TEHSIL LEGAL SERVICES COMMITTEES REGULATIONS, 1999[1]

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In exercise of the powers conferred by Section 29-A of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987) the Uttar Pradesh State Legal Services Authority hereby makes the following regulations :

CHAPTER I

PRELIMINARY

1. Short title and Commencement—(1) These regulations may be called the Tehsil Legal Services Committees Regulations, 1999.

(2) These regulations shall come into force with effect from the date of their publication in the Uttar Pradesh Gazette.

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2. Definitions—In these regulations, unless the context otherwise requires---

(a) *"Act"* means the Legal Services Authorities Act, 1987 (Act No. 39 of 1987);

(b) *"Aided person"* means a person who has been provided Legal Aid, Legal Advice or Legal Services in any form;

(c) *"Chairman"* mean the Chairman of Tehsil Legal Services Committee;

(d) *"Committee"* means the Tehsil Legal Services Committee;

(e) *"District Authority"* means District Legal Services Authority of the district constituted under Section 9;

(f) *"Government"* means the State Government of Uttar Pradesh;

(g) *"Member"* means a Member of the Tehsil Legal Services Committee;

(h) *"Rules"* means the Uttar Pradesh State Legal Services Authority Rules, 1996, frames under the Act;

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1. *Vide* Noti No. 29/SLSA-88-98, dated 15th March, 1999.

(i) *"Secretary"* means the Secretary of the Tehsil Legal Committee;

(j) *"State Authority"* means the Uttar Pradesh State Legal Services Authority constituted under Section 6.

CHAPTER II

SECRETARY, MEMBERS AND FUNCTIONS OF THE COMMITTEE

3. Secretary of the Committee—(1) The Tehsildar of the concerned Tehsil, shall work as Secretary of the Committee in addition to his own duties. He may be paid honorarium of Rs. 300/- per month for the performance of the functions and duties as Secretary.

(2) The Secretary shall be the principal officer of the Committee, he shall—

(a) Be the custodian of all the assets, accounts, records, grants, funds and receipts. He shall work under the supervision and directions of the Chairman of the committee and district Authority;

(b) maintain or cause to be maintained true and proper accounts of receipts and disbursements of the 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 duties as may be assigned to him by the Chairman of the Committee and of the District Authority;

(d) Perform all other acts as may be expedient and necessary for efficient and proper discharge of the duties and functions of the Committee.

4. Terms of office and other conditions of the Members—(1) The terms of the office of a Member of the Committee nominated under sub-rule (3) of the Rule 14 shall be two years; however he shall be eligible for re-nomination.

(2) A Member of the committee nominated under sub-rule (3) of Rule 14may be removed by the Government, if in the opinion of the Government, it is not desirable to continue him as Member.

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(3) If any vacancy occurs due to death, resignation or otherwise in the office of Member of the committee, it shall be filled for the residue of the term of his predecessor.
(4) All non official members nominated, under sub-rule (3) of Rule 14 shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed by him in connection with the work of the Committee at the rates admissible to Group-A Officer of the State Government.

5. Office of the Committee--- The Committee shall have its office within the Tehsil Campus.

6. Transaction of business of the Committee—(1) The Committee shall meet once in every six months provided that the Chairman may convene a meeting of the Committee whenever any business is to be transacted.

(2) Annual general meeting of the Committee shall be convened, ordinarily in the month of April every year or in such other month as may be directed by the Chairman.

(3) A meeting of the Committee shall be presided over by the Chairman.

(4) The quorum for a meeting shall be three Members including the Chairman.

(5) For every meeting of the Committee atleast two weeks notice shall be given to the Members to attend the meeting how ever, an emergent meeting may be convened by the Chairman on a short notice.

(6)The Committee shall regulate its own procedure.

(7) One or more persons who are engaged or interested in the upliftment of the weaker sections of the society, who are considered suitable by the Chairman, may be invited, for any meeting in order to seek their views, cooperation and help such person shall have no right to vote at such meeting.

(8) (a) All policy and other important matters shall be brought before the Committee for consideration and decision;

(b) Any specific matter or matters as may be desired or required by the Committee generally or otherwise, to be placed before it, shall be placed before the Committee for its consideration and decision;

(c) In respect of emergent matter or matters the Chairman may exercise the powers and perform the functions and discharge the duties of the Committee. All such matters shall, however be placed before the Committee for its information and approval.

(9)All decisions at the meetings shall be taken by the majority of the Members present and voting and in case of tie, the person presiding over the meeting shall have a second or casting vote.

(10) It shall be the duty of the Secretary to duly record or cause to be recorded the minutes of every meeting in the register to be maintained for the purpose.

(11) A copy of the proceeding of every meeting shall be sent to the District Authority as soon as may be after the meeting.

7. Modes of providing Legal Services—Legal Services may be given in any one or more of the following modes, namely—

(a) Towards payment of Court-fees, process-fee and other charges payable or incurred in connection with any legal proceedings;

(b) Through engagement of a Legal practitioner;

(c) For obtaining and supply of certified copies of judgment, order and other documents in legal proceedings :

Provided that payment of court-fee/process fee and other expenses shall be allowed to the extent as per the general orders of the State Authority.

8. Application for Legal Services—(1) Any person requiring legal aid, legal advice or legal services may make an application addressed to the Secretary of the Committee;

(2) The Committee shall maintain a register of applications wherein all applications for legal aid, legal advice or legal Services shall be entered and registered and the action taken on such application shall be noted against the entry relating to each such applications.

9. Disposal of Application—(1) On receipt of an application for legal aid, legal advice or legal services the Secretary shall scrutinize the application to satisfy himself that the same is in order as regards eligibility and other requirements of the rules and regulations and, wherever warranted, the applicant may be required to submit further information as may be necessary.

(2) The Secretary shall consider the application and pass necessary order for granting or refusing to provide legal aid, legal advice or other legal services :

Provided that where it is proposed to disallow the application, reasons for so doing shall be duly recorded in the register of application, maintained for the purpose :

Provided further that the order of the Chairman shall be obtained before a person is denied legal aid, legal advice or legal services.

(3) No application for legal aid, legal advice or legal services shall be allowed if the Secretary is satisfied, that :

(a) The applicant has knowingly made false statement or furnished false information as regards his means or in respect of any other material fact; or

(b) There is no *prime-facie* case to institute or as the case may be to defend the proceedings; or

(c) The application is frivolous or vexatious; or

(d) The applicant is not entitled to the same under these regulations; or

(e) Having regard to all the relevant facts and circumstances of the case, it is otherwise not expedient and reasonable to grant it :

Provided that order of the Chairman shall be obtained before an application is disallowed under any of the aforesaid clauses.

10. Duty of aided person—Every aided person or his representative shall attend the office of the Committee as and when required by the Secretary or by the advocate concerned, and shall provide and furnish such particulars or information as may be considered necessary and shall make full disclosure of particulars or information so required. He shall attend the court or proceeding at his own expense.

11. Certificate of Eligibility---(1) Where an application for legal aid, legal advice or legal services is allowed, a certificate of eligibility will be issued in favour of the applicant entitlting him to legal aid, legal advice or legal services in respect of a proceeding.

(2) The certificate of eligibility shall stand cancelled if the legal aid, legal advice or legal advice is withdrawn. In every such case the advocate to whom the case of the person concerned is assigned, as also the Court or judicial or quasi-judicial authority, before which the case is pending, shall be informed accordingly in writing.

12. Cancellation of Certificate of eligibility---(1) The Committee may, either on the own motion or otherwise, cancel the certificate of eligibility granted under Regulation 11 in the following circumstances, namely :

(a) In the event of being found that the certificate of eligibility was obtained by the aided person by misrepresentation or fraud;
(b) In the event of any material change in the circumstances of the aided person;
(c) In the event of any misconduct, misdemenour or negligence on the part of the aided person in the course of proceedings;
(d) In the event of the aided person not cooperating with the committee or with the advocate provided by the committee;
(e) In the event of the aided person engaging an advocate at his own expense who in the opinion of the Secretary can suitably look after the matter;
(f) In the event of death of the aided person, however, in the case of civil proceedings where the right or liability services; legal services may be continued where the legal representative is also eligible for such aid.

(2) No certificate of eligibility shall be cancelled under clause (1) without affording an opportunity to the aided person or to his legal representative in the event of his death to show cause as to why the certificate should not be cancelled.

(3) Where the certificate of eligibility of aided person is cancelled under Sub-regulation (1) legal aid, legal advice or legal service shall be discontinued and the amount already given for such legal aid, legal advice or legal services may be recovered in full or part as may be decided by the Secretary with the approval of the Chairman.

13. Fee or Honorarium payable to Legal Practitioners on the Panel---(1) A panel of suitable Advocates who are agreeable to conduct the cases or proceedings on behalf of the person in whose favour a certificate of eligibility has been issued shall be prepared by the Committee with the prior approval of the Chairman of the District Authority, Ordinarily the panel so prepared shall be valid for two years. Such Advocates shall be paid fee or honorarium at such rates as may be determined, from time to time, by the State Authority .

(2) No Legal Practitioner to whom any case is assigned for legal aid, legal advice or legal services shall receive any fee or remuneration, whether in cash or in kind or any other person on his behalf.

(3) A legal practitioner on the panel, who has completed his assignment, shall submit a statement showing the fee or honorarium due to him in connection with the legal proceedings conducted by him on behalf of the aided person to the Secretary who shall after due scrutiny and approval of the Chairman, sanction the amount to be paid to the Advocate concerned.

(4) An Advocate may provide legal aid, legal advice or legal services without charging any fee or honorarium.

(5) The Chairman, in suitable cases, appoint any Advocate, not on panel, to file or defend a case.

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