THE SUPREME COURT LEGAL SERVICES COMMITTEE REGULATIONS, 1996[1]

In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987, the Central Authority hereby makes the following regulations, namely:–

1. Short title and commencement.—(1) These regulations may be called the Supreme Court Legal Services Committee Regulations, 1996.

(2) They shall come into force on the date of their publication in the Official Gazette.

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

(a) "Act" means the Legal Services Authorities Act, [2][1987] (39 of 1987);

(b) "Central Authority" means the National Legal Services Authority constituted under section 3 of the Act;

(c) "Chairman" means the Chairman of the Supreme Court Legal Services Committee;

(d) "Committee" means the Supreme Court Legal Service Committee;

(e) "legal service advocate" means an advocate who has been assigned any work related to legal service;

(f) "Legal Service Counsel-cum-Consultant" means an Advocate appointed as legal service Counsel-cum-Consultant by the Committee;

(g) "Member" means the Secretary of the Committee appointed under sub-section (3) of section 3A of the Act.

3. General effect of vesting.—On and from the date of commencement of these regulations,—

(1) All the assets, liabilities, rights, title and interest of the erstwhile Supreme Court Legal Aid Committee stand transferred to, and vest in, Supreme Court Legal Services Committee;

(2) The staff who have been serving under the erstwhile Supreme Court Legal Aid Committee shall be deemed to be working for the Supreme Court Legal Services Committee;

(3) The Committee shall pay the fee bills submitted by the Legal Aid Panel Lawyers for their professional services and all other dues incurred by and which have been pending before the erstwhile Supreme Court Legal Aid Committee after verifying the same;

(4) The Committee shall become successor of the erstwhile Supreme Court Legal Aid Committee and will honour all the commitments made by the erstwhile Supreme Court Legal Aid Committee in so far

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1. *Vide* G.S.R. 336 (E), dated 26th July, 1996 published in the Gazette of India, Extra., Pt. II, Sec. 3 (ii), dated 26th July, 1996.

2. Subs by G.S.R. 425 (E), dated 10th June, 1999 (w.e.f. 10-6-1999).

as providing legal aid in cases before Supreme Court of India, is concerned. No asset or liability of the Supreme Court (Middle Income Group) Legal Aid Committee will devolve on the Committee, but the Committee may extend such facilities of its establishment to the said Supreme Court (Middle Income Group) Legal Aid Committee as the chairman may approve.

4. The term of office and other conditions relating thereto of the members of the Committee.—(1) The term of the office of a member of the Committee, other than *ex officio* member, shall be two years.

(2) Where a person is nominated as a *ex officio* member, such person shall cease to be a member of the Committee if he ceases to hold the post or office by virtue of which he has been nominated as a *ex officio* member.

(3) Any vacancy in the office of a member of the Committee shall be filled up in the same manner as the originally appointed member and the person so nominated shall continue to be a member for the remaining period of term of office of that member in whose place he has been nominated.

(4) A member other than *ex officio* member shall be eligible for nomination for not more than two term.

5. Powers and functions of the Committee.—The powers and functions of the Committee shall be:—

(a) To administer and implement the legal services programme in so far as it relates to the Supreme Court of India and for this purpose take all such steps as may be necessary and to act in accordance with the directions issued by the Central Authority from time to time;

(b) To receive and scrutinise applications for legal services and to decide all questions as to the grant of or withdrawal of legal service;

(c) To maintain panels of advocates on record and of senior advocates in the Supreme Court for giving the legal advice;

(d) To decide all matters relating to payment of honorarium, costs, charges and expenses of legal services to the advocates on record and to senior advocates of the Supreme Court;

(e) To prepare and submit returns, reports and statistical information in regard to the legal services programme to the Central Authority.

6. Functions and powers of the Chairman.—(1) The Chairman of the Committee shall be in overall charge of administration and implementation of the programmes of the Committee:

Provided that the Chairman shall not directly concern any question as to grant or withdrawal of legal service to any person.

(2) The Chairman shall cause the meetings of the Committee convened through the Secretary at least once in a period of three months.

(3) The Chairman shall preside over the meetings of the Committee.

(4) The Chairman shall have all the residuary powers of the Committee.

7. Terms and conditions of service of the Secretary.—(1) The term of the Office of the Secretary shall be three years.

(2) The Secretary shall be entitled to receive such honorarium as fixed by the Chairman,

(3) The Secretary can be removed at any time by the Chief Justice of India.

8. Functions and powers of the Secretary.—(1) The Secretary shall be the principal officer of the Committee and shall be the custodian of all assets, accounts, records and funds at the disposal 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.

9. Meetings of the Committee.—(1) The committee shall meet at least once in three months on such date, and at such place as the Chairman may direct.

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

(3) 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 member of the Committee. A copy of the minutes shall, as soon as may be, after the meeting, be forwarded to the Executive Chairman of the Central Authority.

(4) The quorum for the meeting shall be four including the Chairman.

(5) All questions which come up before any meeting of the Committee shall be decided by a majority of votes of the members present and voting, and in case of a tie, the Chairman or the person presiding shall have the right to exercise a second or casting vote.

10. Funds, audit and accounts of the Committee.—(1) The Committee shall maintain a Fund to be called Supreme Court Legal Services Committee Fund to which shall be credited,—

(a) such amounts as may be allocated and granted to it by the Central Authority;

(b) all such amounts received by the Committee by way of donations;

(c) all such amounts by way of costs, charges and expenses recovered from the persons to whom legal service is provided or the opposite party.

(2) All the amounts credited to the said Fund, shall be deposited in a nationalised bank.

Explanation.—In the sub-regulation "nationalised bank" means a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

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

(4) All expenditure on legal service, accommodation and staff of the Committee as also expenditure necessary for carrying out the various functions of the Committee shall be met out of the Funds of the Committee and in accordance with the prior approval of the Chairman.

(5) The funds of the Committee may be utilised for meeting the expense incurred on or incidental to travels undertaken by the Chairman or other members of the Committee or the Secretary in connection with legal services activities. The travelling allowance and the dearness allowance payable to the Chairman, the *ex-officio* members and the Secretary shall be such as to which they are entitled by virtue of their respective offices held.

(6) The secretary of the Committee and one member of the Committee designated bythe Chairman for this purpose shall jointly operate the bank accounts of the Committee in accordance withthe directions of the Chairman.

(7) The Committee shall cause to be kept and maintained true and correct accounts of all receipts and disbursements and furnish quarterly returns to the Central Authority.

(8) The accounts of the Committee shall be audited annually by a qualified Auditor and submitted to the Central Authority.

11. Application for legal services.—(1) Any person deserving legal service for bringing or defending any action in the Supreme Court may make an application in writing in that behalf. However, if the applicant is illiterate or is not in a position to write, the Secretary or an officer of the Committee shall record his verbal submissions an obtain his thumb impression/signature on the record and such record will be treated as his application.

(2) The Committee shallmaintain a register of applications wherein all applications for legal service shall be entered and registered date wise and the action taken on such applications shall be noted against the entry relating to such applications.

12. Disposal of applications.—(1) On receipt of an application for legal service mentioned in Regualtion 11, the Secretary shall first cause the eligibility of the applicant as per the provisions of the Act read with the rules, exxamined and determined.

(2) If the applicant satisfies the eligibility criteria, the Secretary shall proceed to examine the merit of his application. For examining the merits of the application, the secretary may take the assistance of legal services advocates or other advocate willing to provide free legal advice. The secretary may also take the advice of the Legal Service Counsel-cum-Consultant employed by the Committee. The Secretary shall not be precluded from seeking more than one opinion if any particular case requires in-depth examination.

(3) In case the applicant satisfies the eligibility criterial and also has merit in his application, the Secretary shall proceed to decide the mode of legal service.

(4) An application for the grant of legal services in any matter if it is not found fit may be rejected, for the reasons to be recorded in writing, by the Secretary.

(5) In case of refusal for the grant of legal services, the Secretary shall inform the applicant in writing of such refusal.

(6) The applicant whose application for grant of legal services has been rejected may prefer an appeal before the Chairman for a decision.

13. Modes of Legal Services.—Legal services to be provided may include any one or more of the following:—

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

(b) charges for drafting, preparing and filling of any legal proceedings and representation by a legal practitioner in legal proceedings;

(c) cost of obtaining and supply of certified copies of judgments, order and other documents in legal proceedings;

(d) cost of preparation of paper book (including paper, printing and translation of documents) in legal proceedings and expenses incidental thereto.

14. Legal Services not to be provided in certain cases.—Legal services shall not be given in the following cases, namely:—

(1) Proceedings wholly or partly in respect of—

(a) defamations; or

(b) malicious prosecution; or

(c) a person charged with contempt of court proceedings; and

(d) perjury.

(2) Proceedings relating to any election.

(3) Proceedings incidental to any proceedings referred to in sub-regulations (1) and (2).

(4) Proceedings in respect of offences where the fine imposed is not more than Rs. 50.

(5) Proceedings in respect of economic offences and offences against social laws, such as, the Protection of Civil Rights Act, 1955, and the Immoral Traffic (Prevention) Act, 1956 unless in such cases the aid is sought by the victim:

Provided that the Chairman may in an appropriate case grant legal services even in such proceedings.

(6) Where a person seeking legal services,—

(a) is concerned with the proceedings only in a representative or official capacity; or

(b) is 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.

15. Legal Services may be granted in certain cases.—Irrespective of the means test, legal service may be granted—

(a) in cases of great public importance; or

(b) in a special case, reasons for which to be recorded in writing, is considered otherwise deserving of legal services.

16. Honorarium payable to legal service advocate.—(1) The legal service advocate shall be paid such honorarium as may be fixed by the Committee.

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(2) No legal service advocate to whom any case is assignment either or legal advice or for legal services 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 service advocate who has completed his assignment, shall submit a statement showing the honorarium due to him together with the report of the work done in connection with the legal proceeding conducted by him on behalf of the aided person, to the Secretary of the Committee, who shall, after due scrutiny sanction the fee and expenses payable to him. It will, however, be open to the legal service advocate to waive the honorarium wholly or partially. In case of any dispute on the quantum payable to the legal service advocate, the matter shall be placed before the Chairman for decision.

17. Duties of aided person.—(1) A person seeking legal services shall comply with any requisition or direction that may be made upon him by the Secretary of the Committee or any of its members from the date the application for legal services is made till he enjoys the legal services granted to him.

[1][***]

(3) Every aided person or his reprsentative shall attend the office of the Committee as and when required by the Committee or by the legal service advocate rendering legal aid to him and shall furnish full and true information and shall make full disclosure to the legal service advocate concerned and shall attend the court, as and when required, at his own expense.

18. Withdrawal of legal services.—(1) The Committee may either on its own motion or otherwise withdraw legal services granted to any aided person in the following circumstances, namely:—

(a) in the event of it being found that the aided person was possessed of sufficient means or that he obtained legal service 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, misdemeanor or negligence on the part of the aided person in the course of receiving legal service;

(d) in the event of the aided person not co-operating with the Committee or with the legal service advocate assigned by the Committee;

(e) in the event of the aided person engaging a legal practitioner other than the one assigned by the Committee;

(f) in the event of death of the aided person, except in the case of civil proceedings where the right or liability survives;

(g) in the event of the application for legal service or the matter in question is found to be an abuse of the process of law or of legal services:

Provided that legal service shall not be withdrawn without giving due notice thereof to the aided person or to his legal representatives in the event of his death, to show causes as to why the legal service should not be withdrawn.

1. Omitted by G.S.R. 150 (E), dated 22nd February, 2000 (w.e.f. 22-2-2000).

(2) Where the legal services are withdrawn on the grounds set out in clause (a) of sub-regulation (1) above, the Committee shall be entitled to recover from the aided person the amount of legal service granted to him.

AFFIDAVIT

I,....., aged about ..... years, son of/ daughter of/wife of Shri..... Resident of..... do hereby solemnly affirm and state as under:—

1. (a) I belong to a member of a Scheduled Castes/Scheduled Tribes.

   (b) I am a victim of trafficking in human being or a beggar.

   (c) I am eligible for legal service as I am a woman/child.

   (d) I am a mentally ill or otherwise disabled person.

   (e) I am a person under circumstances of undeserved want being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster.

   (f) I am an industrial workman.

   (g) I am in custody.

   (h) My annual income from all soucces is below Rs. 18,000/ (rupees eighteen thousand only).

   (Delete whatever is not applicable)

2. I shall comply with any requisition and direction that may be made by the Secretary or any of the members of the Supreme Court Legal Services Committee.

3. I shall furnish full and true information of all facts of my case to the legal service advocate to be provided by the Committee.

4. I seek to approach the Honourable Supreme Court of India—

   (a) in appeal from the Judgment of .....in.....

   (b) in writ jurisdiction for.....

   (Delete whatever is not applicable)

[1][***]

[2][5.] I agree that my case be listed before Lok Adalat in Honourable Supreme Court, if at any stage it is considered by the Committee that my matter can be reconciled or settled through Lok Adalat.

DEPONENT

Verification

I, Shri/Shrimati/Kumari.....the above named Deponent do hereby verify that the contents of the Pargraphs 1 to 4 are true and correct to my knowledge, nothing stated therein is false and nothing has been concealed.

Verifed on this..... day of....., 20..... at .....

DEPONENT

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1. Omitted by G.S.R. 150 (E), dated 22nd February, 2000 (w.e.f. 22-2-2000).
2. Re-numbered by G.S.R. 150 (E), dated 22nd February, 2000 (w.e.f. 22-2-2000).

THE SUPREME COURT LEGAL SERVICES COMMITTEE RULES, 2000[1]

In exercise of the powers conferred by section 27 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Government in consultation with Chief Justice of India, hereby makes the following rules, namely:—

1. Short title and commencement.—(1) these rules may be called the Supreme Court Legal Services Committee Rules, 2000.

(2) They shall come into force on the date of their publication in the Gazette of India.

2. Definitions.—In these rules unless the context otherwise requires—

(a) "Act" means the Legal Services Authorities Act, 1987 (39 of 1987);

(b) "Member" means the Members of the Supreme Court Legal Services Committee nominated under clause (b) of sub-section (2) of section 3A of the Act;

(c) "Secretary" means the Secretary of the Supreme Court Legal Services Committee appointed uner sub-section (3) of section 3A of the Act;

(d) all other words and expressions used in these rules but not defined shall have the same meaning as assigned to them in the Act.

3. The number, experience and qualifications of Members of the Supreme Court Legal Services Committee under clause (b) of sub-section (2) of section 3A.—(1) The Supreme Court Legal Services Committee shall consist of not more than nine Members.

(2) The following shall be the *ex offico* Members of the Supreme Court Legal Services Committee:—

(i) Attorney General of India;

(ii) Additional Secretary in the Department of legal Affairs, Ministry of Law, Justice and Company Affairs, Government of India or his nominee;

(iii) Additonal Secretary in the Department of Expenditure, Ministry of Finance, Government of India or his nominee; and

(iv) Registrar General of the Supreme Court of India.

(3) The Chief Justice of India may nominate other Members from amongst those possessing the qualification and experience prescribed in sub-rule (4) of the rules.

(4) A person shall not be qualified for nomination as a Member unless he is—

(a) an eminent person in the field of law; or

(b) a person of repute who is specially interested in the implementation of the Legal Services Schemes; or

(c) 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.

1. *Vide* G.S.R. 582 (E), dated 3rd July, 2000, published in the Gazette of India, Extra., Pt. II, Sec. 3 (i), dated 3rd July, 2000.

4. The experience and qualifications of Secretary of the Supreme Court Legal Services Committee under sub-section (3) of section 3A.—A person shall not be qualified for appointment as Secretary unless he is—

(a) an officer of the Supreme Court Registry not below the rank of Joint Registrar; or

(b) an officer of the rank of Director in the Central Government and possessing a degree in Law.

5. The number of officers and other employees of the Supreme Court Legal Services Committee under sub-section (5) of section 3A.—The Supreme Court Legal Services Committee shall have such number of officers and other employees for rendering secretarial assistance and for its day-do-day functions as are set out in the Schedule to these rules or as may be notified by the Central Goernment from time to time.

6. The conditions of service and the salary and allowances payable to the officers and employees of the Supreme Court Legal Services Committee under sub-section (6) of section 3A.—(1) The officers and other employees of the Supreme Court Legal Services Committee shall be entitled to draw pay and allowances in the scale of pay indicated against each post in the Schedule to these rules or at par with the Central Government employees holding equivalent posts.

(2) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the officers and employees of the Supreme Court Legal Services Committee shall be governed by the Central Government rules as are applicable to persons holding equivalent posts.

(3) The officers and other employees of the Supreme Court Legal Services Committee shall be entitled to such other facilities and benefits as may be notified by the Central Government from time to time.

Explanation.—The words "benefits", "allowances", "entitlements", "facilities" occurring in these rules shall be deemed to include, the entitlement to gratuity, provident fund, housing, medicial benefits, pension, group insurance, and all other benefits as are available to employees of the Central Government holding equivalent posts.

7. The uper limit of annual income of a person entitling him to legal services under clause (h) of section 12, if the case is before the Supreme Court.—A person whose annual income from all sources does not exceed Rs. 50,000 (Rupees fifty thousand) per annum shall be entitled to legal services under clause (h) of section 12 of the Act.

8. The experience and qualifications of other persons of the Lok Adalats organised by the Supreme Court Legal Services Committee specified in sub-section (3) of section 19.—A person shall not be qualified to be included in the Lok Adalat unless he is—

(a) a member of the legal profession; or

(b) a person of repute who is specially interested in the implementation of the Legal Services Schemes and Programmes; or

(c) 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.

[1][*SCHEDULE*

(*See* rules 5 and 6)

SANCTIONED STRENGTH OF THE STAFF OF THE SUPREME COURT LEGAL SERVICES COMMITTEE

Sl. No	Designation	Scale of pay	No. of Posts
I. Officers			
1.	Secretary	Rs. 14300-400-18300	1
2.	Legal Service Counsel-cum-Consultant	Rs. 12000-375-16500	1
3.	Superintendent	Rs. 6500-200-10500	1
		Total	3
II. Establishment			
1.	Assistant	Rs. 5500-175-9000	2
2.	Upper Division Clerk	Rs. 4000-100-6000	2
3.	Upper Division Clerk-cum-Accounts	Rs. 4000-100-6000	1
4.	Junior Stenographer	Rs. 4000-100-6000	1
5.	Lower Division Clerk	Rs. 3050-75-3950-80-4590	4
6.	Daftry	Rs. 2610-60-3150-65-3540	1
7.	Peon	Rs. 2550-55-2660-60-3200	3
8.	Farash	Rs. 2550-55-2660-60-3200	1*
		Total	15
	Grand Total of Officers and Staff :		18]

1. *Vide* (Corrigendun) G.S.R. 637 (E), dated 25th July, 2000.