

No. 639/XXXVI (1) 2006-8-Ek (5) 2006 - In exercise of the powers conferred by section 28 of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987) and in consultation with the Chief Justice, the Governor is pleased to make the following rules:

**NOTIFICATION
(Miscellaneous)
July 13, 2006**

THE UTTARANCHAL STATE LEGAL SERVICES AUTHORITY RULES 2006

1. Short title and commencement.

- (1) These rules may be called the Uttaranchal State Legal Services Authority Rules, 2006.
- (2) These shall come into force on such date as the State Government may, by notification published in the Official Gazette, appoint.

2. Definitions -

In these rules, unless the context otherwise requires,-

- (a) "Act" means the Legal Services Authorities Act, 1987 (Act No. 39 of 1987);
- (b) "Chief Justice" means the Chief Justice of the High Court of Uttaranchal;
- (c) "Chairman" means the Executive Chairman of the State Authority, or, as the case may be, the Chairman of the High Court Legal Services Committee, or, as the case may be, the Chairman of the District Authority, or, as the case may be, the Chairman of the Taluk Legal Services Committee;
- (d) "Governor" means the Governor of Uttaranchal;
- (e) "Government" means the Government of Uttaranchal;
- (f) "High Court" means the High Court of Uttaranchal;
- (g) "Central Authority" means the National Legal Services Authority constituted Under Section 3 of the Act;
- (h) "State Authority" means the State Legal Services Authority constituted Under Section 6 of the Act;
- (i) "District Authority" means the District Legal Services Authority constituted Under Section 9 of the Act;
- (j) "High Court Legal Services Committee" means the High Court Legal Services Committee constituted Under Section 8-A of the Act;
- (k) "Secretary" means the Member-Secretary of the State Legal Services Authority constituted Under Section 6 of the Act, or, as the case may be, the Secretary of the High Court Legal Services Committee constituted Under Section 8-A of the Act, or, as the case may be, the Secretary of the District Legal Services Authority constituted Under Section 9 of the Act;
- (l) "Section" means the Section of the Act;
- (m) "Taluk Legal Services Committee" means a Taluk Legal Services Committee constituted Under Section 11-A of the Act;
- (n) "Taluk" means a Sub-Division in a District or Tehsil;
- (o) "Lok Adalat" means Lok Adalat constituted Under Section 19 of the Act.
- (p) "Permanent Lok Adalat" means Lok Adalat constituted Under Section 22B of the Act.
- (q) All other words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Act.

3. Number, experience and qualifications of members of the State Authority.-

- (1) The State Authority shall, including its Patron-in- Chief and the Executive Chairman, have not more than seventeen Members.
- (2) The following shall be ex-officio members of the State Authority, namely:-
 - (i) Advocate General of Uttaranchal;
 - (ii) Principal Secretary in the Department of Finance;
 - (iii) Principal Secretary in the Department of Law;
 - (iv) Principal Secretary in the Department of Revenue;
 - (v) Chairman of the Bar Council of Uttaranchal State;
 - (vi) Chairman, Scheduled Tribes & Scheduled Castes Commission, Uttaranchal;
 - (vii) Director General of Police of the State;
 - (viii) Secretary in the Social Welfare Department;
 - (ix) Two Chairmen of the District Authority, as may be nominated by the State Government, in consultation with the Chief Justice of the High Court.
- (3) The State Government may nominate, in consultation with the Chief Justice of the High Court, five other members from amongst those possessing the experience and qualifications prescribed in sub-rule (4) of this rule.
- (4) A person shall not be qualified for nomination as a member of the State Authority, unless he is-
 - (a) an eminent social worker who is engaged in the upliftment of the weaker sections of the Society, including Scheduled Castes, Scheduled Tribes, Women, Children, Rural and Urban Labour; or;
 - (b) an eminent person in the field of law or education; or
 - (c) a person of repute who is specially interested in the implementation of the Legal Services Schemes.

4. Powers and functions of the Member-Secretary of the State Authority.-

The powers and functions of the Member-Secretary of the State Authority, inter- alia, shall be-

- (a) to give free legal services to the eligible person under Act including 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 in respect of administrative House keeping, Finance and budget matters as Head of the Department in the State Government.

For the purposes of meeting incidental and contingent expenditure, a permanent advance of Rs.25,000/- shall be placed at the disposal of Member-Secretary of the State Authority. All expenditures necessary to carry out the various functions of the State Authority including expenses incurred in holding its meeting shall be made with the prior approval of the Member-Secretary, provided for an expense of more than Rs.10,000/- approval of the Executive Chairman shall be necessary.

- (d) to manage the properties, records and funds of the State Authority;
- (e) to maintain true and proper accounts of the State Authority including checking and auditing in respect thereof periodically;
- (f) to prepare Annual Income and Expenditure Account and Balance-Sheet of the State Authority;
- (g) to liaise with the Social Action Groups and District and Taluk Legal Services Authorities;

- (h) to maintain, up-to-date and 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 Certificates thereof;
- (j) to organize various Legal Services Programmes as approved by the State Authority and convene Meetings/Seminars and workshops connected with Legal Services programmes and preparation of reports and follow-up action thereon;
- (k) to produce video/documentary films, publicity material, literature and publications including Nukkad Natak Plays 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;
- (m) to perform such of the functions as are assigned to him under the schemes formulated under Clause (b) of Section 4 of the Act; and
- (n) to coordinate the functioning of the High Court Legal Services Committee and to exercise effective control over the functioning of the District Authority and the Tehsil Legal Services Authority and to provide them guidance; and necessary assistance in carrying out the programmes and schemes framed under the Act.
- (o) to perform such other functions as may be expedient for efficient functioning of the State Authority.
- (p) to exercise such power and perform such functions and duties as may be assigned to him by the Executive Chairman and;
- (q) to perform such other functions as may be assigned by Central Authority from time to time.
- (r) the Member Secretary is also empowered to call for the judicial record of those pending cases which are required to be referred to Lok Adalat constituted Under Section 19 & 20 of the Act. He is also empowered to serve the notice on opposite party and call for the other record regarding any matter within the jurisdiction of Lok Adalat Under Para (ii) of sub-section 5 of Section 19 in case any application is made before the State Authority by any party at a pre-litigation stage for reconciliation and disposal of his/her/ their case by Lok Adalat, so as to complete the ground work, including obtaining the version of each party for referring the matter to Lok Adalat.

5.1 Appointment, Service Conditions, Powers & Functions of the Executive Chairman.-

5.1 Appointment and Service conditions of Executive Chairman.

A Sitting Judge of the Uttaranchal High Court or a retired Judge of any High Court as recommended by the Chief Justice shall be appointed as the Executive Chairman by the State Government. However, the tenure of such a retired Judge shall not exceed five years; his other service conditions shall be such as may be determined by the Government from time to time in consultation with the Chief Justice, but in all events he shall be entitled to pay and perks as were admissible to him as a Sitting Judge.

- 5.2 (a) The Executive Chairman shall be competent to take all decisions as may be required to carry out the objects of the Act on behalf of the State Authority.
- (b) He shall also be competent to take all decisions as may be required for providing legal aid, legal advice or other legal services to any person directly or indirectly in respect of any matter pending before any court in the State of Uttaranchal including all matters at pre-litigation stage as well.
- (c) He shall be competent to review the cases where legal services have been denied by District/ Tehsil Authority.
- (d) He shall be competent to assess the work done by each of the Chairmen/Secretaries and other Judicial officers of the District/Tehsil Authorities towards the fulfilment of the aspirations

of the people under the Act and shall record suitable entries in this respect and communicate the same to the Hon'ble High Court for placing them in their A.C.Rs. and honorarium of such amount as is fixed by him in consultation with the Chief Justice can also be paid to them as motivation.

6. Terms of office and other conditions of appointment of Members and Member Secretary of the State Authority.-

- (1) The term of office of the members of the State Authority nominated under sub-rule (3) of rule 3 by the State Government shall be two years and shall be eligible for re-nomination.
- (2) A member of the State Authority, nominated under sub-rule (3) of rule 3 may be removed by the State Government, in consultation with the Chief Justice, if-
 - (a) he fails, without sufficient cause, to attend three consecutive meetings of the 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 State Authority involves moral turpitudes; 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.
 - (f) if in the opinion of the State Authority, it is not desirable to continue him as member.
- (3) Notwithstanding anything contained in sub-rule (2), no members shall be removed from the State Authority on the ground specified in clause (d) of that sub-rule unless the Chief Justice, on a reference being made to him in this behalf by the State Government or the State Authority, has, on an enquiry held by him in accordance with such procedure as he may specify in this behalf, recommended that the member ought, on such grounds, to be removed.
- (4) A member may, by writing under his hand, addressed to the Chairman, resign from the State Authority and such resignation shall take effect from the date on which it is accepted by the State Government in consultation with the Chief Justice, or on the expiry of 30 days from the date of tendering resignation, whichever is earlier.
- (5) If any member nominated under sub-rule(3) of rule 3 ceases to be member of the State Authority 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 residue of the term of his predecessor.
- (6) All members shall be entitled to payment of Travelling Allowances & Daily Allowances in respect of the journeys performed in connection with the work of the State Authority by the Authority. However, in case of a member being a Govt. employee, he shall draw such T.A. /D.A. from the department in which he is employed at the rates to which he is entitled to under the service rules applicable to him.

MEMBER-SECRETARY

- (7) The Member-Secretary of the State Authority shall be a serving member of Uttaranchal Higher Judicial Service in the selection Pay Scale of the cadre will be the whole time employee and shall hold office for a term not exceeding five years, which may be extended for a further period not exceeding one year by the Government in consultation with the Chief Justice.
- (8) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters and other conditions of service, the Member-Secretary shall be governed by the rules, as are applicable to the members of the State Higher Judicial Services and shall be on deputation to the State Authority. Deputation Allowance shall however be admissible to him.

7. Officers and other employees of the State Authority.-

- (1) The number of officers and other employees including Officer on Special Duty of the State Authority shall be such as may be determined by the Government, from time to time, in consultation with the Chief Justice.
- (2) The number of officers and other employees including Secretary, Officer-on- Special Duty of the State Authority shall, until orders varying the same are passed under sub-rule (1) be as given in Appendix A.
- (3) The State Authority shall have the power to make the appointments of the officers and other employees of the Authority, for the efficient performance of its functions under the Act, subject to the creation of such posts by the State Government. The appointments shall be made as per the rules and regulations applicable for such appointment in the State Government. However, the officers and other employees can also be taken on deputation either from High Court/ Subordinate Courts or from any other departments of the State Govt., as the case may be, in consultation with the State Authority. In case the officers or employees are taken on deputation, such employees shall be entitled to deputation allowance, as per rules.

8. Conditions of service, pay and allowances of the Officers and other employees of the State Authority.

- (1) The Officers and other employees of, the State Authority other than Member Secretary and Officer-on-Special Duty shall be entitled to such pay and allowances as may be determined by the Government, from time to time, in consultation with the Chief Justice.
- (2) The scales of pay at the time of the commencement of these rules are as given in the Appendix A.
- (3) The officers and other employees of the State Authority shall be entitled to such other facilities, allowances and benefits as may be determined by the Government, from time to time, in consultation with the Chief Justice.
- (4) Officer on Special Duty shall be appointed, in consultation with the Chief Justice, from amongst persons belonging to the Uttaranchal Nyayik Sewa not below the Rank of Civil Judge (Senior Division).
- (5) In all matters, like age of retirement, pay and allowances, benefits and entitlements, disciplinary matters and other conditions of service of Officer-on-Special Duty shall be governed by the rules applicable to the service to which they belong. The Officer-on-Special Duty shall be on deputation to the State Authority. He shall be entitled to the deputation allowance.
- (6) Until the terms and conditions of service of officers and other employees of the State Authority other than the Officer-on-Special Duty are prescribed, their qualifications, procedure for recruitment and other conditions of service including disciplinary matters, leave, provident fund and other matters, shall be the same as that of the officers and employees of similar category in the Government and rules relating thereto shall mutatis mutandis apply.

HIGH COURT LEGAL SERVICES COMMITTEE**9. High Court Legal Services Committee.****9.1 Power & function of the High Court Legal Services Committee**

Subject to the general superintendence and control of the State Authority, the High Court Committee shall exercise the following functions namely;

- (a) It shall be the duty of the Committee to give effect to such policies, programmes and schemes of Legal Aid, Legal Advice and Legal Services as may be formulated and required by the Central and the State Authority;
- (b) It shall provide Legal Aid, Legal Advice and Legal Services to persons who are eligible for the

purpose under the Act or the Rules for High Court cases;

- (c) It shall organize and conduct Lok Adalats for High Court cases;
- (d) It shall encourage settlement of cases by way of negotiations, arbitration and conciliation;
- (e) It shall perform such functions as may be delegated to it from time to time by the State Authority.

9.2 Chairman of the High Court Legal Services Committee:

A Sitting Judge of the High Court nominated by the Hon'ble Chief Justice shall be the Chairman of the High Court Legal Services Committee.

9.3 Experience, qualification and honorarium of the Secretary to the High Court Legal Services Committee.

A person shall not be qualified for appointment as Secretary to the High Court Legal Services Committee unless he is an officer of the High Court not below the Rank of Joint Registrar, belonging to the Uttaranchal Higher Judicial Service and shall be paid honorarium of Rs. 1,000/- per month or such amount as may be fixed by the Chairman of the Committee in consultation with the Chief Justice.

9.4 Power & Function of Secretary of the High Court Legal Services Committee.

The Secretary of the Committee shall be the Principal Officer of the Committee and shall;

- (a) Be the custodian of all the assets, accounts, record and funds of the Committee and shall work under the supervision and direction of the Chairman;
- (b) Maintain or cause to be maintained true and proper accounts of receipts and disbursements of funds of the Committee in such form and in such manner, as may be specified by the State Authority;
- (c) Exercise such powers and perform such functions and discharge such duties, as may be assigned to him by the Chairman; and
- (d) Perform all other acts as may be expedient and necessary for efficient and proper performance of functions and discharge duties of the Committee.

10. Number of officers and other employees of the High Court Legal Services Committee and their conditions of service, pay and allowances.

- (1) The number of officers and other employees of the High Court Legal Service Committee shall be such as may be determined by the Government, from time to time, in consultation with the Chief Justice.
- (2) The number of officers and other employees of the High Court Legal Services Committee shall, until orders varying the same are passed under sub-rule (1), be as given in Appendix B.
- (3) All the officers and other employees other than the Secretary, working immediately before the commencement of these rules, in the High Court Legal Aid and Advice Committee shall, on such commencement be the officers and employees of the High Court Legal Services Committee.
- (4) The officers and other employees of the High Court Legal Services Committee shall be entitled to such pay and allowances as may be determined by the Government, from time to time in consultation with the Chief Justice.
- (5) The scales of pay at the time of commencement of these rules are as given in the Appendix B.
- (6) Until the terms and conditions of service of officers and other employees of the High Court Legal Services Committee are prescribed, their qualifications, procedure for recruitment and other conditions of service including disciplinary matters, leave, provident fund and other matters shall be the same as that of the officers and employees of similar category in the Government and rules relating thereto shall Mutatis Mutandis apply.
- (7) The officers and other employees of the High Court Legal Services Committee shall be entitled

to such other facilities, allowances and benefits as may be determined by the Government, from time to time, in consultation with the Chief Justice.

11. Number, duration, experience and qualifications of Chairman & other members of District Authority.

- (1) District Judge, shall be ex-officio Chairman of the District Legal Services Authority. For exceptional services rendered by any District Judge/Chairman of the District Legal Service Authority in this field, he may be paid such amount as honorarium as is fixed by the Executive Chairman in consultation with the Chief Justice and an appropriate entry may also be made in his Annual Confidential Report for the excellent/outstanding work done by him.
- (2) In addition to members nominated under sub-rule (3), a District Authority shall consist of the following ex-officio members-
 - (a) District Magistrate;
 - (b) Senior Superintendent of Police or Superintendent of Police, as the case may be;
 - (c) Chief Judicial Magistrate;
 - (d) District Government Counsel (Civil);
 - (e) District Government Counsel (Criminal);
 - (f) District Government Counsel (Revenue);
 - (g) President of the Bar Association.
- (3) The Government may, in consultation with the Chief Justice, nominate six other members of a District Authority from amongst the persons possessing the experience and qualifications specified in sub-rule (4). The term of such members shall be two years and they shall also be eligible for re-nomination.
- (4) A person shall not be qualified to be nominated as member of a District Authority, unless he is-
 - (a) an eminent social worker who is engaged in the upliftment of the weaker sections of the society, including Scheduled Castes, Scheduled Tribes, Women, Children, rural and urban labour;
 - (b) an eminent person in the field of law; or
 - (c) a person of repute who is specially interested in the implementation of the Legal Services Schemes.

12. Number of Officers and other employees of District Authority-

- (1) Civil Judge (Sr. Div.) or in his absence Chief Judicial Magistrate, as the case may be, shall be ex-officio Secretary of the District Legal Services Authority and shall be paid honorarium of Rs.500/- per month or such amount as may be fixed by the State Authority in consultation with the Chief Justice.
- (2) The number of officers and other employees of a District Authority shall be such as may be determined by the Government, from time to time, in consultation with the Chief Justice.
- (3) All the officers and other employees working, immediately before the commencement of these rules, in a District Legal Aid and Advice Committee shall, on such commencement, be the officers and employees of the District Authority.

13. Conditions of service, pay and allowances of the officers and other employees of District Authority-

- (1) The officers and other employees of the District Authority shall be entitled to such pay and allowances, as may be determined by the Government, from time to time, in consultation with the Chief Justice.
- (2) The scales of pay at the time of the commencement of these rules are as given in Appendix C.
- (3) The officers and other employees of the District Authority shall be entitled to such other facilities,

allowances and benefits, as may be determined by the Government, from time to time, in consultation with the Chief Justice.

- (4) Until terms and conditions of service of officers and other employees of the District Authority are prescribed, their qualifications, procedure for recruitment and other conditions of service including disciplinary matters, leave, Provident Fund and other matters shall be the same as that of the officers and employees of a similar category in the Government and rules relating there to shall mutatis mutandis apply.

14. Number, duration, experience and qualifications of other members of Taluk/Tehsil Legal Services Committee-

- (1) A Taluk/Tehsil Legal Services Committee shall have not more than five members.
- (2) In addition to members nominated under sub-rule (3) a Taluk/Tehsil Legal Services Committee shall consist of the following ex-officio members.
- (a) The senior most Judicial Officer of any rank, if posted at Tehsil or in Sub-Division, shall act as Chairman and such Junior most officer shall act as a Secretary of the Taluk/Tehsil Legal Services Committee. In case, only one Judicial officer is posted, Tehsildar shall act as a Secretary and the Secretary shall be paid honorarium @ Rs. 300/- per month or such amount as may be fixed by the State Government in consultation with Chief Justice.
- (b) In absence of a Judicial Officer, the Sub Divisional Officer, if posted in Taluk/Tehsil shall act as president and Tehsildar shall act as a Secretary.
- (c) The senior most Gazetted Police Officer posted within the local limits of the Tehsil.
- (3) The Government may in consultation with the Chief Justice, nominate two or three other members of a Taluk/Tehsil Legal Services Committee from amongst the persons possessing the qualifications and experience specified in sub-rule (4). The term of such members shall be two years and they shall also be eligible for re-nomination.
- (4) A person shall not be qualified to be nominated as member of a Taluk/Tehsil Legal Services Committee, unless he is-
- (a) an eminent social worker who permanently resides within the local limits of the Tehsil concerned and is engaged in the upliftment of the weaker sections of the society, including Scheduled Castes, Scheduled Tribes, Women, Children, rural and urban labour.
- (b) an eminent person in the field of law; or
- (c) a person of repute who is specially interested in the implementation of the Legal Services Schemes.

15. Number of officers and other employees of Taluk/Tehsil Legal Services Committee -

- (1) The number of officers and other employees of a Taluk/Tehsil Legal Services Committee shall be such as may be determined by the Government, from time to time, in consultation with the Chief Justice.
- (2) The officers and other employees of a Taluk/Tehsil Legal Services Committee shall be entitled to such pay and allowances as may be determined by the Government from time to time, in consultation with the Chief Justice.
- (3) The officers and other employees of a Taluk/Tehsil Legal Services Committee shall be entitled to such other facilities, allowances and benefits as may be determined by the Government from time to time, in consultation with the Chief Justice.
- (4) Until terms and conditions of service of officers and other employees of Tehsil Legal Services Committee are prescribed, their qualifications, procedure for recruitment and other conditions of service including disciplinary matters, leave, Provident Fund and other matters shall be the same as that of the officers and employees of similar category in the Government and rules relating thereto shall mutatis mutandis apply.

16. Entitlement to Free Legal Services-

- (1) Every person who is to file or has filed or to defend a case shall be entitled to free legal services from State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority or Taluk Legal Services Committee as the case may be, under this Act, if that person is-
- a member of a Scheduled Caste or Scheduled Tribe;
 - a victim of trafficking in human beings or beggar as referred to in Article 23 of the Constitution;
 - a woman or a child;
 - a mentally ill or otherwise disable person;
 - a person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
 - an industrial workman; or
 - 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 juvenile home within the meaning of clause (i) of section 2 of the Juvenile Justice Act, 1986 in psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987; or
 - in receipt of annual income from all sources less than rupees fifty thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court.
 - Ex-service man;

17. LOK ADALATS, CONCILIATION CENTRES & LEGAL LITERACY CAMPS.**17.1 Experience and qualifications for other persons under sub-section (4) of section 19-**

A person shall not be qualified to be included in the Bench of Lok Adalat, unless he is-

- an eminent social worker who is engaged in the upliftment of the weaker sections of the society, including Scheduled Castes, Scheduled Tribes, women, children and urban labour; or
- a lawyer of standing; or
- a person of repute who is specially interested in the implementation of the Legal Services Schemes and Programmes.

17.2 Lok Adalat, Literacy Camps & Conciliation Centres in High Court

The Chairman of the High Court Legal Services Committee, in consultation with the Chief Justice, shall constitute benches of Lok Adalats as and when necessary. Each bench shall comprise of any two or three of the following, namely:-

- A serving or retired Judge of the High Court or any other retired Judicial Officer not below the rank of District Judge;
- Member Secretary/ Secretary of the High Court Legal Services Committee;
- A member of the legal profession having not less than 10 years of practice;
- A local social worker of repute who is engaged in the upliftment of the weaker sections of the society.

17.3 Chairman of the High Court Legal Services Committee in consultation with the Chief Justice shall also constitute a conciliation centre in High Court to provide legal services to the person who satisfies the criteria laid down under the Act and also to scrutinize cases for referring them to the Lok Adalats for decision. The conciliation centre shall be headed by the Secretary of the Committee with any two of the following, namely:-

- A member of the legal profession having not less than 10 years of practice.
- A local social worker of repute who is engaged in the upliftment of the weaker sections of the society.

17.4 The Chairman of the High Court Legal Services Committee in consultation with the Chief Justice can also hold and organize Legal Literacy Camps at such places in the State as are deemed fit and necessary to achieve the objects of the Act.

17.5 The expenditure incurred for organizing a Lok Adalat shall not exceed Rs.10000/- or such other amount as may be fixed from time to time by the State Authority in consultation with the Chief Justice. The expenditure incurred for organizing a Literacy Camp shall not exceed Rs.15000/- or such other amount as may be fixed from time to time by the State Authority in consultation with the Chief Justice.

17.6 Lok Adalat, Conciliation Centre & Literacy Camps by District Authority.

Apart from traditional Lok Adalats, the Chairman of the District Authority shall hold at least one Lok Adalat and one Legal Literacy Camp in his District at District Headquarter or in any of the Tehsil in a month. Such Lok Adalats can however be held on any Saturday or Sunday of the month as per the number of cases referred to such Lok Adalat. Once a case is referred to such Lok Adalat, it can be adjourned to the next Lok Adalat till an amicable solution is reached or till such time, it is felt that no amicable solution is possible and case will have to be sent back to the concerned court for decision in accordance with law. The Presiding Officer of such Lok Adalat may be paid such amount as honorarium as is fixed by the State Authority in consultation with the Chief Justice. The officers can however be motivated by other incentive such as suitable entries in their Annual Confidential Reports for the excellent work in the field of Lok Adalat and Literacy Camps. More benches of Lok Adalats as per the need in their respective Districts/Tehsil can however be constituted by the District Authority depending upon the number of such cases referred to such Lok Adalats. Each bench shall comprise of one or two of the following, namely:-

- (i) A Judicial Officer serving in the District Headquarter or at Tehsil.
- (ii) A member of the legal profession having at least 7 years of practice.
- (iii) A (local) social worker of repute who is engaged in the upliftment of the weaker sections of the Society.

Note: If suitable members from persons mentioned in sub-clause 'b' or 'c' above are not readily available, the Judicial Officer alone can constitute the Lok Adalat.

17.7 The limit of the expenditure to be incurred in organizing a Lok Adalat or a Literacy Camp in District Headquarter or at Tehsil Headquarter shall be the same as prescribed under rule 17.5.

17.8 The Executive Chairman of the State Authority shall constitute conciliation Centre/Centres in each District Headquarter and at Tehsil Headquarter for active legal advice and assistance to all persons entitled for it under the Act to resolve the dispute and also to scrutinize cases for referring to Lok Adalat. Such conciliation centre at District Headquarter shall be headed by the Chairman of the District Authority and at Tehsil Headquarter by the Chairman of the Tehsil Committee with one or two of the following members, namely:-

- (i) A member of the legal profession having not less than 10 years of practice.
- (ii) A local social worker of repute who is engaged in the upliftment of the weaker sections of the society.

In case more than one centre in the District/ Tehsil has been created, it can be manned by any person of the legal profession having not less than ten years of practice.

17.9 State Level Conciliation Centres-

The Executive Chairman in his discretion shall constitute one or more conciliation centre at State level for active legal help and assistance to all those who are entitled for such services under the Act to resolve the dispute amicably so as to achieve the objectives of the Act fully. Such Centres at State level shall be headed by Member Secretary of the State Legal Services Authority or by any other person nominated by the Executive Chairman, if more than one such centres are constituted.

In each such centre one or two of the following members may also be nominated by the Executive Chairman for assistance namely:-

- (i) A member of the legal profession having not less than 10 years of practice.
- (ii) A local social worker of repute who is engaged in the upliftment of the weaker sections of the Society.

In case more than one such centre have been created, a member of the legal profession having not less than ten years of practice can be deputed to such centre.

17.10 Payment of the honorarium to the person deputed at conciliation centre/centres.

Subject to the availability of funds from Central Authority or from State Govt., the Executive Chairman in consultation with the Central or State Authority, as the case may be, shall be free to fix such amount of honorarium as is deemed fit and necessary for payment to persons nominated to work in such conciliation centre constituted at High Court Level, State Level or at District/ Tehsil Level, as the case may be.

17.11 Payment of Fees to the Panel Lawyers

The State Authority in consultation with the Chief Justice shall fix the quantum of fees to be paid to the Panel lawyers for extending legal advice, aid and assistance to the poor as per the decision of the State or District Authority. Such payment schedule adopted by the State Authority for the time being in force is given in Appendix 'D'. Such payment can however be enhanced by the State Authority in consultation with the Chief Justice as is deemed fit and necessary.

PERMANENT LOK ADALAT

18. Appointment and conditions of Service, Pay and Allowances of Chairman of Permanent Lok Adalat

- (a) a person who is or has been a District Judge or Additional District Judge or has held judicial office equivalent to that of a District Judge, shall be the Chairman of Permanent Lok Adalat.
- (b) He shall be appointed by the State Government on the recommendation of State Authority for a term not exceeding 5 years or till he attains the age of 67 years whichever is earlier.
- (c) When a serving judicial officer is appointed as Chairman, he shall be entitled to the salary and allowances and all other perquisites as were admissible to him as a Serving Officer, but when a retired Judicial Officer is appointed as Chairman, he shall be entitled to the salary and allowances and all other perquisites last drawn by him as a serving judicial officer minus the amount of pension fixed on retirement of such Judicial Officer.

19. Appointment and Sitting Fees and other allowances of other persons of Permanent Lok Adalat.

- (a) Two other members having adequate experience in public Utility Service shall be appointed by the State Government on recommendation of the State Authority.
- (b) Such members shall hold office for a term not exceeding 3 years, which may be extended for a further period of 2 years by the Government in consultation with the State Authority.
- (c) Such members shall be entitled to a Sitting Fee of Rs. 500/- per sitting.
- (d) The Chairman and other persons shall be entitled to such travelling and daily allowances on official tour as admissible to Group 'A' officer of State Government.
- (e) For the purpose of attending the sitting of Permanent Lok Adalat, such other person shall be entitled to conveyance allowance of Rs.2500/- per month.

- (f) Before appointment, the Chairman and other person shall have to give an undertaking that he does not and will not have any such financial or other interest as is likely to affect prejudicially his function as Chairman or other person.
- (g) Notwithstanding anything contained in the foregoing provisions, the Chairman or other persons may:-
- (a) by writing under his hand and addressed to the State Authority or, as the case may be, the District Authority, resign his office at any time;
- (b) be removed from his office in accordance with the provisions of rule 20.
- (h) When the Chairman is unable to discharge his functions owing to absence, illness or, any other cause, the senior-most (in order of appointment) person of Permanent Lok Adalat holding office for the time being shall discharge the functions of the Chairman until the day on which the Chairman resumes the Charge of his functions.
- (i) The Chairman or any Other Person ceasing to hold office as such shall not hold any appointment in, or be connected with, the management or, administration of an Organization which has been the subject of the proceeding under the Act during his tenure for a period of five years from the date on which he ceases to hold such office.

20. Resignation and removal-

The State Authority or District Authority, as the case may be, may remove from office, Chairman or any other member of Permanent Lok Adalat, who:-

- (a) has been adjudged an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the Authority, involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as such Chairman or Other Person; or
- (d) has acquired such financial or other interest as it likely to affect prejudicially his functions as Chairman or member; or
- (e) has or so abused his position as to render his continuance in office prejudicial to the public interest;

Provided that the Chairman or any other member shall not be removed from his office on the grounds specified in clauses (d) and (e), except on inquiry held in accordance with the procedure prescribed in rule 21.

21. Procedure for inquiry-

- (1) When the State Authority or, as the case may be, District Authority is of the opinion that an allegation; under clause (d) or Clause (e) of rule 5 is required to be inquired into, it may hold an inquiry against the accused person and shall draw or cause to be drawn up the substance of the allegation which shall contain a statement of relevant facts and a list of documents and witnesses.
- (2) The State Authority or, as the case may be, District Authority shall deliver or, cause to be delivered to accused person a copy of the allegation and a list of documents and witnesses and shall require him to submit within such time as may be allowed, a written reply or statement of his defence.
- (3) If the allegations are admitted by the accused person, the State Authority or, as the case may be, District Authority shall record reasons and remove the accused person.
- (4) Where the charges have been denied by the accused person, the State Authority or, as the case may be, District Authority may appoint an Officer to inquire into the truth of the allegations and it may also appoint a Presenting Officer to present the case on behalf of the State Authority or, as the case may be, District Authority before the Inquiry Officer.
- (5) The Enquiry Officer shall give an opportunity to the Presenting Officer to present the case within such time as may be allowed by him from time to time. After the evidence is closed by

the Presenting Officer, the accused person, shall be given an opportunity to present his defence in respect of allegations within such time as may be allowed by the Enquiry Officer.

- (6) The Enquiry Officer shall have power to call witnesses and record their statements or receive evidence on affidavits or call for production of documents or other relevant records, which may be necessary for the enquiry.
- (7) The Enquiry Officer shall submit his report within a period of six months or within such time as may be extended by the State Authority or, as the case may be, District Authority.
- (8) If the State Authority or, as the case may be, District Authority is satisfied that the charges are proved on the basis of the report submitted by the Enquiry Officer, it shall remove the delinquent Chairman or the member, as the case may be.

22. Place of Sittings-

- (1) The Permanent Lok Adalat may sit at a place specified by the State Authority or the District Authority, as the case may be.
- (2) The working days and office hours of the Permanent Lok Adalat shall be the same as that of the State Government, as the case may be.
- (3) The sitting of the Permanent Lok Adalat, as and when necessary, shall be convened by the Chairman.

23. Staff of Permanent Lok Adalat-

The State Government, as the case may be, shall provide such staff as may be necessary to assist the Permanent Lok Adalat in its day-to-day work and perform such other functions as is provided under the Act and these rules, which are assigned to it by the Chairman. The salary payable to such staff shall be defrayed out of the Consolidated Fund of State, as the case may be.

24. Saving and Repealing Clause:-

- (1) With the coming into force, the Uttaranchal State Legal Services Authority Rules 2006, the Uttar Pradesh State Legal Services Authority Rules 1996, shall stand repealed in their application to the State of Uttaranchal.
- (2) However, all acts done and action taken under Uttar Pradesh State Legal Services Authority Rules 1996, before coming into force these Rules, shall stand protected.

APPENDIX 'A'

[See Rules 7 (2) and 8 (2)]

S. No.	Name of post	Number of post	Scales of pay
1.	Secretary	1	Selection scales of pay admissible to the members of the Uttaranchal Higher Judicial service.
2.	Officer-on-Special Duty	1	Civil Judge (Sr. Div.) rank.
3.	Personal Secretary	1	Rs.6500-10200
4.	Personal Assistant	2	Rs.5500-9000
5.	Stenographer	2	Rs.4000-6000
6.	Administrative Officer	1	Rs.5500-9000
7.	Upper Division Assistant	2	Rs. 4500-7000
8.	Accounts Clerk	1	Rs. 4000-6000
9.	Typist	2	Rs.3050-4590
10.	Junior Clerk	2	Rs.3050-4590
11.	Library Clerk	1	Rs.3050-4590
12.	Orderly/Peon	6	Rs.2550-3200
13.	Daftary/Machine Operator	1	Rs.2610-3550
14.	Driver	3	Rs.3050-4590
15.	Sweeper-cum-Farrash	1	Rs. 2000.00 per month fixed pay

APPENDIX 'B'

[See Rules 10(2) and 10(5)]

S. No.	Name of post	Number of post	Scales of pay
1.	Clerk	2	Rs.3050-4590
2.	Orderly/Peon	2	Rs.2550-3200

APPENDIX 'C'

[See Rules 12(2) and 13(2)]

S. No.	Name of post	Number of post	Scales of pay
1.	Clerk	13	Rs.3050-4590
2.	Peon	13	Rs.2550-3200

APPENDIX-D
[See Rule 17(11)]

For Service Tribunal

- | | | |
|---|---|---|
| 1. For Conducting the proceedings Before the Tribunal | — | For first 3 days Rs. 150, thereafter Rs. 100 for each day but subject to maximum of Rs. 1500. |
| 2. For giving legal advice | — | Rs. 250 per case |
| 3. Drafting & Pleading which includes rejoinder as well as affidavit. | — | Rs. 500 including advice |

For Labour Courts

- | | | |
|--|---|---------|
| 1. For the drafting, pleading including legal advice for a case. | — | Rs. 250 |
|--|---|---------|

For Magistrate Court

Bail Application

- | | | |
|-----------------------------------|---|-----------------------------|
| 1. Bailable Cases | — | Rs. 100 per application |
| 2. Non Bailable Cases | — | Rs. 300 per application |
| 3. Miscellaneous application | — | Rs. 250 per application |
| 4. Appeal/Revision (Panchayat) | — | Rs. 300 per appeal/revision |
| 5. Legal Advice in Civil Cases | — | Rs. 250 per case |
| 6. Legal Advice in Criminal Cases | — | Rs. 250 per case |

In Revenue Cases including consolidation matters

1. High Court	—	Rs. 2500
2. Revenue Board	—	Rs. 1500 per case
3. Commissioner/Add.Com./ DDC/Joint Director	—	Rs. 1000 per case
4. Assistant Collector/S.O.C./ Additional Collector	—	Rs. 750 per case
5. Tehsildar/A.C.O./C.O.	—	Rs. 500 per case
6. Legal Advice in Revenue matters	—	Rs. 300 per case

Session Cases

1. Conducting before the Sessions Courts	—	For 3 days Rs. 200 per day subject to maximum Rs. 2000 for the whole case.
2. Criminal Appeal from 1st Class Magistrate	—	Rs. 1000 per appeal
3. Criminal Appeal against Magistrate 2nd Class's order	—	Rs. 500 per appeal
4. Criminal Revision	—	Rs. 1000 per revision
5. Bail Application	—	Rs. 500

Judicial Magistrate/Chief Judicial Magistrate/Civil Judge/Senior Civil Judge

1. Original Civil Suit	—	Rs. 1000 per case
2. Trial or Warrant Cases	—	Rs. 1000 per case
3. Summon Cases	—	Rs. 500 per case
4. Committal to session Cases including remand proceedings	—	Rs. 250 per case

District and Session Judge/Additional District and Session Judge/Family Court

1. Opinion in Civil Cases	—	Rs. 300 per case
2. Opinion in Criminal Cases	—	Rs. 300 per case
3. Drafting of Civil Pleadings	—	Rs. 500 per case
4. Drafting of Criminal Complaint	—	Rs. 500 per case
5. Matrimonial/Rent Cases	—	Rs. 1500 per case
6. Civil Appeal	—	Rs. 1500 per appeal
7. Case decided Ex-party or Case withdrawn or Case leading to compromise	—	Rs. 500 per case
8. Civil Revision	—	Rs. 750 per revision
9. Criminal Appeal	—	Rs. 750 per appeal
10. Application for insolvency or succession certificate	—	Rs. 750 per application

Motor Accident Claim Cases

1. In Case of Injuries	—	Rs. 1000 per case
2. In Case of Death	—	Rs. 1000 per case

High Court

1. Writ Petition	—	Maximum Rs. 4000 per Case excluding other incidental expenditure after disposal of cases at High Court Level.
2. Habeas Corpus Petition	—	Rs. 2500 per petition
3. 1st Appeal Civil	—	Rs. 3000 per appeal
4. Civil Revision	—	Rs. 750 per revision
5. Criminal Appeal	—	Rs. 2000 per appeal
6. Criminal Revision	—	Rs. 750 per revision
7. Bail Application	—	Rs. 1500

8. Written Legal Opinion in Civil Suits	—	Rs. 750 per opinion
9. Preparation of affidavit & Miscellaneous	—	Rs. 750 per draft

Misceilaneous

1. Execution Cases	—	Rs. 1000 per case
2. Jail Meeting	—	Rs. 250/-

By order of
Smt. Indira Ashish,
Secretary,
Law cum Legal Remembrancer,
Government of Uttaranchal