

FORM A

See Regulation 31 (1)

Form of Application for legal Aid Or Advice

To,

The Secretary _____
Authority/ Committee

Sir,

I _____ aged about _____ son/ daughter/
wife/window of _____ at present
residing at _____

beg to apply for legal aid/advice under the following circumstances, namely:-

1. I am employed/Not employed :
 - (a) Nature of employment/
occupation/ trade/ business. :
 - (b) Whether employed in the Army,
Navy or Air Force or Police Force
or retired therefrom :
 - (c) Since What time :
2. My monthly income is :
3. (a) My residential premises are rented
In my name of jointly or they are
owned by me alone or jointly. :
 - (b) The rent thereof or the value thereof :
4. I have agricultural lands at _____ bearing Survey No. _____
paying assessment of Rs. _____ per annum (state, if owned or taken on
rent).
 - (a) Income thereof is :
 - (b) Value or produce thereof is :
5. My other sources of Income are
(give particulars) :
6. My other assets/properties/effects and
their value. :

7. I have/ have not disposed of any of my properties/assets and effects within a period of six months prior to the date of this application by way of sale, gift, mortgage or otherwise.
8. The number of members of my family is _____ and their relationship with me is as under:-
9. The number of dependent members of my family is _____ and their relationship with me is as under:-
10. The income, if any, of other members of my family residing with me is as under:-
11. The nature of legal aid or advice required is in respect of-

(State the nature of dispute, claim of right and state the documents in support thereof, State also separately the origin of dispute, claim or rights of other relevant particulars thereof,)
12. The proof in support of my aforesaid claim/ right/ dispute/ defence is as under:-
13. I have/ have not applied for legal aid or advice previously. If yes, state the content or substance thereof or the result thereof (if any advice has been received, Please disclose the same).
14. I am willing to furnish such further information as may be required for the purpose of enabling you to consider this application fully.
15. I am/am not in a position to pay court costs and costs of miscellaneous proceedings (the applicant may also state the amount which he is prepared to pay by way of costs and miscellaneous cost or a proportion or part thereof),
16. I shall reimburse the State Government all cost, charges and expenses incurred by the Committee in giving me legal aid, if the Court passes a decree or order in my favour awarding costs to me or their monetary benefits or advantage or if I cease to be entitled to legal aid under these regulations.
17. The above statements are true to the best of my knowledge and belief.

Date:

Place:

Signature of Applicant

Form B

See regulation 33 (1)

The High Court Legal Services Committee/ District Authority

CERTIFICATE OF ELIGIBILITY

This is to certify that with reference to application dated the _____ 20. _____
Shri/ Shrimati _____ residing at _____
is entitled to receive legal aid or advice in respect of legal proceeding, particulars whereof are
given below:-

Name of Court / Tribunal Authority :
Number and description of the legal proceeding. :
Name and address of opponent :
Extent of aid to be given :
Other relevant particulars :

Place:

Secretary

Date:

..... Authority/ Committee

Form C

See Regulation 35 (2)

Form of Agreement to be executed by an applicant for grant of a Legal Aid.

This Agreement made the _____ day of _____ between _____
_____ son/wife/daughter of _____
aged _____ years, residing at _____ (hereinafter referred
to as "the Applicant") of the one part and the Governor of Sikkim exercising the executive power of
the Government of the State of Sikkim (hereinafter referred to as "the Government") of the other
part :

Whereas in pursuance of section 6 of the Legal Services Authorities Act, 1987 the State
Government have constituted a body called " The State Legal Services Authority" (hereinafter

referred to as the State Authority) for the State of Sikkim to exercise the powers and to perform the functions conferred on or assigned to, a State Authority under the said Act;

And whereas the State Authority has made necessary regulations called "The Sikkim State Legal Services Authority Regulation, 1998" (hereinafter referred to as the said regulations) as required under section 29A of the said Act, for the purposes of giving effect to the provisions of the Act.

And whereas the Applicant has under the said Regulations applied on the _____
20 _____ for legal aid in connection with* _____ (hereinafter referred to as
"the said proceeding") which the Government has agreed to grant under the said Regulations
through the ** _____ Authority/Committee (hereinafter
referred to as "the Authority"/ "the Committee");

And whereas under the provisions of the said Regulations, the applicant has under circumstances mentioned therein to repay to the Authority/Committee for and on behalf of the Government as and by way of reimbursement the amount of costs, charges and expenses incurred in connection with the said proceeding by the Government through the Authority/the Committee for and on behalf of the Applicant as and by way of legal aid under the said Regulations and the applicant is required to execute an Agreement for the purpose in the prescribed form being in fact these presents.

Now this Agreement witnesseth and it is hereby agreed and declared by and between the Parties hereto as follows:-

1. In consideration of the Applicant being granted Legal Aid as aforesaid under the said Regulations in connection with the said proceeding the Applicant doth hereby covenant and agree as follows:-
 - (i) In the event of the applicant succeeding in the said proceeding and the Court passing any decree or order awarding cost in favour of the Applicant or the Court passing any decree or order for payment to the Applicant of any amount whatsoever the Applicant shall repay to the Authority/Committee for and on behalf of the Government as and by way of reimbursement, all costs charges expenses incurred by the Government through the Authority/Committee for and on behalf of the Applicant in connection with the said proceeding as and by way on legal aid under the said Regulations.
 - (ii) The Authority/Committee for and behalf of the Government may take such action or proceedings as it thinks fit for executing any decree or order passed by the Court in the said proceeding in favour of the applicant and recovering the amount decreed or ordered in the said proceeding to be paid to the applicant and appropriate therefrom the amount of costs, charges and expenses incurred in connection with the said proceeding by the Government through the Authority/Committee for and on behalf of the applicant as and by way of legal aid under the said Regulations and the applicant doth hereby authorize the Authority/ Committee to do so. The applicant shall render to the Authority/Committee all such assistance as may be required by it for the purpose.
 - (iii) If the applicant fails to repay to the Authority/Committee for and on behalf of the Government the amount as aforesaid or any part thereof the same shall be deemed to be arrears of land revenue and the Government and/or Authority/Committee for and on behalf of the Government may without prejudice to any other rights and remedies of the Authority/Committee and the Government, recover the same from the applicant as arrears of land revenue.

2. The Government will bear and pay the stamp duty on this agreement. In witness whereof, the applicant has hereto set his hand and the Governor of Sikkim has caused _____ to set his hand affixed his Official Seal hereto for and on his behalf the day and year first hereinabove signed and delivered by _____ the within named Shri /Smt./ Kum _____ the applicant above-named in the presence of -

1. _____

2. _____

Signed, sealed and delivered by Shri * _____

for and on behalf of the Governor of Sikkim in the presence of-

1. _____

2. _____

Form D
See Regulation 35 (2)

FORM OF IRREVOCABLE POWER OF ATTORNEY

To All to Whom These Presents Shall Come

I, _____ son/wife/daughter
of _____ years, residing at _____

_____ hereby declare as follows:-

Whereas in pursuance of section 6 of the Legal Services Authorities Act, 1987 the State Government have constituted a body called "The State Legal Services Authority" (hereinafter referred to as the State Authority) for the State of Sikkim to exercise the powers and to perform the functions conferred on, or assigned to, a State Authority under the said Act;

And whereas the State Authority has made necessary regulations called "The Sikkim State Legal Services Authority Regulation 1998," (hereinafter referred to as the said Regulation) as required under section 29-A of the said Act for the purpose of giving effect to the provisions of the Act;

And whereas I have under the said Regulation applied for legal aid in connection with * _____ (hereinafter referred to as "the said Proceeding" which the _____ Authority/Committee ** _____ on behalf of the Government has agreed to grant under the said Regulations (hereinafter referred to as "the Authority"/ "the Committee").

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

And whereas as required by the said Regulations by an agreement of even date but executed prior to the execution of these presents and made between myself (hereinafter referred to as "the Applicants") of the one part and the Governor of Sikkim exercising the executive power of the Government of the State of Sikkim (herein and hereinafter referred to as "the Government") of the other part it has been agreed inter alia that the Authority/Committee for and on behalf of the Government may take such action or proceeding as it things fit and executing the decree or order passed by the Court in the said proceeding in my favour and recovering the amount decreed or ordered in the said proceeding to be paid to me and to appropriate therefrom the amount of costs, charges and expenses incurred in connection with the said proceeding by the Government through the Authority/Committee for and on my behalf as and by way of legal aid under the said Regulations and I have thereby authorized the Authority/Committee to do so;

And whereas as per the provisions of the said Regulations the applicant, to whom the Government have agreed to grant legal aid through the Authority/Committee, has to execute an irrevocable Power of Attorney in favour of the Authority/Committee appointing as his/her Attorney inter alia for enabling the Authority/Committee to take such action or proceedings as it things fit for executing the decree or order passed by the Court in my favour in the said proceeding and for recovering the amount decreed or ordered passed by the Court in my favour in the said proceeding and for recovering the amount decreed or ordered in the said proceeding to be paid to me as aforesaid;

NOW KNOW YE AND THESE PRESENTS WITNESS THAT I _____

_____ do hereby irrevocably nominate, constitute and appoint the Secretary of the Authority/Committee (hereinafter referred to as "the Attorney") to be my true and lawful Attorney for me and on my behalf and in my name or in the name of the Attorney to do, execute and perform the following acts, deeds, matters and things, that is to say-

- (1) to ask, demand, recover and receive from the party who has been decreed or ordered in the said Proceeding to pay me the amounts specified therein and upon receipt thereof or any part thereof in my name or in the name of the Attorney as the case may require to make, sign, execute and deliver such receipts, releases or other discharges for the same, respectively as the Attorney shall think fit or be advised;
- (2) to commence, prosecute and enforce, proceedings for realisation of the amount of any decree or order passed in the said proceeding in my favour or where under any amount in decreed or ordered to be paid to me including applications for execution of the said decree or order and for the purpose to sign, declare and affirm all applications, petitions, affidavits that may be necessary and appoint advocates on such terms and conditions including fees payable to them as the Attorney shall think fit and to sign Vakalatnama and necessary authority in their favour and from time to time to discharge them and to appoint or employ others in their place and stead _____

- (3) to compromise, refer to arbitration, abandon or submit to judgment in any such proceedings specified in clause (2) above;
- (4) to concur in doing any of the act, deeds, matters and things herein before mentioned in conjunction with any other person or persons interested in the premises.

IN GENERAL to do all other acts, deeds, matters and things whatsoever or about the recovery or realisation of the amount which has been decreed or ordered to be paid to me in the said proceeding as amply and effectually to all intents and purposes as I could do my own proper person if these presents had not been executed.

AND I HEREBY RATIFY AND CONFIRM AND AGREE TO RATIFY AND CONFIRM whatsoever the Attorney shall do or purport to do by virtue of these presents.

AND I DECLARE the power hereby created shall be irrevocable till the Authority/Committee for/and on behalf of the Government is repaid or realise the said amount of costs, charges and expenses incurred in connection with the said proceeding by the Government though the Authority/Committee for and on my behalf as and by way of legal aid under the said Regulations.

IN WITNESS WHEREOF I _____ have hereunto set my hand this _____ day of _____ in the year two thousand and _____ signed and delivered by the within named in _____ the presence of:

(1)

(2)

MEMBER SECRETARY

SIKKIM STATE LEGAL SERVICES AUTHORITY.

LEGAL AID APPLICANT REQUIREMENTS

Whether the case is already pending in court, if so, number of the case and name of the court in which it is pending	Whether applicant has engaged any lawyer, if so, name of the lawyer,	Whether Income Certificate for exemption of court fee obtained from office of the District Collector under signature of the District Collector if so, submit the certificate in original.	Original Affidavit about financial condition of the applicant.	Whether SC/ST, Woman, Child, Mentally ill, Disabled, Victim of Natural Disaster or Violence or Industrial Workman etc.

To be filled by applicant (s)

Date:

Signature/thum Impression of applicant

Name:

Address of Applicant:

For official use only

1. Whether the applicant has furnished all the relevant papers and information.
2. If not, what are the requirements not furnished.
3. Whether the applicant is SC/ST.