal Services Committee.

17. *The number of officers and other employees of the Tehsil Legal Services Committee.*—The Tehsil Legal Services Committee shall have such number of officers and other employees for rendering secretarial and field assistance and for its day to day functions as may be sanctioned by the Government from time to time.

18. *The conditions of service and the salary and allowances of officers and other employees of the Tehsil Legal Services Committees.*—
(1) The officers and other employees of the Tehsil Legal Services Committee shall be entitled to draw pay and allowances in the scale of pay admissible to Government employees holding equivalent posts and shall also be entitled to same status, privileges and facilities.

(2) In all other matters like age of retirement and disciplinary matters, the officers and other employees of the Tehsil Legal Services Committee shall be governed by the Government rules as are applicable to persons holding equivalent posts.

19. *The upper limit of annual income of a person entitling him to legal services.*—(1) In addition to the persons mentioned in clauses (a) to (g) of section 12 of the Act, a Citizen of India whose annual income from all sources does not exceed to ¹one lac rupees if the case is before a Court other than the Supreme Court, and does not exceed rupees one lac twenty five thousand if the case is before the Supreme Court ;

²Provided that the State Legal Services Authority, High Court Legal Service Committee, District Legal Services Authority and the Tehsil Legal Services Committee, as the case may be, may grant legal services to any other person irrespective of his income :—

- (i) To Transgender People ; or
- (ii) To Senior Citizens

(2) In cases where the High Court or Supreme Court provide legal service under any order, legal service should be deemed to have been provided by an Authority or a Committee in relaxation of the conditions laid down in these rules.

20. *Matters on which legal service is admissable .*—In addition to the cases covered under sections 12 and 15 of the Act, legal services may also be provided in all matters where such services shall be aimed at

- (a) amicable settlement of the dispute by bringing about conciliation between the parties to the disputes ; and
- (b) rendering assistance in complying with various legal requirements in order to secure the benefits under various schemes sponsored by the State Government or any other public authority or for the welfare of the general public or any section thereof.

21. *Modes of providing legal services.*— Legal services may be given in all or anyone or more of the following modes, namely :—

- (a) by payment of Court fee, process fee, expenses of witnesses, preparation of the paper book, lawyers fee and all other charges payable or incurred in connection with any legal proceedings ;

1. Words deleted and substituted vide SRO-458 dated 10-12-2010

2. Vide SRO-162 dated 26-05-2011.

- (b) through representation by a legal practitioner in legal proceedings ;
- (c) by supplying certified copies of judgements orders, notes or evidence and other documents in legal proceedings;
- (d) by preparation of appeal paper book, including printing, typing' and translation of documents in legal proceedings ;
- (e) by drafting of legal documents ;
- (f) by giving legal advice on any legal matter; and through Mediation Centres or Family Counselling Centres.

22. *Procedure for providing free legal services.*— (1) A person desiring any legal service shall furnish an application-cum-affidavit addressed to the Member-Secretary of the State Authority, Secretary High Court Legal Services Committee, Chairman of the District Authority or the Tehsil Legal Services Committee (here in after referred to as Authority or Committee), as the case may be in a form. approved by the State Authority.

(2) The Member-Secretary, Secretary or the Chairman of the Authority as the case may be shall maintain a register of applications wherein all applications for legal services received under sub-rule (1) shall be entered.

23. *Disposal of application--(1)* On receipt of an application cum-affidavit, the Mernber Secretary, the Secretary or the Chairman of the Authority or the Committee, as the case may' be; shall scrutinize the application for the purpose of deciding whether the applicant is entitled to get legal services in accordance with the provisions of these rules, and for the purpose of arriving at such a decision he may, if necessary and required, give personal hearing to the applicant but in doing so, the Member-Secretary, the Secretary or the Chairman of the Authority or the Committee as the case may be shall have regard to the fact that the applicant is a poor person or belongs to a weaker section of the society and deserved to be assisted. The application shall be processed as early as possible and preferably within fifteen days of its receipt.

(2) The decision of the Member-Secretary, the Secretary and the Chairman of the Authority or the Committee to provide legal services shall be subject to the confirmation by the concerned Authority or the Committee.

(3) Where it is decided not to provide legal services to an applicant, the reasons for doing so shall be recorded in the register of applications maintained by the Authority or the Committee, as the case may be, and information in writing to that effect shall be communicated to the applicant.

(4) No legal service shall be allowed to continue after the legal service is granted, if the Authority or the Committee is satisfied that—

- (a) the applicant knowingly made false statement or has furnished false information as regards his eligibility ;
- (b) in legal proceedings other than the one relating to criminal prosecution, there is no prima facie case to institute, or as the case may be, to defend the case ;
- (c) the application is frivolous and fictitious or the applicant is not entitled to the same under the provisions of these rules ;
- (d) having regard to all the circumstances of the case, it is otherwise not reasonable to grant it.

24. *Panels for legal services.*— (1) Every Authority or the Committee, as the case may be, shall prepare such number of panels of legal practitioners as it may consider necessary.

(2) Every panel prepared under sub-rule (1) shall remain in force till it is revised or modified by the Authority or the Committee, as the case may be ;

(3) Appointment of a legal practitioner for legal services under these rules, shall be made as far as possible from the panel of legal practitioners prepared under sub.rule (1) by the Authority or the Committee, as the case may be :

Provided that the Executive Chairman may appoint a legal practitioner not included in the panel and in a special case, the Chairman of the

Authority or the Committee may do so with the prior permission of the Executive Chairman.

(4) Every person included in the panel shall be required to communicate, in writing to the Member-Secretary, the Secretary or the Chairman of the Authority or the Committee, as the case may be, his willingness to serve on the panel.

(5) If any person after having agreed to serve on a panel neglects or does not discharge the duties properly the Authority or the Committee, may delete his name from the panel and may also disassociate him forthwith from the legal services being provided by him.

(6) If any person after having agreed to serve on a panel is guilty of misconduct or violates any of the provisions of these rules, he shall be liable to be removed from the panel besides any appropriate legal proceedings.

(7) Save as otherwise directed by the Authority or the Committee, as the case may be, a legal practitioner who ceased to be on the panel whether on account of resignation or otherwise, shall as soon as practicable after he so ceases to be on the panel deliver within seven days all the papers pertaining to cases entrusted to him by the Member-Secretary, Secretary or Chairman of the Authority or Committee failing which he shall forfeit any claim to the legal fee or other dues, if any, besides appropriate civil or criminal legal action.

25. *Duties of legal practitioners on the panel.*—(I) A legal practitioner appointed for rendering legal services to an aided person under these rules shall—

- (a) if the case is not concerning any legal proceedings hear the aided person, or any other person representing him and examine the papers and documents relating to the case and shall give his advice, in writing to the aided person and also send a copy of the advice so recorded to the Member-Secretary, the Secretary or the Chairman of the Authority or the Committee, as the case may be ; and
- (b) if the case relates to any legal proceedings represent aided person to act and plead for him in the legal proceedings and

shall forthwith make a report to the Member-Secretary the Secretary or the Chairman of the Authority or Committee, as the case may be, on the action taken by him and also make monthly report to them in regard to the progress of the legal proceedings besides a report, in writing, within two days of the final conclusion of proceedings to the concerned Authority or Committee.

(2) The legal practitioner, so long as he remains on the panel, shall act in accordance with such instructions, as may be given to him from time to time by the Authority or the Committee as the case may be.

26. *Honorarium payable to legal practitioner on the panel.*—

(1) The legal practitioners brought on the panel in terms of rule 24, shall be paid by the concerned Authority or the Committee such honorarium, as may be determined from time to time by the State in respect of the legal proceedings conducted and advice tendered by them under these rules.

(2) No legal practitioner to whom any case is assigned for legal service shall receive any fee or remuneration whether in cash or in kind or any other advantage, monetary or otherwise, from the aided person or from any other person on his behalf.

(3) In case of final judgement or order is rendered by the court against the aided person, the concerned legal practitioner shall also submit along with his fee bill, his opinion, in writing with reasons as to whether the case is fit for further appeal or revision, as the case may be, within seven days of the receipt of the certified copy of final judgement or order.

27. *Duties of aided person.*—(1) A person seeking legal service shall comply with the requisition or direction that may be made upon him by the Authority or the Committee on the date of application made for legal service till the completion or cessation of legal service or cancellation of eligibility.

(2) Every aided person shall execute an agreement agreeing to the effect that in the event of the court passing a decree or order in his favour

awarding costs to him or other monetary benefit or advantage (except an order of maintenance) to repay by way of reimbursement to the Authority or the Committee, as the case may be, the amount of costs, charges and expenses of legal proceedings incurred by the Authority or the Committee in rendering him legal service and to facilitate such reimbursement, he shall also execute an irrevocable power of attorney authorising the Member-Secretary, the Secretary or the Chairman of the Authority or Committee, as the case may be, to do all such acts and things, as may be necessary for recovery or realisation of the amount decreed or ordered to be paid to him.

(3) The costs, charges and expenses which may be recovered by the Authority or the Committee under sub-rule (2), shall be credited to the Government.

28. *Operation of Bank Account.*—The Member-Secretary, the Secretary or the Chairman of the Authority or the Committee, as the case may be, shall operate the account of the Authority or the Committee.

29. *The experience and qualification of other persons of the Lok Adalats.*—A person shall not be qualified to be included in the Bench of a Lok Adalat unless he is—

- (a) an eminent social worker, who is engaged in the upliftment of the weaker sections of the society, including Scheduled Castes, women, children, rural and urban labour ; or
- (b) a lawyer of at least ten years standing ; or
- (c) a person of repute, who is specially interested in the implementation of the Legal Services Schemes and Programmes ; or
- (d) a medical or any other expert as deemed fit by the Authority or Committee, as the case may be.

30. *Transfer of assets of the Jammu and Kashmir State Legal Services board.*—(1) On and with effect from the constitution

of the State Legal Services Authority under the provisions of section 3 of the Act—

- (i) the Jammu and Kashmir State Legal Services Board constituted under rule 3 of the Jammu and Kashmir State Legal Aid to the Poor Rules, 1987 (hereinafter referred to as the said Board) shall stand dissolved ;
- (ii) all property, movable or immovable, belonging the said Board shall vest in the State Authority and shall be applied by the State Authority to the objects and purposes of the Act and the rules framed thereunder ; and
- (iii) all the debts and liabilities of the said Board shall be transferred to the State Authority and shall thereafter be discharged and satisfied by it out of the aforesaid property.

(2) On and with effect from the- constitution of the High Court Legal Services Committee under section 6 of the Act, the District Legal Services Authority under section 7 of the Act and the Tehsil Legal Services Committee under section 10 of the Act, all properties and assets of the District and Tehsil Legal Aid Authorities constituted under the provisions of the Jammu and Kashmir State Legal Aid to the Poor Rules, 1987 shall stand transferred and vest in the corresponding aforesaid committees or authority, as the case may be.

31. *Transitory provisions.*—Notwithstanding anything contained in these rules, the Jammu and Kashmir State Legal Aid and Advice Board and the District and Tehsil Legal Aid Authorities constituted under the Jammu and Kashmir State Legal Aid to Poor. Rules, 1987 shall continue to function till the Authorities and Committees are constituted under the Act and the rules framed thereunder.

32. *Interpretation.*—If any question arises as to the interpretation of these rules, the decision of the Government thereon, shall be final.

33. *Repeal and Saving.*—(1) The Jammu and Kashmir State Legal Aid to the Poor Rules, 1987 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including applications admitted or legal aid granted) by the Jammu and Kashmir State Legal Aid Board or District and Tehsil Legal Aid Authorities (hereinafter referred as Board and Authority as the case may be) immediately before the commencement of these rules in the exercise or purported exercise of its powers and authority conferred by or under the rules so repealed, shall be deemed to have been validly done or taken as if these rules had been in force at all material times and accordingly, anything done or any action taken by the Board or authority, as the case may be, shall be deemed to have been done or taken by the State Authority, or as the case may be, by the corresponding Legal Services Authority or Committee constituted under the Act.

By order of the Government of Jammu and Kashmir.

(Sd.)

Secretary to Government,
Law Department.

J&K STATE LEGAL SERVICES AUTHORITY

Notification No. 03-SLSA of 1998.

Jammu, the 17th April, 1998.

In exercise of the powers conferred by section 27 of J&K Legal Services Authorities Act, 1997, the State Legal Services Authority hereby makes the following Regulations.

THE JAMMU AND KASHMIR STATE LEGAL SERVICES
AUTHORITY REGULATIONS, 1998.

CHAPTER I

Preliminary

1. *Short title and commencement.*—(I) These regulations may be called the Jammu and Kashmir State Legal Services Authority Regulations, 1998.

(2) They shall come into force at once.

2. *Definitions.*—(1) In these regulations, unless the context otherwise requires—

- (a) “Act” means the Jammu and Kashmir Legal Services Authorities Act, 1997 (XXXIII of 1997) ;
- (b) “District Authority” means the District Legal Authority constituted under section 7 of the Act ;
- (c) “Committee” means in relation to the High Court, the High Court Legal Services Committee and in relation to the Tehsil, the Tehsil Legal Services Committee ;
- (d) “High Court” means the High Court of Jammu and Kashmir ;
- (e) “Rules” means the Jammu and Kashmir State Legal Services Authority Rules, framed under the Act.

(2) All other words and expressions used in these regulations, but not defined, shall have the same meanings as are assigned to them in the Act or the rules framed thereunder.

CHAPTER II

High Court Legal Services Committee

3. *Number, experience and qualification of member of the High Court Legal Services Committee.*—(1) The High Court Legal Services Committee shall, including Chairman and Member-Secretary, have not more than seven members to be nominated by the Chief Justice.

(2) A person shall not be qualified for nomination as a 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 sections of the people, 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 the Legal Services Schemes.

4. *Term of office and other conditions of appointment of the High Court Legal Services Committee.*—(1) The term of office of the members of the High Court Legal Services Committee nominated under regulation 3 by the Chief Justice shall be two years and they shall be eligible for re-nominations.

(2) A member of the High Court Legal Services Committee under regulation 3 may be removed by the Chief Justice of the High Court, 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 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 High Court Legal Services Committee, without 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.

(3) A member may by writing under his hand addressed to the Chairman, resign from the High Court Legal Services Committee and such resignation shall take effect from the date on which it is accepted by the Chief Justice or on the expiry of 30 days from the date of tendering resignation, whichever is earlier.

(4) If any member nominated under regulation 3 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 nominated.

(5) Subject to the provisions of sub-regulation (6) all members nominated under regulation 3 shall be entitled to payments of travelling allowance and daily allowance in respect of journeys performed in connection with the work of the High Court Legal Services Committee and shall be paid by the High Court Legal Services Committee in accordance with the rules as are applicable to the Class I Officers of the Government as amended from time to time.

(6) If a member is a Government employee, he shall be entitled to draw the travelling allowance and daily allowance at the rates to which he is entitled to under the service rules applicable to him and shall draw from the department, in which he is employed and not from the State Authority.

5. *Functions of High Court Legal Services Committee.*—(1) It shall be the duty of the High Court Legal Services Committee to give effect to the policy and directions of the State Authority.

(2) Without prejudice to the generality of the functions referred to in sub-regulation (1) the Committee shall, perform all or any of the following functions for the High Court, namely :—

- (a) provide legal services to persons who satisfy the criteria laid down under the Act and the rules framed thereunder ;
- (b) conduct Lok Adalats for High Court cases ; and
- (c) encourage the settlement of disputes by way of negotiations, arbitration and conciliation.

6. *Functions 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 directions 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.

(3) The Secretary shall convene meetings of the Committee 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.

7. *Meetings of the Committee.*—(1) The Committee shall ordinarily meet once a month on such date, and at such place as the Secretary may, in consultation with the Chairman decide.

(2) The Chairman, and in the absence of the Chairman a member nominated by him shall preside at the meeting of the committee.

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

(4) The minutes of the proceedings of each meeting shall be truly and faithfully 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.

(5) The quorum for the meeting shall be four, including the Chairman or the member presiding over the meeting.

(6) All questions at the 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 shall have a second or casting vote.

8. *Funds accounts and audit of the Committee.*—(1) The funds of the Committee shall consist of such amounts as may be allocated and granted it by the State Authority as also such amounts as may be received by the Committee from time to time either by way of donations or by way of costs, charges and expenses recovered from tile legal aided persons or the opposite party or otherwise.

(2) The funds of the Committee shall be maintained in a Scheduled Bank.

(3) For the purpose of meeting the incidental minor charges such as Court fee, stamps and expenditure necessary' for obtaining copies of documents etc. a permanent advance of rupees five thousand shall be placed at the disposal of the Secretary of the Committee.

(4) All expenditure on legal aid and advice, provision of other legal services as also expenditure necessary for carrying out the various functions of the Committee, shall be met out of the funds of the Committee. Secretary shall operate the bank accounts of the Committee in accordance with the directions of the Chairman.

(5) The Committee shall cause to be kept and maintain true and correct accounts of all receipts and disbursements and furnish quarterly returns to the State Authority. The records shall be maintained in accordance with the provisions of the Financial Code. The accounts of the Committee shall be audited by the Local Audit Department at least once a year and any expenditure incurred in connection with such audit shall be paid by the Committee.

CHAPTER III

District Legal Services Authorities and Tehsil Legal Services Committees.

9. *Secretary District Legal Services Authority.*—(1) The Secretary of the District Legal Services Authority appointed under sub-section (3) of section 7 of the Act, shall act, exercise and perform the duties of the Secretary of the District Legal Services Authority in addition to the duties to be discharged by him as a Judicial Officer and for the discharge of his additional duties he may be paid an honorarium as may be fixed from time to time by the State Authority in consultation with the State Government.

(2) The Secretary of the District Authority shall be 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 disbursement, of the funds of the District Authority.

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

10. *Meeting of the District Authority.*—(1) The District Authority shall ordinarily meet once a month on such date, as such place, as the Secretary may, in consultation with the Chairman decide.

(2) The Chairman, and in the, absence of the Chairman, a member nominated by the Chairman shall preside at the 'meeting of the District Authority.

(3) The procedure at any meeting of the District Authority shall be such as the District Authority may determine.

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

A copy of the minutes shall as soon as may, be, after the meeting be forwarded to the Chairman of the District Authority and the Member Secretary of the State Authority.

(5) The quorum for the meeting shall be three including the Chairman or the member presiding over the meeting.

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

11. *The term of office and other conditions of members of the District Authority.*—The term of office of the members nominated under clause (b) sub-section (2) of section 7 of the Act, to the District Authority, shall be for two years, and they shall be eligible for re-nomination.

12. Subject to the regulation 13, all nominated members of the District Authority shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed in connection with the District Authority and shall be paid by the District Authority in accordance with the rules as are applicable to Class II Officers of the Government as amended from time to time.

13. If a member is a Government employee he shall be entitled to draw travelling allowance and daily allowance 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, and not from the District Authority.

14. *Fund of the District Authority.*— (1) The funds of the District Authority established under section 16 of the Act, shall be maintained in a Scheduled Bank.

(2) For the purpose of meeting, the incidental minor charges such as court fee, stamps and expenditure necessary for obtaining copies of the documents etc., a permanent advance of rupees three thousand shall be placed at the disposal of the Secretary of the District Authority.

(3) All expenditure on legal aid and advice, provisions of other legal services as also expenditure necessary for carrying out the various functions of the District Authority, shall be met out of the funds of the

District Authority and in accordance with such/rules as may be made by the District Authority with the prior approval of the State Authority.

(4) The Secretary shall operate the bank accounts of the District Authority..

(5) The District Authority shall cause to be kept and maintained true and correct accounts of all receipts and disbursements and furnished quarterly return to the State Authority. Such accounts shall be audited in accordance with the provisions of section 17 of the Act.

15. *Secretary of the Tehsil legal Services Committee.*—(1) The Secretary to the Tehsil Legal Services Committee appointed under sub-rule (3) of the rule 16 shall be part time Officer and for the discharge of the additional duties shall be paid honorarium as may be fixed from time to time by the-State Authority in consultation with State Government.

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

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

(4) The Secretary shall, with the previous approval of the Chairman, convene meetings of the Tehsil Committee and shall also attend meetings and shall be responsible for maintaining a record of the minutes of the proceedings of the meetings.

16. *Meetings of Tehsil Committee.*—(1) The Tehsil Committee shall ordinarily meet once a month on such date, at such place, as the Chairman may decide.

(2) The Chairman, and in the absence of the Chairman, a member nominated by the Chairman shall preside at the meeting of the Tehsil Committee.

(3) The procedure at any meeting of the Tehsil Legal Services Committee shall be such as the Tehsil Committee may determine.

(4) The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the Secretary and such minutes shall be open to inspection at all reasonable time by the members of the Tehsil Committee. A copy of the minutes shall, as soon as may be, after the meeting, be forwarded to the District Authority as well as State Authority.

(5) The quorum of the meeting shall be three including the Chairman or the member presiding over the meeting.

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

17. *Fund, accounts and unit of the Tehsil Legal Services Committee.*—(1) The funds of the Tehsil Committee shall consist of such amounts 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 donations or by way of costs, charges and expenses recovered from the legal aided persons or the opposite party or otherwise.

(2) The funds of the Tehsil Committee shall be maintained in a Scheduled Bank.

(3) For the purpose of meeting the incidental minor charges such as court fee, stamps and expenditure necessary for obtaining copies of documents etc., a permanent advance of rupees two thousand shall be placed at the disposal of the Secretary of the Tehsil Committee.

(4) All expenditure on legal aid and advice, provisions of other legal services as also expenditure necessary for carrying out the various functions of the Tehsil Committee shall be met out of the funds of the Tehsil Committee.

(5) The Secretary shall operate the bank accounts of the Committee in accordance with the directions of the Chairman.

(6) The Tehsil Committee shall cause to be kept and maintain true and correct accounts of all receipts and disbursements and furnish quarterly returns to the State Authority. The accounts of the Tehsil Committee shall be audited by the Local Audit Department at least once a year and any

expenditure incurred in connection with such audit shall be paid by the Tehsil Committee.

18. *Term of office and other conditions of members of Tehsil Legal Services Committee.*—The provisions of regulations 11, 12 and 13 shall apply *mutatis mutandis* to the members of Tehsil Legal Services Committee nominated under clause (b), sub-section (1) of section 10 of the Act.

CHAPTER IV

Legal Aid.

19. *Criteria for giving legal services.*—In addition to the persons described in section 12 of the Act, the Legal Services Committee or Authority may grant legal aid :—

- (i) in a case of great public importance ; or
- (ii) in a test case, the decision of which is likely to affect cases of numerous other persons belonging to the weaker sections of the community ; or
- (iii) in any case, which for reasons to be recorded in writing, is, considered by the Chairman to be deserving of legal aid even where the main test is not satisfied.

20. *Legal aid not to be given in certain cases.*— Legal aid shall not be given in the following cases, namely :—

- (1) Proceedings wholly or partly in respect of—
 - (a) defamations ; or
 - (b) malicious prosecution ;
 - (c) a person charged with contempt of court- proceedings.
- (2) Proceedings in relation to any elections ;
- (3) Proceedings incidental to any proceedings referred to in items (1) and (2) ;

- (4) Proceedings in respect' of economic offences and offences against social laws :

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

- (5) Where a person seeking legal aid—
- (a) is concerned with the proceedings only in official capacity ; or
 - (b) if a formal party to the proceedings, not materially concerned in the outcome of the proceedings and his interests are not likely to be prejudiced on account of the absence of proper representation.

21. *Application for legal aid or advice* .—(1) Any person during legal aid or advice may make an application-cum-affidavit addressed to the Secretary to the Authority/Committee. But if the applicant is illiterate or not in position to fill in the particulars required in the application the Secretary or any other officer of the Committee or any legal practitioner whose name appears on the panel of legal aid lawyer of the Authority/Committee as the case may be shall gather the necessary particulars from the applicant and prepare the application on his-behalf sand after reading it out and explaining it to him obtain his signature or thumb mark on it.

(2) The application-cum-affidavit should be in the form annexed as “Form A”.

(3) The application-cum-affidavit shall be accompanied with a certificate of the competent authority who for the purpose of clauses (a), (b), (c), and (f) of section 12 of the Act shall be Tehsildar/any Gazetted Officer, for the purpose of clause (d) Medical Officer and for purposes of clause (g) of the section 12 shall be incharge of the custody and Superintendent Hospital, Nursing Home respectively. The certificate shall be in “Form B” annexed herewith or in the form prescribed under relevant rules governing that particular category.

22. *Certificate of eligibility*.—(1) Where an application for legal aid or advice is allowed the Secretary of the Authority/Committee shall issue a certificate of eligibility to the applicant entitling him to legal aid or advice

in respect of the proceedings concerned. The certificate shall be in shape of "Form C" annexed herewith.

(2) In case the legal aid is withdrawn, the lawyer to whom the case is assigned and the court/tribunal before which the case is pending shall be informed accordingly in writing.

23. *Honorarium payable to legal practitioner on the panel.*—(1) Subject to the approval of the Executive Chairman of the State Authority/ Legal Service Committee shall prepare a panel of legal practitioners who are prepared to represent or prosecute the cases on behalf of the legal aided persons under these regulations. The legal practitioners on the panel shall be paid honorarium as set out in the Schedule.

Provided that where the matter is disposed of is less than five effecting bearings, the fee payable shall be 1/3 of the fee prescribed in the Schedule.

(2) No legal practitioner to whom any case is assigned either for legal advice or for legal aid shall receive any fee or remuneration whether in cash or in kind or any other advantage monetary or otherwise from the 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 proceeding conducted by him on behalf of the legally aided persons, to the Secretary of the Authority/ Committee who shall, with the approval of the Chairman and after the scrutiny and counter-signature, place the same before the Authority/Committee for sanction and on such sanction being given by the Authority/Committee the amount shall be paid by the Secretary to the legal practitioner. The legal practitioner, may, however, waive the honorarium in whole or part.

24. *Cancellation of Certificate of Eligibility.*—The Authority/ Committee may either on its motion or otherwise cancel the certificate of eligibility granted under regulation 18 of the following circumstances, namely :—

(a) in the event of being found that the aided person was possessed of sufficient means of the certificate of eligibility was obtained by mispronunciation or fraud ;

- (b) in the event of any material change in the circumstances of the aided' person ;
- (c) in the event of any misconduct, misdemeanor or negligence on the part of the aided person in the course of receiving legal aid ;
- (d) in the event of the aided person not co-operating with the Committee/Authority or with legal practitioner assigned by the Committee/ Authority ;
- (e) in the event of the aided person engaging a legal practitioner other than the one assigned by the Committee/Authority ;
- (f) in the event of death of the aided person except in case of civil proceedings where the right of liability survives ;
- (g) a report has been received from the advocate as assigned to the legally aided person that the legally aided person is not co-operating with the advocate and such report has been verified by the Chairman of the Legal Services Committee/ Authority :

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

(2) Where the certificate of eligibility is cancelled on the ground set out in clause (a) above, the Authority Committee shall discontinue legal aid allowed and shall be entitled to recover from the aided person the amount of legal aid granted to him.

25. *Proceedings by the Chairman in most urgent cases.*— Notwithstanding anything to the contrary contained in these regulations, in case the Chairman of any Committee/Authority is of opinion that such a situation as arisen wherein immediate action is required to be taken, or there is no possibility of immediate convening the meeting of the

Committee/Authority, then he may, in anticipation of the approval of the Committee/Authority concerned, take such action as he may deem fit, and thereafter he shall as soon as possible send a report of his action so taken to the Committee/ Authority concerned.

CHAPTER V

Officers and Employees of the Legal Services Authorities and Committees.

26. *Cadre.*—The Cadre means cadre of Legal Services Authorities/ Committees and it shall consist of such permanent and temporary posts as stand sanctioned on the day the Act came in to force, and such number of them as may be sanctioned by the Government in consultation with Hon'ble Chief Justice of High Court after the commencement of the Act.

27. *Service* means J&K Legal Services Authorities/Committees Service.

28. *Method of recruitment.*—Appointment to the service shall be as under :—

- (a) by direct recruitment ; or
- (b) by promotion from cadre of class ; or
- (c) partly by direct recruitment and partly by promotion ; or
- (d) by deputation ; or
- (e) by transfer from other service.

29. (1) There shall be a Recruitment Board for making selection of the person to be appointed to the service of J&K Legal Services Authorities/ Committees

(2) The Board shall consist of a Chairman and such number of persons as members as may be prescribed and nominated by the Chief

Justice from time to time. Chief Justice may nominate any of the members as its Member-Secretary.

(3) Executive Chairman of the State Legal-Services Authority shall be the Ex-officio Chairman of the Board.

(4) The Board shall adopt the method for making recruitment from time to time as it may think fit and as may be necessary for each such selection.

(5) State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority and Tehsil Legal Services Committee may refer all vacancies to the Board for making recruitment. All appointments to be made by the authority shall be from the merit list prepared by such Board.

After clause (5) of Regulation 29, the following shall be added as clause (6).—

“(6) Notwithstanding anything contained in clauses (1) to (5), the posts in the service which are to be filled up by direct recruitment shall be referred to the Jammu and Kashmir Service Selection Board for selection”.

30. *Functions of the State Authority.*—(1) In addition to the functions specified in-section 4 of the Act the State Authority shall exercise supervision and control including the disciplinary control over the employees of the State Legal Services Authority, High Court Legal Services Committee, District Authority and Tehsil Legal Services Committees and prescribe regulations for effecting such control.

(2) The State Authority shall exercise the supervision and control as mentioned in clause (1) through its Executive Chairman.

(3) Executive Chairman may in consultation with the Chief Justice delegate powers of supervision and control including power to any person initiate disciplinary proceedings against the officers/ employees of the State Legal Services Authority, High Court Legal Service Committee.

31. *Posting and transfers.*—In the interest of administration and smooth functioning of the Authorities/Committees, the Executive Chairman of the State Authority may order within and inter Authorities/Committees such transfers and postings, as are required from time to time.

32. The provisions of Jammu and Kashmir Employees (Conduct) Rules, 1971 and Jammu and Kashmir Civil Service (Classification, Control and Appeal) Rules, 1956 shall apply *mutatis mutandis* with respect to the matters covered by the said rules so far as they are not expressly by these regulations.

CHAPTER VI

Miscellaneous

33. Without prejudice to the powers of the Government to frame Rules regarding entitlement to Salary, Allowance and other conditions of services of the officers and the employees of the Authorities and Committees, these regulations shall be read supplemental to the Rules framed or to be framed by Government under sub-section (5) of section 3, sub-section (6) of section 6, sub-section (6) of section 7 and sub-section (4) of section 10 of the Act in so far they are not inconsistent with the Rules.

34. The State Authority may, in case of absence of Member-Secretary/Secretary or in emergency authorise any Officer of the Legal Services Authorities/Committees to discharge functions of the Member-Secretary /Secretary of a particular Authority Committee.

SCHEDULE

Advocates engaged out of the panel as prepared for defending/protecting legal interest of a person granted free aid shall be entitled to the fee as under :—

1. Rs. 950/- per case in any court at Tehsil Level/Sub-Divisional Level ;
2. Rs. 1350/- per case at District Level ;

3. Rs. 3500/- per case at the High Court Level ;

Explanation.—For the purpose of these regulations ;—

(1) “Court of Sub-Division Level/tehsil I Level” means the Court of Chief Judicial Magistrate, Sub-Judge, Judicial Magistrate, Court of Assistant Commissioner 1st Grade, Sub-Divisional Collector, Sub Divisional Magistrate, Tehsildar;

(2) “District Level Court” shall mean the Court of District Judge and Sessions Judge, Additional District and Sessions Judge, and includes District Collector, Divisional Commissioner, District Consumer Forum established under the Consumer Protection Act, 1987 and Labour and Industrial Tribunal, set up under the Industrial Disputes Act, 1947 ;

(3) “High Court Level” means the High Court of Jammu and Kashmir State Consumer Forum, established under Consumer Protection Act, 1987, the Financial Commissioner Revenue (Appeals) and J&K Special Tribunal.

II. Fee payable to a panel lawyer under these regulations shall be made in three installments as under :—

- (i) 1/3rd of the fee, on engagement of the lawyer, payable after first hearing of the case ;
 - (ii) 1/3rd of the fee payable after 5th effective hearing of case ;
 - (iii) remaining 1/3rd of the fee, payable after the final decision of the case.
-

FORM A

Application-cum-Affidavit for fee- Legal Services under Rule 22, Jammu and Kashmir legal Services Authorities Rules. 1998 and Sub-regulation (2) (21) of J&K Legal Services Authority Regulations 1998.

To

Member-Secretary of the State Authority/Secretary of the High Court Legal Services Committee/Chairman of District Authority Tehsil Legal Services Committee_____

(Strike out which is not applicable)

1. Name of the applicant_____

(Capital Letters)
2. Name of the father/husband/guardian/next friend_____
3. Place of residence village/city_____

Tehsil_____

District_____

P. O._____
4. Occupation of the applicant_____
5. Whether permanent resident of J&K
State/Non-State Subject_____
6. (a) Whether applicant is a member of
Scheduled Caste/Scheduled Tribe or
OBC_____

(b) a victim of trafficking in human being
or beggar referred to in Art. 23 of the
Constitution_____

- (c) a woman/child_____
- (d) a victim of mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster_____
- (e) an Industrial workman_____
- (f) in custody, including custody in a protected home within meaning clause-of section 2 of Immoral Traffic (Prevention) Act, 1956 : or in psychiatric hospital/nursing home_____
- (g) belongs to any other category/class which may entitle him/her to claim free legal service_____

Note : —Attach the certificate from prescribed authority, for belonging to the particular category, against which legal service is claimed

7. Whether you have received any legal service prior to this application from the authority/committee_____
8. Whether you have to institute a fresh case, if so, state the name of Court/Tribunal where the case is to be instituted giving the brief facts of the case_____ (use separate sheet for giving facts)
9. Whether case is pending, if so, state :
- (a) Name of the Court/Tribunal where case is pending_____ (attach a certificate from the concerned Court/Tribunal)
- (b) The Stage of legal proceeding_____
- (c) Nature of the case giving the brief facts of the case_____ (use separate sheet for giving facts)

Date_____

Place_____

Signature/Thumb impression
of the applicant.

FORM B

(Under Sub-Regulation (2) of Regulation 21)

(i) This is to certify that I am personally satisfied that
Shri/ Smt. _____ son/daughter/
widow/wife of Shri _____
R/o Tehsil _____ District _____ belongs
to _____ category/is a victim of natural calamity
like _____

(ii) That Shri/Smt. _____ son/
daughter/widow of Shri _____
R/o _____ Tehsil _____
District _____ suffering from _____ is
physically handicapped _____

(iii) That Shri/Smt. _____ son/
daughter/widow of Shri _____
R/o _____ Tehsil _____
District _____ is in custody/protected home.

Note :—Strike out which is not applicable.

Date _____

Place _____

Signature with Seal.

FORM C

(Under Regulation 22)

To be filled in by the Secretary of the Authority/Committee

(i) That Shri _____ son/
daughter/widow/wife of Shri _____
R/o _____ Tehsil _____
District _____ has applied for legal service. His/her
case was found in genuine. Counsel Shri . _____ is
engaged on behalf of the :

(ii) Legal aid is given in favour of Shri _____
son/daughter/widow/wife of Shri _____
R/o _____ Tehsil _____
District _____

Note :—Strike out which is not applicable.

Date _____

Place _____

Authority/Committee

The Regulations were adopted today on 16-04-1998 by the State Authority.

_____ (Sd).....

Under Secretary,
J&K State Legal Services Authority.



GOVERNMENT OF JAMMU AND KASHMIR

**LEGAL SERVICES
AUTHORITY ACT, RULES
REGULATION AND SCHEMES**

**STATE LEGAL SERVICES AUTHORITY
JAMMU/SRINAGAR**