

**THE LEGAL SERVICES AUTHORITIES ACT, 1987**  
**NO.39 OF 1987**

**As Amended by The Legal Services Authorities (Amendment) Act,**  
**1994**  
**(No. 59 of 1994)**

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

Be it enacted by Parliament in the Thirty-Eighth Year of the Republic of India as follows:-

**Statement of Objects and Reasons:-** Article 39-A of the Constitution provides that the State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

2. With the object of providing free legal aid, Government had, by a Resolution dated the 26<sup>th</sup> September, 1980 appointed the 'Committee for Implementing Legal Aid Schemes' (CILAS) under the Chairmanship of Mr. Justice P.N. Bhagwati (as he then was) to monitor and implement legal aid programmes on a uniform basis in all the States and Union territories. CILAS evolved a model scheme for legal aid programme applicable throughout the country by which several legal aid and Advice Boards have been set up in the States and Union territories. CILAS is funded wholly by grants from the Central Government. The Government is accordingly concerned with the programme of legal aid as it is the implementation of a constitutional mandate. But on a review of the working of the CILAS, certain deficiencies have come to the fore. It is, therefore, felt that it will be desirable to constitute statutory legal service authorities at the National, State and District levels so as to provide for the effective monitoring of legal aid programmes. The Bill provides for the composition of such authorities and for the funding of these authorities by

means of grants from the Central Government and the State Governments. Power has also been given to the National Committee and the State Committees to supervise the effective implementation of legal aid schemes.

3. For some time now, Lok Adalats are being constituted at various places in the country for the disposal, in a summary way and through the process of arbitration and settlement between the parties, of a large number of cases expeditiously and with lesser costs. The institution of Lok Adalats is at present functioning as a voluntary and conciliatory agency without any statutory backing for its decisions. It has proved to be very popular in providing for a speedier system of administration of justice. In view of its growing popularity, there has been a demand for providing a statutory backing to this institution and the awards given by Lok Adalats. It is felt that such a statutory support would not only reduce the burden of arrears of work in regular Courts, but would also take justice to the door-steps of the poor and the needy and make justice quicker and less expensive.

4. The Bill seeks to achieve the above objects.

## **CHAPTER I PRELIMINARY**

### **1. Short title, extent and commencement.**

- (1) This Act may be called the Legal Services Authorities Act, 1987.
- (2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different provisions of this Act and for different States, and any reference to commencement in any provision of this Act in relation to any State shall be construed as a reference to the commencement of that provision in that State.

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- 2. Definitions:** - (1) In this Act, unless the context otherwise requires:-
- (a) “case” includes a suit or any proceeding before a court;
  - (aa) “Central Authority” means the National Legal Services Authority constituted under section 3;
  - (aaa) “Court” means a civil, criminal or revenue court and includes any tribunal or any other authority constituted under any law for the time being in force to exercise, judicial or quasi-judicial functions;
  - (b) “District Authority” means a District Legal Services Authority constituted under section 9;
  - (bb) “High Court Legal Services Committee” means a High Court Legal Services Committee constituted under section 8 A;
  - (c) “Legal services” includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter;
  - (d) “Lok Adalat” means a Lok Adalat organized under Chapter VI;
  - (e) “notification” means a notification published in the Official Gazette;
  - (f) “prescribed” means prescribed by rules made under this Act;
  - (ff) “regulations” means regulations made under this Act;
  - (g) “scheme” means any scheme framed by the Central Authority, a State Authority or a District Authority for the purpose of giving effect to any of the provisions of this Act;
  - (h) “State Authority” means a State Legal Services Authority constituted under section 6;
  - (i) “State Government” includes the administrator of a Union territory appointed by the President under article 239 of the Constitution;

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- (j) “Supreme Court Legal Services Committee” means the Supreme Court Legal Services Committee constituted under section 3 A;
- (k) “Taluk Legal Services Committee” means a Taluk Legal Services Committees constituted under section 11 A.

(2) Any reference in this Act o any other enactment or any provision thereof shall, in relation to an area in which such enactment or provision is not in force, be construed as a reference to the corresponding law of the relevant provision of the corresponding law, if any, in force in that area.

**CHAPTER II**  
**THE NATIONAL LEGAL SERVICES AUTHORITY**

**3. Constitution of National Legal Services Authority:**

(1) The Central Government shall constitute a body to be called the National Legal Services Authority to exercise the powers and perform the functions conferred on, or assigned to, the Central Authority to exercise the power and perform the functions conferred on, or assigned to the Central Authority under this Act.

- (2) The Central Authority shall consist of
  - (a) the Chief Justice of India who shall be the Patron-in Chief;
  - (b) a serving or retired Judge of the Supreme Court to be nominated by the President, in consultation with the Chief Justice of India, who shall be the Executive Chairman; and
  - (c) such number of other members, possessing such experience and qualifications, as may be prescribed by the Central Government, to be nominated by that Government in consultation with the Chief Justice of India.

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- (3) The Central Government shall, in consultation with the Chief Justice of India, appoint a person to be the member-Secretary of the Central Authority, possessing such experience and qualifications as may be prescribed by that Government, to exercise such powers and perform such duties under the Executive Chairman of the Central Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of the Central Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority.
- (4) The terms of office and other conditions relating thereto, of members and the Member-Secretary of the Central Authority shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.
- (5) The Central Authority may appoint such number of officers and other employees as may be prescribed by the Central Government, in consultation with the Chief Justice of India, for the efficient discharge of its functions under this Act.
- (6) The officers and other employee of the Central Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of services as may be prescribed by the Central Government in consultation with the Chief Justice of India.
- (7) The administrative expenses of the Central Authority, including the salaries, allowances and pension payable to the Member-Secretary, officers and other employees of the Central Authority, shall be defrayed out of the Consolidated Fund of India.
- (8) All orders and decisions of the Central Authority shall be, Authenticated by the Member-Secretary or any other officer of the Central Authority duly authorized by the Executive Chairman of that Authority.
- (9) No act or proceeding of the Central Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Central Authority.

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**3A. Supreme Court Legal Services Committee:**

(1) The Central Authority shall constitute a committee to be called the Supreme Court Legal Services Committee for the purpose of exercising such powers and performing such functions as may be determined by regulations made by the Central Authority.

(2) The Committee shall consist of-

(a) a sitting Judge of the Supreme Court who shall be the Chairman; and

(b) such number of other members possessing such experience and qualification as may be prescribed by the Central Government, to be nominated by the Chief Justice of India.

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

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

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

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

**Functions of the Central Authority:**

4. The Central Authority shall perform all or any of the following functions, namely:-

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- (a) lay down policies and principles for making legal services available under the provisions of this Act;
- (b) frame the most effective and economic schemes for the purpose of making legal services available under the provisions of this Act;
- (c) utilize the funds at its disposal and make appropriate allocations of funds to the State Authorities and District Authorities;
- (d) take necessary steps by way of social justice litigations with regard to consumer protection, environmental protection or any other matters of special concern to the weaker sections and for this purpose, give training to social workers in legal skills;
- (e) organize legal aid camps, specially in rural areas, slums or labour colonies with the dual purpose of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through Lok Adalats;
- (f) encourage the settlement of disputes by way of negotiations, arbitration and conciliation;
- (g) undertake and promote research in the field of legal services with special reference to the need for such services among the poor;
- (h) to do all things necessary for the purpose of ensuring commitment to the fundamental duties of citizens under Part IV A of the Constitution;
- (i) monitor and evaluate implementation of the legal aid programmes at periodic intervals and provide for independent evaluation of programmes and schemes implemented in whole or in part by funds provided under this Act;
- (j) provide grants-in-aid for specific schemes to various voluntary social service institutions and the State and District Authorities, from out of the amounts placed at its disposal for the implementation of legal services schemes under the provisions of this Act;

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- (k) develop, in consultation with the Bar Council of India, programmes for clinical legal education and promote guidance and supervise the establishment and working of legal services clinics in universities, law colleges and other institutions;
- (l) take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society welfare legislations and other enactments as well as administrative programmes and measures;
- (m) make special efforts to enlist the support of voluntary social welfare institutions working at the grassroot level, particularly among the Scheduled Castes and the Scheduled Tribes, women and rural and urban labour; and
- (n) coordinate and monitor the functioning of State Authorities, District Authorities, Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees and voluntary social service institutions and other legal services organisations and give general direction for the proper implementation of the legal services programmes.

**5. Central Authority to work in coordination with other agencies:**

In the discharge of its functions under this Act the Central Authority shall, wherever appropriate, act in coordination with other governmental and non-governmental agencies, universities and other engaged in the work of promoting the cause of legal services to the poor.

**CHAPTER III  
STATE LEGAL SERVICES AUTHORITY**

**6. Constitution of State Legal Services Authority:**

- (1) Every State Government shall constitute a body to be called the Legal Services Authority for the State to exercise the powers and perform the functions conferred on, or assigned to, a State Authority under this Act.

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- (2) A State Authority shall consist of
  - (a) The Chief Justice of the High Court who shall be the Patron-in-Chief;
  - (b) a serving or retired Judge of the High Court, to be nominated by the Governor, in consultation with the Chief Justice of the High Court, who shall be the Executive Chairman and
  - (c) such number of other members, possessing such experience and qualifications as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.
- (3) the State Government shall, in consultation with the Chief Justice of the High Court, appoint a person belonging to the State Higher Judicial Service, not lower in rank than that of District Judge, as the member-Secretary of the State Authority, to exercise such powers and perform such duties under the Executive Chairman of the State Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority.

Provided that a person functioning as Secretary of a State Legal Aid and Advice Board immediately before the date of constitution of the State Authority may be appointed as Members' Secretary of that Authority, even if he is not qualified to be appointed as such under this subsection, for a period not exceeding five years.
- (4) The term of office and other conditions relating thereby, of members and the Member-Secretary of the State Authority shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (5) The State Authority may appoint such number of officers and other employees as may be prescribed by the State Government, in consultation with the Chief Justice of the High Court, for the efficient discharge of its functions under this Act.

*THE LEGAL SERVICES AUTHORITIES ACT, 1987* [ *Sec. 7* ]

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- (6) The officers and other employees of the State Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of services as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (7) The administrative expenses of the State Authority, including the salaries, allowances and pensions payable to the Member-Secretary, officers and other employees of the State Authority shall be defrayed out of the Consolidated Fund of the State.
- (8) All orders and decisions of the State Authority shall be authenticated by the Member-Secretary or any other officer of the State Authority duly authorised by the Executive Chairman of the State Authority.
- (9) No act or proceeding of the State Authority shall be invalid merely on the ground of the existence of any vacancy in or any defect in the constitution of, the State Authority.

**7. Functions of the State Authority:**

- (1) It shall be the duty of the State Authority to give effect to the policy and directions of the Central Authority.
- (2) Without prejudice to the generally of the functions referred to in sub-section (1), the State Authority shall perform all or any of the following functions, namely:-
  - (a) give legal service to persons who satisfy the criteria laid down under this Act;
  - (b) conduct Lok Adalats, including Lok Adalats for High Court cases;
  - (c) undertake preventive and strategic legal aid programmes; and
  - (d) perform such other functions as the State Authority may, in consultation with Central Authority, fix by regulations.

**8. State Authority to act in coordination with other agencies, etc., and be subject to directions given by Central Authority:**

In the discharge of its functions the State Authority shall appropriately act in coordination with other governmental agencies, non-governmental voluntary social service institutions, universities and other bodies engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority may give to it in writing.

**8A. High Court Legal Services Committee.**

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

(2) The Committee shall consist of –

(a) a sitting Judge of the High Court who shall be the Chairman; and

(b) such number of other members possessing such experience and qualifications as may be determined by regulations made by the State Authority to be nominated by the Chief Justice of the High Court.

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

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

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

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

*THE LEGAL SERVICES AUTHORITIES ACT, 1987* [ *Sec. 9* ]

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**9. District Legal Services Authority:**

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

(2) A District Authority shall consist of –

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

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

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

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

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

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- (7) The administrative expenses of every District Authority, including the salaries, allowances and pensions payable to the Secretary, officers and other employees of the District Authority shall be defrayed out of the Consolidated Fund of the State.
- (8) All orders and decisions of the District Authority shall be authenticated by the Secretary or by any other officer of the District Authority duly authorised by the Chairman of that Authority.
- (9) No act or proceeding of a District Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the District Authority.

**10. Functions of District Authority:**

(1) It shall be the duty of every District Authority to perform such of the functions of the State Authority in the district as may be delegated to it from time to time by the State Authority.

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

- (a) coordinate the activities of the Taluk Legal Services Committee and other Legal Services in the District;
- (b) organize Lok Adalats within the District; and
- (c) perform such other functions as the State Authority may fix by regulations.

**11. District Authority to act-in coordination with other agencies and be subject to directions given by the Central Authority, etc.:**

In the discharge of its functions under this Act, the District Authority shall, wherever appropriate, act in coordination with other governmental and non-governmental institutions, universities and others engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority or the State Authority may give to it in writing.

*THE LEGAL SERVICES AUTHORITIES ACT, 1987 [ Sec.11A &11B*

**11A. Taluk Legal Services Committee:**

- (1) The State Authority may constitute a Committee, to be called the Taluk Legal Services Committee, for each taluks or mandals or for group of taluks or mandals.
- (2) The Committee shall consist of
  - (a) <sup>[1]</sup> [*the senior most Judicial Officers*] operating within the jurisdiction of the Committee shall be the ex-officio-chairman; and
  - (b) such number of other members, possessing such experience and qualifications, as may be prescribed by the State Government, to be nominated by that government in consultation with the Chief Justice of the High Court.
- (3) The Committee may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.
- (4) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (5) The administrative expenses of the Committee shall be defrayed out of the District Legal Aid Fund by the District Authority.

**Functions of Taluk Legal Services Committee:**

11 B. The Taluk Legal Services Committee may perform all or any of the following functions namely:-

- (a) coordinate the activities of legal services in the Taluk;
- (b) organise Lok Adalats within the Taluk; and

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<sup>[1]</sup> *Substituted vide notification no.40 dated 12.06.2002 published by Ministry of Law, Justice and Company Affairs (Annexure 'A')*

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- (c) perform such other functions as the District Authority may assign to it.

**CHAPTER IV  
ENTITLEMENT TO LEGAL SERVICES**

**12. Criteria for giving legal services:**

Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is-

- (a) a member of a Scheduled Caste or Scheduled Tribe;
- (b) a victim of trafficking in human being or beggar as referred to in Article 23 of the Constitution;
- (c) a woman or a child;
- (d) a mentally ill or otherwise disabled person;
- (e) a person under circumstances of undeserved want such a being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earth quake of industrial disaster;” or
- (f) an industrial workman; or
- 104 of 1956: (g) in custody, including custody in a protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention) Act, 1956, or in a juvenile home within the meaning of clause
- 53 of 1986: (j) of section 2 of the Juvenile Justice Act, 1986, or in a psychiatric hospital or psychiatric nursing home within the meaning of clause
- 14 of 1987: (g) of section 2 of the Mental Health Act, 1987; or
- (h) in receipt of annual income less than rupees fifty (50) 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, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.

*THE LEGAL SERVICES AUTHORITIES ACT, 1987 [ Sec.13, 14 & 15*

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**13. Entitlement to legal services:**

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

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

**CHAPTER V  
FINANCE, ACCOUNTS AND AUDIT**

**14. Grants by the Central Government:**

The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Central Authority, by way of grants, such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

**15. National legal aid Fund:**

(1) The Central Authority shall establish a Fund to be called the National Legal Aid Fund and there shall be credited thereto-

- (a) all sums of money given as grants by the Central Government under section 14;
- (b) any grants or donations that may be made to the Central Authority by any other person for the purposes of this Act;
- (c) any amount received by the Central Authority under the orders of any court or from any other source.

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- (2) The National Legal Aid Fund shall be applied for meeting-
  - (a) the cost of legal services provided under this Act including grants made to State Authorities;
  - (b) the cost of legal services provided by the Supreme Court Legal Services Committee;
  - (c) any other expenses which are required to be met by the Central Authority.

**16. State Legal Aid Fund**

(1) A State Authority shall establish a fund to be called the State Legal Aid fund and there shall be credited thereto-

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

(2) A State Legal Aid Fund shall be applied for meeting –

- (a) the cost of functions referred to in section 7;
- (b) the cost of legal services provided by the High Court Legal Services Committee;
- (c) any other expenses which are required to be met by the State Authority.

**17. District Legal Aid Fund**

(1) Every District Authority shall establish a fund to be called the District Legal Aid Fund and there shall be credited thereto-

(a) all sums or money paid for any grants made by any person, with the prior approval of the State Authority, for the purposes of this Act;

(b) any grants or donations that may be made to the District Authority by any person, with the prior approval of the State Authority, for the purposes of this Act;

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(c) any other amount received by the District Authority under the orders of any court or from any other source;

2. A District Legal Aid Fund shall be applied for meeting, -

(a) the cost of functions referred to in sections 10 and 11B

(b) any other expenses which are required to be met by the District Authority.

**18. Accounts and audit:**

(1) The Central Authority, State Authority or the District Authority (herein after referred to in this section as the Authority), as the case may be, shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the income and expenditure account and the balance sheet in such manner as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.

(2) The account of the Authorities shall be audited by the Comptroller, and Auditor General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority concerned to the Comptroller and Auditor General of India.

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

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

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

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

**CHAPTER VI  
LOK ADALATS**

**19. Organisation of Lok Adalats:**

(1) Every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may be, Taluk Legal Services Committee may organise Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it things fit.

(2) Every Lok Adalst organized for an area shall consist of such number of-

- (a) serving or retired judicial officers; and
- (b) other persons, of the area as may be specified by the State Authority or the District Authority or the Supreme Court Legal Services Committee or the High Court Legal Services Committee, or as the case may be, the Taluk Legal Services Committee, organizing such Lok Adalats.

(3) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats organized by the Supreme Court Legal Services Committee shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.

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

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

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

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

**20. Cognizance of case by Lok Adalats:**

(1) Where is any case referred to in clause (i) of sub-section (5) of section 19,-

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

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

- (2) Notwithstanding anything contained in any other law for the time being in force, the Authority or Committee organizing the Lok Adalat under sub-section (1) of section 19 may, on receipt of an application from any one of the parties to any matter referred to in clause (ii) of sub-section (5) of section 19 that such matter needs to be determined by a Lok Adalat, refer such matter to the Lok Adalat, for determination:

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

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- (3) Where any case is referred to Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section (2), the Lok Adalat shall proceed to dispose of the case or matter and arrive at a compromise or settlement between the parties.
- (4) Every Lok Adalat shall, while determining any reference before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of justice, equality, fair play and other legal principles.
- (5) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the court, from which the reference has been received under sub-section (1) for disposal in accordance with law.
- (6) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, in a matter referred to in sub-section (2), that Lok Adalat shall advise the parties to seek remedy in a Court.
- (7) Where the record of the case is returned under sub-section (5) to the court, such court shall proceed to deal with such case from the stage which was reached before such reference under sub-section (1).

**21. Award of Lok Adalats:**

(1) Every award of the Lok Adalats shall be deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section (1) of section 20, the court-fee paid in such case shall be refunded 7 of 1870: in the manner provided under the Court Fees Act, 1870.

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

THE LEGAL SERVICES AUTHORITIES ACT, 1987 [ Sec.22 & 22A

**22. Powers of Lok Adalats:**

- (1) The Lok Adalat <sup>[1]</sup> [*or Permanent Lok Adalat*] shall for the purpose of holding any determination under this Act, have the same power as are vested in a civil court under the Code of Civil Procedure, 1980, while trying a suit in respect of the following matters, namely:-
- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
  - (b) the discovery and production of any document;
  - (c) the reception of evidence on affidavits;
  - (d) the requisitioning of any public record or document or copy of such record or document from any court or office; and
  - (e) such other matters as may be prescribed.

(2) Without prejudice to the generality of the powers contained in sub-section (1), every Lok Adalat <sup>[2]</sup> [*or Permanent Lok Adalat*] shall have the requisite powers to specify its own procedure for the determination of any dispute coming before it.  
45 of 1850:

(3) All proceedings before a Lok Adalat shall be deemed to be judicial 2 of 1974: proceeding within the meaning of section 193, 219 and 228 of the Indian Penal Code and every Lok Adalat shall be deemed to be a civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

<sup>[3]</sup> **CHAPTER VI A**

**PRE-LITIGATION CONCILIATION AND SETTLEMENT**

**22A. Definition.**

In this Chapter and for the purposes of sections 22 and 23, unless the context otherwise requires :-

- (a) “Permanent Lok Adalat” means a Permanent Lok Adalat established under sub-section (1) of section 22B;

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<sup>[1]</sup>, <sup>[2]</sup> & <sup>[3]</sup> *Substituted vide notification no.40 dated 12.06.2002 published by Ministry of Law, Justice and Company Affairs (Annexure ‘A’).*

**Sec.22B ] THE LEGAL SERVICES AUTHORITIES ACT, 1987**

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- (b) “public utility service” means any –
- (i) transport service for the carriage of passengers or goods by air, road or water; or
  - (ii) postal, telegraph or telephone service; or
  - (iii) supply of power, light or water to the public by any establishment; or
  - (iv) system of public conservancy or sanitation; or
  - (v) service in hospital or dispensary; or
  - (vi) insurance service,

and includes any service which the Central Government or the State Government, as the case may be, may, in the public interest, by notification, declare to be a public utility service for the purpose of this Chapter.

**22B. Establishment of Permanent Lok Adalats.**

- (1) Notwithstanding anything contained in section 19, the Central Authority or, as the case may be, every State Authority shall, by notification, establish Permanent Lok Adalats at such places and for exercising such jurisdiction in respect of one or more public utility services and for such areas as may be specified in the notification.
- (2) Every Permanent Lok Adalat established for an area notified under sub-section (1) shall consist of –
  - (a) a person who is, or has been, a district judge or additional district judge or has held judicial office higher in rank than that of a district judge, shall be the Chairman of the Permanent Lok Adalat; and
  - (b) two other persons having adequate experience in public utility service to be nominated by the Central Government or, as the case may be, the State Authority, appointed by the Central Authority or, as the case may be, the State Authority, establishing such Permanent Lok Adalat and the other terms and conditions of the appointment of the Chairman and other persons referred to in clause (b) shall be such as may be prescribed by the Central Government.

**22C. Cognizance of cases by Permanent Lok Adalat.**

(1) Any party to a dispute may, before the dispute is brought before any court, make an application to the Permanent Lok Adalat for the settlement of dispute:

Provided that the Permanent Lok Adalat shall not have jurisdiction in respect of any matter relating to an offence not compoundable under any law:

Provided further that the Permanent Lok Adalat shall also not have jurisdiction in the matter where the value of the property in dispute exceeds ten lakh rupees:

Provided also that the Central Government, may, by notification, increase the limit of ten lakh rupees specified in the second proviso in consultation with the Central Authority.

(2) After an application is made under sub-section (1) to the Permanent Lok Adalat, no party to that application shall invoke jurisdiction of any court in the same dispute.

(3) Where an application is made to a Permanent Lok Adalat under sub-section (1), it -

- (a) shall direct each party to the application to file before it a written statement, stating therein the facts and nature of dispute under the application, points or issues in such dispute and grounds relied in support of, or in opposition to, such points or issues, as the case may be, and such party may supplement such statement with any document and other evidence which such party deems appropriate in proof of such facts and grounds and shall send a copy of such statement together with a copy of such document and other evidence, if any, to each of the parties to the application;
- (b) may require any party to the application to file additional statement before it any stage of the conciliation proceedings;

*Sec.22D ] THE LEGAL SERVICES AUTHORITIES ACT, 1987*

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(c) shall communicate any document or statement received by it from any party to the application to the other party, to enable such other party to present reply thereto.

(4) When statement, additional statement and reply, if any, have been filed under sub-section (3), to the satisfaction of the Permanent Lok Adalat, it shall conduct conciliation proceedings between the parties to the application in such manner as it thinks appropriate taking into account the circumstances of the dispute.

(5) The Permanent Lok Adalat shall, during conduct of conciliation proceedings under sub-section (4), assist the parties in their attempt to reach an amicable settlement of the dispute in an independent and impartial manner.

(6) It shall be the duty of every party to the application to cooperate in good faith with the Permanent Lok Adalat in conciliation of the dispute relating to the application and to comply with the direction of the Permanent Lok to produce evidence and other related documents before it.

(7) When a Permanent Lok Adalat, in the aforesaid conciliation proceedings, is of opinion that there exist elements of settlement in such proceedings which may be acceptable to the parties, it may formulate the terms of a possible settlement of the dispute and give to the parties concerned for their observations and in case the parties reach at an agreement on the settlement of the dispute, they shall sign the settlement agreement and the Permanent Lok Adalat shall pass an award in terms thereof and furnish a copy of the same to each of the parties concerned.

(8) Where the parties fail to reach at an agreement under sub-section (7), the Permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute.

**22D. Procedure of Permanent Lok Adalat.**

The Permanent Lok Adalat shall, while conducting conciliation proceedings or deciding a dispute on merit under this Act, be guided by the principles of natural justice, objectivity, fair play, equity and other principles of justice, and shall not be bound by the Code of Civil Procedure, 1908 and the Indian Evidence Act, 1872.

THE LEGAL SERVICES AUTHORITIES ACT, 1987 [ Sec.22E,23&24

**22E. Award of Permanent Lok Adalat to be final.**

- (1) Every award made by the Permanent Lok Adalat under this Act made either on merit or in terms of a settlement agreement shall be final and binding on all the parties thereto and on persons claiming under them.
- (2) Every award made by the Permanent Lok Adalat under this Act shall be deemed to be a decree of a civil court.
- (3) The award made by the Permanent Lok Adalat under this Act shall be by a majority of the persons constituting the Permanent Lok Adalat.
- (4) Every award made by the Permanent Lok Adalat under this Act shall be final and shall not be called in question in any original suit, application or execution proceeding.
- (5) The Permanent Lok Adalat may transmit any award made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.

**CHAPTER VII  
MISCELLANEOUS**

**23. Members and staff of Authorities, Committee and Lok Adalats to be public servants:**

The members including Member Secretary or, as the case may be, Secretary of the Central Authority, the State Authorities, the District Authorities, the Supreme Court Legal Services Committees, High Court Legal Services Committees, Taluk Legal Services Committee and officer and other employees of such Authorities, Committees and the <sup>[1]</sup>*member of the Lok Adalats or the persons constituting Permanent Lok Adalats* shall be deemed to be Public servants within the meaning of section 21 of the Indian Penal Code.

**24. Protection of action taken in good faith:**

- No Suit, prosecution or other legal proceeding shall lie against-
- (a) the Central Government or the State Government;

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<sup>[1]</sup> Substituted vide Notification No.40 dated 12.06.2002 by Ministry of Law, Justice and Company affairs, New Delhi (*Annexure 'A'*).

*Sec. 25 & 26] THE LEGAL SERVICES AUTHORITIES ACT, 1987*

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- (b) the Patron-in-Chief, Executive Chairman, members of Members Secretary or officer or other employees of the Central Authority;
- (c) Patron-in-Chief, Executive Chairman, member, Member Secretary of Officers or other employees of the State Authority;
- (d) Chairman, Secretary, members or officers or other employees of the Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees or the District Authority;  
or
- (e) any other person authorized by any of the Patron-in-Chief, Executive Chairman, Chairman, Member, Member Secretary referred to in sub-clauses (b) to (d), for anything which is in good faith done under the provisions of this Act or any rule or regulation made thereunder.

**25. Act to have overriding effect:**

The provisions of this Act shall have effect notwithstanding anything inconsistent

therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

**26. Power to remove difficulties:**

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

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

*THE LEGAL SERVICES AUTHORITIES ACT, 1987* [ *Sec. 27* ]

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

**27. Power of Central Government to make rules:**

(1) The Central Government, on consultation with the Chief Justice of India may, by notification, make rules to carry out the provisions of this Act.

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

- (a) the number, experience and qualifications of other members of the Central Authority under clause (c) of sub-section (2) of section 3;
- (b) the experience and qualifications of the Member Secretary of the Central Authority and his powers and functions under sub-section (3) of section 3;
- (c) the term of office and other conditions relating thereto, of members and Member Secretary of the Central Authority under sub-section (4) of section 3;
- (d) the number of officers and other employees of the Central Authority under sub-section (5) of section 3;
- (e) the conditions of service and the salary and allowances of officers and other employees of the Central Authority under sub-section (6) of section 3;
- (f) the number, experience and qualifications of members of the Supreme Court Legal Services Committee under clause (d) of Sub-section (2) of section 3 A;
- (g) the experience and qualifications of Secretary of the Supreme Court Legal Services Committee under sub-section (3) of section 3 A.

*Sec. 28 ] THE LEGAL SERVICES AUTHORITIES ACT, 1987*

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- (h) the number of officers and other employees of the Supreme Court Legal Services Committee under sub-section (5) of section 3 A and the conditions of service and the salary and allowances payable to them under sub-section (6) of that section;
- (i) the upper 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;
- (j) the manner in which the accounts of the Central Authority, the State Authority or the District Authority shall be maintained under section 18;
- (k) the experience and qualifications of other persons of the Lok Adalat organized by the Supreme Court Legal Services Committee specified in sub-section (3) of section 19;
- (l) other matters under clause (e) of sub-section (1) of section 22; (1) of section 22;
- <sup>[1]</sup>(la) *the other terms and conditions of appointment of the Chairman and other persons under sub-section (2) of section 22B;*
- (m) any other matter which is to be, or may be, prescribed.

**28. Power of State government to make rules:**

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

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

- (a) the number, experience and qualifications of other members of the State Authority under clause (c) of sub-section (2) of section 6;

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<sup>[1]</sup> **Substituted vide Notification No.40 dated 12.06.2002 by Ministry of Law, Justice and Company affairs, New Delhi (Annexure 'A').**

*THE LEGAL SERVICES AUTHORITIES ACT, 1987 [ Sec.28*

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- (b) the powers and functions of the Member Secretary of the State Authority under sub-section (3) of section 6;
- (c) the terms of office and other conditions relating thereto, of members and Member-Secretary of the State Authority under sub-section (4) of section 6;
- (d) the number of officers and other employees of the State Authority under sub-section (5) of section 6;
- (e) the conditions of service and the salary and allowances of officers and other employees of the State Authority under sub-section (6) of section 6;
- (f) the experience and qualifications of Secretary of the High Court Legal Services Committee under sub-section (3) of section 8 A;
- (g) the number of officers and other employees of the High Court Legal Services Committee under sub-section (5) of section 8 A and the conditions of service and the salary and allowances payable to them under sub-section (6) of that section;
- (h) the number; experience and qualifications of members of the District Authority under clause (b) of sub-section (2) of section 9;
- (i) the number of officers and other employees of the District Authority under sub-section (5) of section 9;
- (j) the conditions of service and the salary and allowances of the officers and other employees of the District Authority under sub-section (6) of section 9;
- (k) the number, experience and qualification s of members of the Taluk Legal services Committee under sub-section (3) of section 11 A;
- (l) the number of officers and other employees of Taluk Legal Services committee under sub-section (3) of section 11 A.

*Sec. 29& 29A ] THE LEGAL SERVICES AUTHORITIES ACT, 1987*

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- (m) the conditions of service and the salary and allowances of officers and other employees of the Taluk Legal Services Committee under sub-section (4) of section 11 A;
- (n) the upper limit of annual income of a person entitling him to legal services under clause (h) of section 12, if the case is before a court, other than the Supreme Court;
- (o) the experience and qualifications of other persons of the Lok Adalats other than referred to in sub-section (4) of section 19;
- (p) any other matter which is to be, or may be, prescribed.

**29. Power of Central Authority to make regulations:**

(1) The Central Authority may, by notification, make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provision in necessary or expedient for the purpose of giving effect to the provisions of this Act.

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

- (a) the power and functions of the Supreme Court Legal Services Committee under sub-section (1) of section 3 A;
- (b) the term of office and other conditions relating thereto, of the members and Secretary of the Supreme Court Legal Services Committee under sub-section (4) of section 3 A.

*THE LEGAL SERVICES AUTHORITIES ACT, 1987 [ Sec.29A*

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**29A. Power of State Authority to make regulations:**

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

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

- (a) the other functions to be performed by the State Authority under clause (d) of sub-section (2) of section 7.
- (b) the powers and functions of the High Court Legal Services Committee under sub-section (1) of section 8 A.
- (c) the number, experience and qualifications of members of the high Court Legal Services committee under clause (b) of sub-section (2) of section 8 A.
- (d) the terms of office and other conditions relating thereto, of the members and Secretary of the high Court Legal Services committee under sub-section (4) of section 8 A.
- (e) the terms of office and other conditions relating thereto, of the Members and Secretary of the District Authority under sub-section (4) of section 9;
- (f) the number, experience and qualifications of members of the High Court Legal Services Committee under clause (b) of sub-section (2) of section 8 A;
- (g) other functions to be performed by the District Authority under clause (c) of sub-section (2) of section 10;

**Sec. 30 ]** *THE LEGAL SERVICES AUTHORITIES ACT, 1987*

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- (h) the term of office and other conditions relating thereto, of member and Secretary of the Taluk Legal Services Committee under sub-section (3) of section 11 A.

**30. Laying of rules and regulations:**

- (1) Every rule made under this Act by the Central Government and every regulations mad by the Central Government thereunder shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both House agree in making any modification in the rule or regulation, o both Houses agree that the rule of regulation should not be made, the rule of regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule or regulation.
- (2) Every rule made under this Act by a State Government and every regulation made by a State Authority there under shall be laid, as soon as may be after it is made, before the State Legislature.

**Notification No.780/LD/1995 dated, the 5<sup>th</sup> August 1995.**  
 (Published in extraordinary Gazette No. 202 dated 20. 12. 95)  
**as amended by Notification Gazette No. 1/LD/98 dated 9. 4. 98**  
 (Published in Extraordinary Gazette No. 66 dated 13. 4. 98  
**and Notification No. 16/LD/98 dated, the 18<sup>th</sup> August, 1998.**  
 (Published in Extraordinary Gazette No. 179 dated 18.8.98)

In exercise of the powers conferred by section 28 of the legal services Authority Act, 1987 (39 of 1978), the Government of Sikkim in consultation with the Chief Justice of the High Court hereby makes the following rules, namely:-

**1. Short title and commencement:-**

- (1) These rules may be called the Sikkim State Legal Services Authority Rules, 1995.
- (2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions:-**

In these rules unless the context otherwise requires: -

- (a) “Act” means the Legal Services Authorities Act, 1987;
- (b) “Chairman means the Executive Chairman of the State Authority or, as the case may be, the chairman of the District Authority or, as the case may be, the Chairman of the District Authority ;
- (c) “District Authority” means the District Legal Services Authority constituted under section 9 of the Act;
- (d) “High court legal services committee” means a High Court Legal Services Committee constituted under section 8A of the Act;
- (e) “Member” means the member of the State Authority appointed under clause (c) of sub-section (2) of section 6 of the Act;
- (f) “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 8A of the Act, or as the case may be, Secretary of the District Legal Services Authority constituted under section 9 of the Act;

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**R. 3 ] SIKKIM STATE LEGAL SERVICES AUTHORITY RULE, 1995**

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(g) “State Authority” means the State Legal Services Authority constituted under section 6 of the Act

(gg) Taluk Legal Services Committee means Sub- Divisional Legal Services Committee;

(h) all other words and expressions used in these rules but not defined shall have the meaning respectively assigned them in the Act.

**3. The number, experience and qualification of other members of the state Authority under clause (c) of sub-section (2) of section 6:-**

(1) The State Authority shall not have more than <sup>[1]</sup>*[nineteen]* members.

(2) The following shall be ex-officio members of the state Authority:-

(i) Advocate General of Sikkim or Additional Advocate General or in his absence senior Government Advocate-cum-public prosecutor ( East and North) Session Court;

(ii) the secretary in the Department of Finance or in his absence Additional Secretary or joint secretary, Finance;

(iii) <sup>[2]</sup>*the Secretary in the Department of Law or in his absence the Joint Legal Remembrancer-cum-Joint Secretary, Law]*

(iv) The Director General of Police or in his absence in the <sup>[3]</sup>*[Additional Director General of Police]* available in the station;

(v) Secretary to the Welfare Department <sup>[4]</sup>*[or in his absence Additional Secretary to the Welfare Department]*

(vi) Secretary, Department of Personnel, Administrative Reforms and Training or in his absence the Additional Secretary or the Joint Secretary of the said Department;

(vii) <sup>[5]</sup> *[Secretary, Rural Development Department or in his absence, Joint Secretary, Rural Development Department].*

(viii) <sup>[6]</sup> *[Secretary, Public Works Department (building and Housing) or in his absence, the Chief Engineer (Building and Housing)]*

(ix) <sup>[7]</sup> *[ Secretary, Public Work Department (Roads and Bridges) or in his absence the Chief Engineer (Roads and Bridges)].*

(3) The State Government may nominate, in consultation with the Chief Justice of the High Court, other members from amongst those possessing the experience and qualifications prescribed in sub-rule (4) of the rule.

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<sup>[1 - 7]</sup> *Amended vide Notification No.44/LD/2001 dated 15.3.2001 (Annexure ‘B’)*

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SIKKIM STATE LEGAL SERVICES AUTHORITY RULE, 1995 [ R. 3

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- (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 engage in the upliftment of the weaker sections of the people, including the Schedule Castes, the Schedule Tribes, Woman, Children, Rural and Urban Labour; or
  - (b) an eminent person in the field of law; or
  - (c) a person of repute who is specially interested in the implementation of Legal Services Scheme.

<sup>[1]</sup> *“Provided that if a person was/is involved in litigation either as plaintiff/petitioner or defendant/respondent or in a criminal case either as a complainant or as an accused, such person shall not be eligible to be nominated as a non-official member of Sikkim State Legal Services Authority and a non-official member who has completed his/her term shall not be eligible for re-nomination to the State Authority, however, such bar of re-nomination shall not apply in respect of ex-officio members or Hon’ble Ministers”.*

<sup>[2]</sup> *“(5) Out of the total non-official members to be nominated by the State Government, two members may be nominated from amongst the Hon’ble Minister.*

*Provided that not less than 30% of the total non-official members so nominated shall be from among woman.*

*Provided further that till the appointment of non-official members or during the pendency of such appointment of non-official members of State Legal Services Authority, the ex-officio members nominated by the competent authority shall be deemed to be the appropriate authority and any decision taken by them with the required quorum of the ex-officio member shall be deemed to be the decision of the concerned authority”.*

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<sup>[1]</sup> & <sup>[2]</sup> **Inserted vide Notification No.52/LD/2001 dated 12.11.2001 (Annexure ‘C’)**

### **3A. POWERS AND FUNCTIONS OF PATRON-IN-CHIEF**

The Patron – In- Chief shall have over-all advisory power and function in respect of working of the State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority and Taluk or Sub-divisional Legal Services Committee.

3B. The Executive Chairman shall have same administrative and financial powers as are exercised by Chief Justice of the High Court.

3C. A serving Judge of the High Court or Acting Chief Justice shall be nominated as Executive chairman after obtaining Presidential requests. Such Executive Chairman shall continue, till he attains the age of 67 years or for a period 5 years from the date of retirement where a serving Judge while holding the post of Executive Chairman shall fall vacant on his death, resignation and transfer from Sikkim High Court to other High Court.

**4. The powers and functions of the Member - Secretary of the state Authority under sub-section (3) of section 6. -** 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 and weaker section;
- (b) to work out modalities of the legal services scheme 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 Head of the Department in the State Government.
- (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 said Authority;

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SIKKIM STATE LEGAL SERVICES AUTHORITY RULE, 1995 [ R. 5

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- (g) to liaise with the Social Action Groups and District Legal Services Authorities;
- (h) to maintain upto 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 organise 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 actions thereof;
- (k) to produce video/documentary films, publicity materials, literature and publications 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 perform such other functions as may be expedient for efficient functioning of the State Authority;
- (o) The Member Secretary shall exercise all such powers as are exercised by Head of the Department.

**5. The terms of office or other conditions relating thereto, of members and Member-Secretary of the State Authority under sub-section (4) of section 6: -**

- (1) The members of the State Authority nominated under sub-rule (3) of rule 3 by the State Government shall continue for a term of two years from the date of such nomination <sup>[1]</sup> ~~and shall be eligible for re-nomination.~~

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<sup>[1]</sup> Omitted vide Notification No.52/LD/2001 dated 12.11.2001 (Annexure 'C')

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**R. 5 ] SIKKIM STATE LEGAL SERVICES AUTHORITY RULE, 1995**

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<sup>[1]</sup> (1A) *Whenever any member is holding or begins to hold any official post/authority, such member in the event of being unable to attend any meeting of the State Legal Services Authority shall be represented by an authorised representative of such member holding official position in relation to the said member*

*Provided that if such member or in his absence, his authorised representative remains absent without intimation in writing on two consecutive meetings of the State Legal Services Authority, he/she shall automatically cease to be a member of such Authority]*

- (1) A member of the state authority nominated under sub-rule (3) of rule 3 may be removed by the state government if in the opinion of the State Government he is not desirable to continue as a member.
- (2) If any member nominated under sub-rule (3) of rule 3 ceases to be a 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 remaining term of the member in whose place he is nominated.
- (3) All members nominated under sub-rule (3) or rule 3 shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed in connection with the work of the state authority and shall be paid by the state authority in accordance with the rules as are applicable to the Secretaries of the State Government as amended from time to time.
- (4) If the nominated member is a government employee, he shall be entitled to only one set of travelling allowance and daily allowance either from his parent department, or, as the case may be, from the state authority.
- (5) The Member Secretary of the State Authority shall hold office for a term not exceeding five years.
- (6) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the member secretary shall be governed by the state government rules relating to those matters and he shall be on deputation to the State Authority.

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<sup>[1]</sup>*Inserted vide Notification No.33/LD/RC/2000 dated 13.7.2000 (Annexure 'D')*

SIKKIM STATE LEGAL SERVICES AUTHORITY RULE, 1995 [ R. 6 & 7

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**6. The number of officers and other employees of the State Authority under sub-section (5) of section 6:-**

The State Authority shall have such number of officers and other employees for rendering Secretarial assistance and for its day to day functions as are set out in Schedule A to this rule.

**7. The conditions of service and the salary and allowances of officers and other employees of the State Authority under sub-section (6) of section 6:-**

- (1) The officers and other employees of the State Authority shall be entitled to draw pay and allowances in the scale of pay at par with the State Government employees holding equivalent posts.
- (2) In all other service matters, like age of retirement, leave, other service benefits and entitlement and disciplinary matters, the officers and other employees of the State Authority shall be governed by the State Government rules as are applicable to persons holding equivalent posts. Provided that notwithstanding anything contained above, the members of Sikkim Superior Judicial Service and Sikkim Judicial Service when posted in any capacity within the Authority/Committee shall be governed by Sikkim Superior Judicial Service Rules, 1980 or Sikkim Judicial Service Rule, 1975 as the case may be.
- (3) The officers and other employees of the State Authority shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government from time to time.

<sup>[1]</sup>*[Explanation :- The officers and Staff of the State Legal Services Authority shall be entitled to the benefits of Pay Revision, Dearness Allowance, Traveling Allowance, Pension, Death-cum-retirement Gratuity, Group insurance Scheme, General Provident Fund and such other allowances as would be given to the State Government Officers and Staff during the tenure of their service and after retirement].*

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<sup>[1]</sup>*[Inserted vide Notification No.33/LD/RC/2000 dated 13.7.2000 (Annexure 'D')]*

**R. 8 & 9 ] SIKKIM STATE LEGAL SERVICES AUTHORITY RULE, 1995**

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**8. The experience and qualification of Secretary of the High Court Legal Services Committee under sub-section (3) of section 8A:-**

A person shall not be qualified for appointment as Secretary of the High Court Legal Services Committee unless he is an officer of the High Court not below the rank of Deputy Registrar.

**9. The number of officers and other employees of the High Court Legal Services Committee under sub-section (5) of section 8A and the conditions of service and the salary and allowances payable to them under sub-section (6) of section 6:-**

- (1) The High Court Legal Services Committee shall have such number of officers and other employees for rendering Secretarial assistance and for its day-to-day functions as are sent out in Schedule B to this rule.
- (2) The officers and other employees of the High Court Legal Services Committee shall be entitled to draw pay and allowance in the scale of pay as par with the State Government employees equivalent posts. Provided that notwithstanding anything contained above, the members of Sikkim Superior Judicial Service and Sikkim Judicial Service when posted in any capacity within the Authority/Committee shall be governed by Sikkim Superior Judicial Service Rules, 1980 or Sikkim Judicial Service Rules, 1975 as the case may be.
- (3) In all matters like age of retirement, leave, other service benefits and entitlements and disciplinary matters, the officers and other employees of the High Court Legal Services Committee shall be governed by the State Government rules as are applicable to persons holding equivalent posts.
- (4) 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 notified by the State Government from time to time.

<sup>[1]</sup>*[Explanation :- the officers and staff of the High Court Legal Services Committee shall be entitled to the benefits of Pay Revision, Dearness Allowance, Traveling Allowance, Pension, Death-cum-Retirement Gratuity, Group Insurance Scheme, General Provident Fund and such other allowances as would be given to the State Government Officers and Staff during the tenure of their service and after retirement]*

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<sup>[1]</sup>Inserted vide Notification No.33/LD/RC/2000 dated 13.7.2000(Annexure 'D')

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SIKKIM STATE *LEGAL SERVICES AUTHORITY RULE, 1995* [R. 10]

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**10. The number, experience and qualification of members of the District Authority under clause (b) of sub-section (2) of section 9:-**

- (1) The District Authority shall have not more than eight members.
- (2) The following shall be ex-officio members of the District Authority:-
  - (i) District Magistrate;
  - (ii) Superintendent of Police of the District;
  - (iii) Judicial Magistrate having jurisdiction over the district; and
  - (iv) District Government Pleader.
- (3) The State Government may nominate, in consultation with the Chief Justice of the High Court, other members from amongst those possessing the qualifications and experience prescribed in sub-rule (4) of this rule.
- (4) A person shall not be qualified for nomination as a member of the District Authority unless he is-
  - (a) an eminent social worker who is engaged in the upliftment of the weaker section of the people, including the Schedule Castes, The Schedule Tribes, women, children and rural 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 Service Schemes.

<sup>[1]</sup> *(i) Provided that if a person was/is involved in litigation either as plaintiff/petitioner or defendant/respondent or in a criminal case either as a complainant or as an accused, such person shall not be eligible to be nominated as a non-official member of District Legal Services Authority and a non-official member who has completed his/here term shall not be eligible for renomination to District Authority, however, such bar of re-nomination shall not apply in respect of ex-officio members”.*

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<sup>[1]</sup> **Inserted vide Notification No.52/LD/2001 dated 12.11.2001 (Annexure ‘C’)**

**R. 11 & 12 ] SIKKIM STATE LEGAL SERVICES AUTHORITY RULE, 1995**

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<sup>[1]</sup> (5) *Out of the total non-official members to be nominated by the State Government to District Legal Services Authority, 30% of the total non-official member shall be women;*

*Provided that till the appointment of non-official members or during the pendency of such appointment of non-official members of District Legal Services Authority, the ex-officio members nominated by the competent authority shall be deemed to be the appropriate authority and any decision taken by them with the required quorum of the ex-officio members shall be deemed to be the decision of the concerned authority”.*

<sup>[2]</sup>*[(5) Whenever any member is holding or begins to hold any official post/authority, such member in the event of being unable to attend any meeting of the District Legal Services Authority, he/she shall be represented by an authorised representative of such member holding official position in relation to the said member.*

*Provided that if such member or in his absence, his authorised representative remains absent without intimation in writing on two consecutive meeting of the District Legal Services Authority, he/she shall automatically cease to be a member of such Authority]*

**11. The number of officers and other employees of the District Authority under sub-section (5) of section 9:-**

The District Authority shall have such number of officers and other employees for rendering secretarial assistance and for its day to day functions as are set out in Schedule C to this rule.

**12. The conditions of service and the salary and allowance of the officers and other employees of the District Authority under sub-section (6) of section 9:-**

- (1) The officers and other employees of the District Authority shall be entitled to draw pay and allowances in the scale of pay at par with the State Government employees holding equivalent posts.
- (2) In all other matters like age of retirement, leave, other service benefits and entitlements and disciplinary matters, the officers and other employees of the District Authority shall be governed by the State Government rules as are applicable to

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<sup>[1]</sup> **Inserted vide Notification No.52/LD/2001 dated 12.11.2001 (Annexure ‘C’)**

<sup>[2]</sup> **Inserted vide Notification No.33/LD/RC/2000 dated 13.7.2000 (Annexure ‘D’)**

persons holding equivalent posts. Provided that notwithstanding anything contained above, the members of Sikkim Superior judicial Service and Sikkim Judicial Service when posted in any capacity within the Authority/Committee shall be governed by Sikkim Superior Judicial Service Rules, 1980 or Sikkim Judicial Service Rules, 1975 as the case may be.

- (3) The officers and other employees of the District Authority shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government from time to time.

<sup>[1]</sup> *[Explanation :- The officers and Staff of the District Legal Services Authority shall be entitled to the benefits of Pay Revision, Dearness Allowance, Traveling Allowance, Pension, Death-cum-Retirement Gratuity, Group Insurance Scheme, general Provident Fund and such other allowances as would be given to the State Government Officers and Staff during the tenure of their service and after retirement]*

**13. The number, experience and qualification of member of the Taluk or Sub-divisional Legal Services Committee under clause (b) of sub-section (2) of section 11A:-**

- (1) The Taluk or Sub-divisional Legal Services Committee shall have not more than fifteen members.
- (2) The following shall be the ex-officio members of the Taluk of Sub-divisional Legal Services Committee:
- (i) Sub-Divisional Officer/SDM
  - (ii) Sub-Divisional Police Officer
- (3) The State Government may nominate, in consultation with the Chief Justice of the High Court, other members from amongst those possessing the qualification and experience provided in sub-rules (4).

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<sup>[1]</sup> **Inserted vide Notification No.33/LD/RC/2000 dated 13.7.2000(Annexure 'D')**

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**R.14 ] SIKKIM STATE LEGAL SERVICES AUTHORITY RULE, 1995**


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- (4) A person shall not be qualified or nominated as a member of the Taluk or Sub-divisional Legal Services Committee, unless he is;
- (a) an eminent Social Worker who is engaged in the upliftment of the weaker section of the people including Schedule Castes, Schedule Tribe, Women, children and rural labourers, or
  - (b) an eminent person in the field of law; or
  - (c) a person of repute who is especially interested in the implementation of the Legal Services Schemes.

*[1] Provided that if a person was/is involved in litigation either as plaintiff/petitioner or defendant/respondent or in a criminal case either as a complainant or as an accused, such person shall not be eligible to be nominated as a non-official member of Taluk Legal Services Committee and a non-official member who has completed his/here term shall not be eligible for renomination to the Committee, however, such bar of renomination shall not apply in respect of ex-officio members”.*

(5) Out of the total non-official members to be nominated by the State Government to Taluk or Sub-Divisional Legal Services Committee, 30% of the total non-official member shall be women;

*Provided that till the appointment of non-official members or during the pendency of such appointment of non-official members of Taluk or Sub-Divisional Legal Services Committee, the ex-officio members nominated by the competent authority shall be deemed to be the appropriate authority and any decision taken by them with the required quorum of the ex-officio members shall be deemed to be the decision of the concerned authority”.*

**14. The number of officers and other employees of the Taluk or Sub-divisional Legal Services Committee under sub-section (3) of section 11A of the Act:-**

Taluk or the Sub-divisional Legal Services Committee shall have such number of officers and other employees for rendering Secretarial assistance and for its day-to day functions as are set out in the Schedule D to these rules.

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**[1] Inserted vide Notification No.52/LD/2001 dated 12.11.2001(Annexure ‘C’)**

SIKKIM STATE LEGAL SERVICES AUTHORITY RULE, 1995 [ R.15 & 16

**15. The conditions of service and the salary and allowances of the officers and other employees of the Taluk or Sub-divisional Legal Services Committee under sub-section (4) of section 11A of the Act:-**

- (1) The officer and other employees of the Taluk or Sub-Divisional Legal Services Committee shall be entitled to draw pay and allowances in the scale of pay at par with the State Government employees holding equivalent posts.
- (2) In all matters relating to service conditions like age of retirement, allowances, benefits and entitlements and in disciplinary matters, the officers and other employees of the Taluk or Sub-divisional Legal Services Committee shall be governed by the State Government Rules, as are applicable to persons holding equivalent posts.

<sup>[1]</sup>*[Explanation :- The officers and Staff of the Taluk or Sub-Divisional Legal Services Committee shall be entitled to the benefits of Pay Revision, Dearness Allowance, Traveling Allowance, Pension, Death-cum-Retirement Gratuity, Group Insurance Scheme, General Provident Fund and such other allowances as would be given to the State government Officers and Staff during the tenure of their service and after retirement]*

**15A. The Pay and Salaries of the Staff of Taluk Committee and High Court Legal Services Committee** shall be paid from the Consolidated Fund of the State.

**16. On matters pertaining to day to day working of the State Authority or the District Authority or the High Court Committee or Taluk or Sub-Divisional Committee,** the working calendar followed by the High Court shall be the working calendar for these Authorities / Committees.

Provide that the Executive Chairman shall at his discretion determine the day to day working hours of the State Authority or the District Authority or the High Court Legal Services Committee or the Taluk/Sub-Divisional Legal Services Committee as he may consider expedient in

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<sup>[1]</sup>**Inserted vide Notification No.33/LD/RC/2000 dated 13.7.2000(Annexure 'D')**

**R.17,18&19] SIKKIM STATE LEGAL SERVICES AUTHORITY RULE,1995**

the interest of effective administration and for this an officer or a staff immediately before his/her joining the duty after appointment may be required to abide such terms and conditions regarding his/her duties as laid down by the Executive Chairman.

**17. The Upper limit of annual income of a person entitling him to legal services under clause (h) of section 12, if the case is before a court, other than the Supreme Court:-** Any citizen of India whose annual income from all sources does not exceed <sup>[1]</sup>[Rs.50,000/- (*Rupees twenty five thousand*)] or such higher amount as may be notified by the State Government from time to time, shall be entitled to legal services under clause (h) of section 12 of the Act.

**17A.** (i) All awards passed by Lok Adalats in respect of cases which were pending in Courts shall be executable by the Court in which the matter was pending prior to the passing of the award by the Lok Adalats.

(ii) Where however awards have been passed by the Lok Adalats in respect of matters, which were not pending in any Court such awards shall be executed through the District Court within whose jurisdiction the dispute arose.

**18. The experience and qualifications of other persons of the Lok Adalats as referred to in sub-section (4) of section 19:-**

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

- (a) an eminent social worker who is engaged in the upliftment of the weaker sections of the people including the Schedule Caste, the Schedule Tribes, women, children, rural and urban labour; or
- (b) a lawyer of standing; or
- (c) a person of repute who is specially interested in the implementation of the Legal Services Scheme and programmes.

19. If any difficulty arises in giving effect to the provisions of the Rules, the Executive Chairman may, by order published in the Official Gazette make such provisions, not inconsistent with the provisions of the Rules as appear to him to be necessary of expedient for removing the difficulty.

<sup>[1]</sup> Substituted vide Notification No.97/LD/2005 dated 26.7.2005(Annexure 'E')

**SCHEDULE – A**  
**(See rule 6)**

Sl. No.	Nomenclature of posts	Scale of pay	No. of posts	Job description
(1)	(2)	(3)	(4)	(5)
1.	Deputy Secretary	At par with the State Government employees holding equivalent post.	1	To remain vacant at present, not to be filled up
2.	Under Secretary	- do -	1	To render Secretarial Assistance to the Executive Chairman and Member Secretary of the State Authority.
3.	Senior Accountant	- do -	1	To remain incharge of and responsible for all accounts matters.
4.	Stenographer Grade II	- do -	1	He will function as Steno to Executive Chairman.
5.	Stenographer Grade I	- do -	1	He will function as Steno to Member Secretary
6.	Lower Division Clerk	- do -	2	As prescribed for equivalent post in the State Government Offices.
7.	Driver	- do -	2	- do -
8.	Peon/Orderly	- do -	4	- do -
9.	Sweeper-cum-Chowkidar	- do -	2	- do -

**NOTE: The manner of recruitment and appointment of officers and employees shall be such as the State Legal Services Authority may determine.**

**SCHEDULE – B**  
(See rule 9)

Sl. No.	Nomenclature of posts	Scale of pay	No. of posts	Job description
(1)	(2)	(3)	(4)	(5)
1.	Office Superintendent	At par with the State Government employees holding equivalent post	1	As prescribed for equivalent post in State Government Offices besides the duties relevant to the authority
2.	Junior Accountant	- do -	1	- do -
3.	Typist	- do -	1	- do -
4.	Peon	- do -	1	- do -

**NOTE: The manner of recruitment and appointment in relation to the posts shall be as the State Authority may determine.**

**SCHEDULE – C**  
(See rule 11)

Sl. No.	Nomenclature of posts	Scale of pay	No. of posts	Job description
(1)	(2)	(3)	(4)	(5)
1.	U.D.C.	At par with the State Government employees holding equivalent post	1	As prescribed for equivalent post in State Government Offices besides the duties relevant to the authority
2.	Junior Accountant	- do -	1	- do -
3.	Stenographer Grade III	- do -	1	- do -
4.	Peon	- do -	1	- do -

**NOTE: The manner of recruitment and appointment in relation to the posts shall be as the State Authority may determine.**

**SCHEDULE – D**  
**(See rule 14)**

Sl. No.	Nomenclature of posts	Scale of pay	No. of posts	Job description
(1)	(2)	(3)	(4)	(5)
1.	Junior Accountant	At par with the State Government employees holding equivalent post	1	As prescribed for equivalent post in State Government Offices besides the duties relevant to the authority
2.	Peon/Orderly	- do -	1	- do -

**NOTE: The manner of recruitment and appointment in relation to the posts shall be as the State Authority may determine.**

By order

T. D. Rinzing  
Legal Rememberancer-cum-Secretary, Law  
Government of Sikkim

## NATIONAL LEGAL SERVICES AUTHORITY RULES, 1995 \*

### ARRANGEMENT OF RULES

Sl. No.	Particular(s)	Page No.	Sl. No.	Particular(s)	Page No.
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3.	The number, experience and qualification of other members of the Central authority	52	10.	The number, experience and qualification of members of the Supreme Court Legal Services Committee under Clause (b) of sub-section (2) of Section 3-A	56
4.	Appointment of Member Secretary	53	11.	The experience and qualifications of Secretary of the Supreme Court Legal Services Committee under Clause (b) of sub-section (2) of Section 3-A	57
5.	The experience and qualifications of the Member Secretary of the Central Authority and his powers and functions.	53	12.	The upper 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.	57
6.	Powers and Functions of the Member Secretary.	54	13.	The experience and qualifications of other persons of the Lok Adalats organized by the Supreme Court Legal Services Committee specified in sub-section (3) of Section 19	58
7.	The terms of office and other conditions relating thereto of members and Member-Secretary of the Central Authority	55		SCHEDULE	59

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## NATIONAL LEGAL SERVICES AUTHORITY RULES, 1995

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In exercise of the powers conferred by Section 27 of the Legal Services Authorities Act, 1987 (No.39 of 1987), the Central Government hereby makes the following rules, namely :-

**1. Short title and commencement :** - (1) These Rules may be called the National Legal Services Authority Rules, 1995.

(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;
- (b) ‘Central Authority’ means the National Legal Services Authority constituted under Section 3 of the Act;
- (c) ‘Member’ means the members of the Central Authority nominated under Clause (c) of sub-section (2) of Sec.3 of the Act;
- (d) ‘Member-Secretary’ means the Member-Secretary of the Central Authority appointed under sub-section (3) of Section 3 of the Act;
- (e) all other words and expressions used in these rules but not defined shall have the same meaning assigned to them in the Act.

**3. The number, experience and qualifications of other members of the Central Authority :-** (1) The Central authority shall consist of not more than twelve members.

(2) The following shall be the ex-officio members of the Central Authority, namely :-

- (i) Secretary, Department of Legal Affairs, Ministry of Law, Justice and Company Affairs, government of India or any of his nominee.
- (ii) Secretary, Department of Expenditure, in the Ministry of Finance, Government of India or any of his nominee; and

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NATIONAL LEGAL SERVICES AUTHORITY RULES, 1995

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- (iii) two Chairmen of the State Legal Services Authorities as may be nominated by the Central Government in consultation with the Chief Justice in India:

Provided that the Patron-in-Chief of the Central Authority may nominate, until the constitution of State Authorities under the Act, Chairman of any two of the State Legal Aid and Advice Boards or Committees, by whatever name called, existing prior to such constitution.

(3) The Central Government may nominate, in consultation with the Chief Justice of India, 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 Central Authority 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 people, including Scheduled Castes, Scheduled Tribes, women, children, Rural and urban labour.

**4. Appointment of Member-Secretary :-** The Central Government shall in consultation with the Chief Justice of India, appoint a person to be the Member-Secretary of the Central Authority, possessing experience and qualifications as prescribed in Rule 5.

**5. The experience and qualifications of the Member-Secretary of the Central Authority and his powers and functions :-** A persons shall not be qualified for appointment as Member-Secretary unless he is –

- (a) an officer of the Indian Legal Service who has held a post not below the rank of Additional Secretary to the Government of India; or
- (b) a member of the State Higher Judicial service who has held the post of District Judge at least for three years; or

## NATIONAL LEGAL SERVICES AUTHORITY RULES, 1995

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- (c) an officer of other organized Central Services who has held a post of Joint Secretary to the Government of India or equivalent for a minimum period of three years; or
- (d) an officer of the organized State Services who has held a post equivalent to the Joint Secretary to the Government of India for a minimum period of five years.

Preference will be given to persons possessing administrative, financial and legal aid experience.

**6. Powers and Functions of the Member-Secretary :-** The powers and functions of the Member-Secretary, *inter alia*, shall be –

- (a) to work out modalities of the Legal Services Schemes and Programmes approved by the Central Authority and ensure their effective monitoring and implementation throughout the country ;
- (b) to exercise the powers in respect of administrative, finance and budget matters as that of the Head of the Department in a Central Government ;
- (c) to manage the properties, records and funds of the Central Authority ;
- (d) to maintain true and proper accounts of the Central Authority including checking and auditing in respect thereof periodically;
- (e) to prepare Annual Income and Expenditure Accounts and Balance sheet of the Central Authority;
- (f) to liaise with the Social Action Groups and the State Legal Services Authorities;
- (g) to maintain up-to-date and complete statistical information, including progress made in the implementation of various Legal Services Programmes from time to time;
- (h) to process project proposals for financial assistance and issue Utilisation Certificates thereof;

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NATIONAL LEGAL SERVICES AUTHORITY RULES, 1995

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- (i) to convene Meetings / Seminars and Workshops connected with Legal Services Programmes and preparation of Reports and follow-up action thereon;
- (j) to produce video / documentary films, publicity material, literature and publications to inform general public about the various aspects of the Legal Services Programmes; and
- (k) to perform such other functions as may be expedient for efficient functioning of the Central Authority.

**7. The terms of office and other conditions relating thereto, of members and Member-Secretary of the Central Authority :-**

- (1) The members of the Central authority nominated by the Central Government under sub-rule (3) of Rule 3, shall hold office for a term of two years and a retiring member shall be eligible for renomination for not more than one term.
- (2) A member of the Central Authority nominated by the Central Government under sub-rule (3) of Rule 3 maybe removed by the Central Government if in the opinion of the Central Government, it is not desirable to continue him as a member.
- (3) If any member nominated under sub-rule (3) of Rule 3 ceases to be a member of the Central Authority, for any reason such as resignation or death, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be a member for the remaining term of the member in whose place he is nominated.
- (4) All members nominated under sub-rule (3) of Rule 3 shall be entitled to payment of traveling allowance and daily allowance in respect of journeys performed in connection with the work of the Central Authority and shall be paid by the Central Authority in accordance with the rules as are applicable to Grade 'A' officers, as amended from time to time.
- (5) I a nominated member is a government employee, he shall be entitled to only one set of traveling allowance and daily allowance either from his parent department, or, as the case may be, from the Central Authority.

NATIONAL LEGAL SERVICES AUTHORITY RULES, 1995

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(6) The Member-Secretary shall hold office for a term not exceeding five years or till the age of 62 years, whichever is earlier.

(7) In all matters like pay, allowances, benefits and entitlements, the Member-Secretary shall be governed by rules as are applicable to the persons holding equivalent posts in the Central Government.

(8) If an officer of the State Higher Judicial Service or, as the case may be, of other organized Central/State Services, is appointed as Member-Secretary he shall be governed by the service conditions of his parent cadre, in so far as disciplinary matters are concerned.

(9) The appointment of the Member-Secretary may be on deputation basis.

**8. The number of officers and other employees of the Central Authority :-** The Central authority shall have such number of officers and other employees for rendering secretarial assistance and for its day-to-day functions as are set out in Schedule to these rules or as may be notified by the Central Government from time to time.

**9. The conditions of service and the salary and allowances of officers and other employees of the Central Authority under sub-section (6) of Section 3 :-** (1) The officers and other employees of the Central Authority 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 other employees of the Central Authority shall be governed by the Central Government as are applicable to persons holding equivalent posts.

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

**10. The number, experience and qualifications of members of the Supreme Court Legal Services Committee under Clause (b) of sub-section (2) of Section 3-A :-** (1) The Supreme Court Legal Services Committee shall consist of not more than nine members.

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NATIONAL LEGAL SERVICES AUTHORITY RULES, 1995

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(2) The following shall be the ex-officio 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) Additional Secretary in the Department of Expenditure of the Ministry of Finance, Government of India or his nominee; and
- (iv) Registrar General of the Supreme Court of India.

(3) The Central Government may nominate in consultation with the Chief Justice of India, other members from amongst those possessing the qualification and experience prescribed in sub-rule (4) of this rule.

(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 people including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour.

**11. The experience and qualifications of Secretary of the Supreme Court Legal Services Committee under Clause (b) of sub-section (2) of Section 3-A :-** A person shall not be qualified for appointment as Secretary unless he is –

- (i) an officer of the Supreme Court Registry not below the rank of Joint Registrar ; or
- (ii) officers of the rank of Director from the Central government , possessing a degree of Law.

**12. The upper 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 :-** Any citizen of India whose annual income from all

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NATIONAL LEGAL SERVICES AUTHORITY RULES, 1995

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sources does not exceed Rs.18,000 (Rupees eighteen thousand) shall be entitled to legal services under Clause (h) of Section 12 of the Act.

**13. The experience and qualifications of other persons of the Lok Adalats organized 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 people, including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour.

## SCHEDULE

### Proposed Strength of the staff of the National Legal Services Authority consequent upon the enforcement of the Legal Services Authorities Act.

S.No.	Designation	Scale of pay	No. of posts
<b>I. OFFICERS</b>			
1.	Member Secretary	Rs.7300-7600	1
2.	Deputy Secretary	Rs.3700-5000	2
3.	Private Secretary	Rs.3000-4500	3
4.	Section Officer	Rs.2000-3500	4
			-----
	Total		10
			-----
<b>II. ESTABLISHMENT</b>			
1.	Accountant	Rs.1640-2900	1
2.	Assistant	Rs.1640-2900	2
3.	Steno Gr. 'C'	Rs.1640-2900	3
4.	Social Science Res. Asst.	Rs.1400-2600	1
5.	Printing Assistant	Rs.1400-2600	1
6.	Librarian	Rs.1200-2040	1
7.	Steno Typist	Rs.1200-2040	4
8.	Cashier	Rs.1200-2040	1 * with spl. Pay
9.	Lower Division Clerk	Rs.950-1500	8
10.	Staff Car Driver	Rs.950-1500	4
11.	Jamadar	Rs.775-1025	3
12.	Daftry	Rs.775-1025	2
13.	Gestetner/plain Paper Copier Operator	Rs.750-940	1
14.	Peon	Rs.750-940	6
15.	Farash	Rs.750-940	2
16.	Safaiwala	Rs.750-940	2
			----
	Total		42
			----
	Grand Total of officers and staff		52

**THE SIKKIM STATE LEGAL SERVICES AUTHORITY  
REGULATION, 1998**

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**NOTIFICATION NO. 1/NF/SLSA/98 DATED : 18.4.1998**

(Published in Extraordinary Gazette No. 78 dated 16.4.98)

**as amended by Notification No. 3/NF/State Legal Services Authority/98 dated 4.6.98**

(Published in Extraordinary Gazette No. 126. Dated 19.6.98)

In exercise of powers conferred by section 29-A of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987), the Sikkim State Legal Services Authority hereby makes the following regulation for the purpose of giving effect to the provision of the said Act, namely:-

**THE SIKKIM STATE LEGAL SERVICES AUTHORITY  
REGULATION, 1998.**

**CHAPTER I  
PRELIMINARY**

**1. Short title and commencement:-**

- (1) These Regulations may be called the Sikkim State Legal Services Authority Regulation, 1998.
- (2) They shall come into force with immediate effect.

**2. Definition –**

- (1) In these Regulations, unless the context otherwise requires:-
  - (a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987) as amended by Act, 1994 (No 59 of 1994);
  - (b) “Authority” means State Legal Services Authority, District Legal Services Authority;
  - (c) “Committee” means High Court Legal Services Committee, or Taluk Legal Services Committee as the case may be;
  - (d) “Rules” means the Sikkim State Legal Services Authority Rules, 1995;
  - (e) “High Court” means High Court of Sikkim;

(f) “Chief Justice” means Chief Justice of High Court and includes “Acting Chief Justice” as defined in Article 223 of the Constitution.

<sup>[1]</sup> [(g) ‘Judge’ means the one who is or has been a Judge of the High Court

<sup>[2]</sup> (h) ‘Judicial Officer’ means the one who is or has been a member in the cadre of the Sikkim State Judicial Service or Sikkim State Superior Judicial Service].

(2) All other words and expressions used in the Regulations, which are not defined herein, shall have the same meanings as assigned in the Act or the Rules.”

## CHAPTER II STATE AUTHORITY

### 3. Powers and functions of the Patron-in-Chief -

- (1) The Patron-in-Chief shall have overall advisory power and function in respect of working of the State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority and Taluk or Sub-Divisional Legal Services Committee.
- (2) Both the Patron-in-Chief and the Executive Chairman in particular may undertake such tour throughout the State for promoting the Legal Services Programmes and the Scheme of the Act and to implement the same in the State.
- (3) The Patron-in-Chief or the Executive Chairman shall not be entitled to any daily allowance or re-imbusement of any expenditure in connection with tour undertaken within the State for promoting the Legal Services Programme and the scheme of the Act and to implement the same in the State.

Provided that except in places where Patron-in Chief or the Executive Chairman are extended State Guest Facilities outside the State, they shall be entitled to daily allowances to which they are entitled to if required to go outside the State for any matter

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<sup>[1]</sup> & <sup>[2]</sup> **Inserted vide Notification No.154/S.L.S.A. dated 13.11.2001 (Annexure ‘F’)**

***Regu.4 ] SIKKIM STATE LEGAL SERVICES AUTHORITY REGULATION, 1998***

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connected with Legal Services under the Legal Services Authority Act, 1987 and Rules and Regulations framed thereafter, and such expenses shall be met out of the funds of the Sikkim State Legal Services Authority.

**4. Meetings of the State Legal Services Authority –**

- (1) The State Authority shall meet at least once in 6 months at the place, date and time specified by the Executive Chairman of the Authority.
- (2) The meetings of the State Authority shall be presided over by the Executive Chairman or in his absence by any member chosen by the members present an the quorum of the meeting of the State Authority shall be 5 and no quorum shall be necessary for adjourned meeting.
- (3) All the subject matters of the agenda shall be decided in the meeting by the majority of votes of the members present and in case of equal number of votes, the person presiding shall have a second or casting vote.
- (4) Any member of the State Authority desiring consideration of any subject or matter at any meeting of the State Authority, may intimate in writing such subject or matter to the Member Secretary. If such intimation is received before issue of the notice of the meeting, the subject or matter shall if so directed by the Patron-in-Chief or in his absence, by the Executive Chairman, be included in the Agenda of the meeting. If such intimation is received after issue of the notice, the subject or matter may be considered at the meeting with the permission of the person presiding at the meeting.
- (5) The Member Secretary of the State Authority shall prepare the Agenda of the meeting of the State Authority and the Executive Chairman shall, finally approve the Agenda. However, any urgent matter may also be discussed in the meeting, though not included in the Agenda. The notice of every meeting of the State Authority, shall be given in writing by the Member Secretary to the Members, at least 3 clear days before the date of the meeting. However, in urgent matters, the notice of only 24 hours may be given.

SIKKIM STATE LEGAL SERVICES AUTHORITY REGULATION, 1998      **[Regu.5]**

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- (6) The agenda of the meetings shall be sent to the members along with the notice.
- (7) The Member Secretary shall draw up the minutes of the meeting of the State Authority within 3 days of the meeting and send it to all members of the State Authority as soon as possible.
- (8) The minutes shall contain a record of the decisions taken and resolutions passed at the meeting and the discussions at the meeting shall not ordinarily form part of the minutes, unless the Patron-in Chief or the Executive Chairman so directs. The minutes shall be recorded in a separate register maintained for that purpose in the Office of the State Authority.

<sup>[1]</sup> [(9) *Where any matter is required to be placed before the member for consideration and approval but no meeting is possible for such consideration, in all such cases the proposal shall be circulated amongst the members for consideration and approval of and a matter or a proposal shall be deemed to have been approved if at least 50 % of member available in the station approves the same].*

**5. Allowances Payable to the Members of the State Authority -**

- (1) The sitting fee is payable to the non-official members of the State Authority for attending the meeting of any Committee as may be fixed by the Executive Chairman.
- (2) No daily allowances shall be paid to the Patron-in Chief and Executive Chairman for attending the meetings of the State Authority or of any Committee thereof in any place within Sikkim.

<sup>[2]</sup> [5 (3) – *Learned Advocates who are in active profession and are the Members of the State Legal Services Authority / District Legal Services Authority / High Court Legal Services Committee / or any other Sub-Committee shall not be entitled to sitting fees and shall conduct three cases free of charging fees assigned to them by the State Legal Services Authority and respective District Legal Services Authority / Taluk Legal Services Committee]*

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<sup>[1]</sup> *Inserted vide Notification No.102/S.L.S.A. dated 30.8.2000 (Annexure 'G')*

<sup>[2]</sup> *Inserted vide Notification No.76/S.L.S.A. dated 6.1.2000 (Annexure 'H')*

***Regu.6 &7 ]SIKKIM STATE LEGAL SERVICES AUTHORITY REGULATION, 1998***

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**6. Funds, Accounts and Audit of the State Authority -**

- (1) The funds of the Authority shall consist of such funds as may be allocated and granted to it by the Central Authority as also such amounts as may be received by the Authority from State Government and all other amount received from time to time by way of donations or by way of cost, charges and expenses recovered from the persons provided with legal aid or the opposite party or otherwise.
- (2) The fund of the Authority shall be maintained in a scheduled bank.
- (3) For the purpose of meeting the incidental expenditure etc., minor charges such as court fee, stamps and expenditure necessary for obtaining copies of documents etc. a permanent advance of Rs. 5000/- shall be placed at the joint disposal of the Under Secretary and Accountant of the State Authority.
- (4) All expenditure on legal aid and advice, provisions of other legal services as also expenditure necessary for carrying out the various functions of the Authority shall be met out of the funds of the Authority. The Member Secretary or the Under Secretary or Deputy Secretary and the Accountant shall jointly operate the bank account of the authority after obtaining approval of the Chairman;
- (5) The Member Secretary and Accountant shall cause to be kept and maintain true and correct accounts of all receipts and disbursements and furnish quarterly reports to the State Authority.
- (6) The accounts of the Authority shall be audited by the Accounts Officer as mentioned in sub-section 2 of section 18 (e) of the Act at least once in a year and any expenditure incurred in connection with such audit shall be paid by the Authority.

**7. Finance and Accounts -**

- (1) The State Authority and Committee shall establish fund respectively and credit it in any scheduled bank.
- (2) The Accounts shall be operated by the respective Secretary.
- (3) The respective Authority and Committee shall maintain following Registers:
  - (a) Receipt Book

SIKKIM STATE LEGAL SERVICES AUTHORITY REGULATION, 1998 [Regu.7,8&9]

- (b) General Cash Book
- (c) Office Cash Book
- (d) Acquittance Roll
- (e) Register of T.A.
- (f) Register of Bills
- (g) Register of Stamps
- (h) Register of Stock of Furnitures
- (i) Register of Stationery/Bank Cheque
- (j) Cheques (Supplied by the Bank)
- (k) Classification Register of Expenditure
- (l) Register of funds received
- (m) Voucher Book
- (n) Ledger of Properties purchased.

(4) All the expenditure of the respective Authority and Committee, shall be placed before respective Finance Committees for ratification.

**8. Executive Committee of the State Authority-**

- (1) The Executive Chairman of the State Authority shall constitute an Executive Committee consisting of 5 Member out of the Members nominated, and hold such meetings <sup>[1]</sup>*[twice in a year]* at the place, date and time fixed by the Executive Chairman.
- (2) The Member Secretary shall with the approval of the Executive Chairman, prepare the agenda for the meeting of the Executive Committee and send it along with the notice of the meeting of at least 3 clear days. In urgent cases 24 hours notice may be given and the quorum shall be 3. No quorum shall be necessary for adjourned meeting.
- (3) The Executive Committee, for the purpose of conducting the meeting, shall follow the procedure as mentioned in Regulation No. 4.

**9. Powers and duties that may be conferred on the Executive committee-**

- (1) The Executive Committee shall be in overall charge of all matters connected with the powers, functions and administration of the State Legal Services Authority.

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<sup>[1]</sup> *Substituted vide Notification No.98/S.L.S.A. dated 31.7.2000 (Annexure 'T')*

- (2) The State Authority may subject to any condition specified by it confer on the Executive Committee such powers and duties for the effective function and administration and supervision over the District Authority and Taluk Legal Services Committee, and to implement the Scheme of the Act.

**10. Finance Committee of the State Authority-**

- (1) The Executive Chairman of the State Authority shall constitute a Finance Committee consisting of five members, out of the members nominated, and hold such meetings <sup>[1]</sup> [*twice in a year*] at the place, date and time fixed by the Executive Chairman.
- (2) The meeting of the finance committee shall be held with previous notice of the meeting of at least 3 clear days. The quorum of the meeting shall be 3 and no quorum shall be necessary for the adjourned meeting. In case of urgent meetings, the 24 hours notice shall be sufficient.

**11. Functions of the Finance Committee-**

- (1) It shall review the receipt and expenditure of Funds of the State Legal Services Authority.
- (2) It shall suggest ways and means to augment the resources to the State Authority.
- (3) It shall consider the budget and the annual statement of accounts of the State Authority.
- (4) The Committee shall submit its report or recommendation in respect of all financial matters placed before it to the Executive Committee.
- (5) The proceedings of the Finance Committee and the minutes thereof shall be recorded by the Member Secretary or Under Secretary and after the approval of the Chairman, send copies thereof to the member.

**12. Panel of Advocates-**

The Executive Committee of the State Authority shall prepare a panel of advocates to prosecute the cases on behalf of the persons provide with legal aid under these Regulations.

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<sup>[1]</sup> Substituted vide Notification no.98/SLSA dated 31.07.2000 (Annexure 'I')

**13. Disqualification of Legal Practitioners-**

- (1) No legal practitioner on the panel shall charge or collect any remuneration from an aided person in any form whatsoever.
- (2) The name of legal practitioner who contravenes the schemes of the Act, Rules and this Regulation, shall be removed from the panel and he shall also be liable to be prosecuted as per law for professional misconduct.

**14. The Duties of the Legal Practitioners-**

(1) The legal practitioner conducting a case on behalf of an aided person shall not later than two days after the case is decided, apply for copies of judgments and decrees if any and immediately on receipt of the copies, submit them to the Committee, District Authority, Taluk Committee, as the case may be, which appointed him to conduct the said case together with detailed comments thereon. The Taluk Committee, High Court Committee, District Authority or State Authority as the case may be, shall take steps to recover costs, if any, awarded by the Court to the aided person and consider the feasibility of filing an appeal or revision, if-

- (a) the case has been decided against the aided person;
- (b) the case is prima facie fit for appeal; and
- (c) the aided person has applied for legal service for filling the appeal or revision as the case may be.

**15. Functions of the State Authority-**

Besides the functions enumerated in section 7 of the Act, the State Authority shall also perform all or any of the following functions, namely:-

- (1) generate awareness among the masses about their legal rights;
- (2) promote legal literacy;
- (3) hold seminar and workshop to promote the above;
- (4) provide pre-litigation advice;
- (5) provide pending litigation counselling;
- (6) render conciliation advice;
- (7) in house counselling in the office;
- (8) counselling under Family Court Act;

***Regu. 15 ] SIKKIM STATE LEGAL SERVICES AUTHORITY REGULATION, 1998***

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- (9) publicity campaign through AIR, Doordarshan and news paper, leaflets and pamphlets in local languages including English and Hindi;
- (10) exhibition on KNOW YOUR RIGHTS, ETC.;
- (11) to establish, maintain, promote, protect and safeguard the rights, interests and privileges of the society by rendering legal aid, advice and assistance for practical purposes;
- (12) to enforce the rights of the people and secure the benefits to which the people are entitled;
- (13) to uphold the assurance provided in the Magna Carta to the effect, inter-alia;  
“To no one will we sell, to no one will we refuse or delay right or justice.”
- (14) legal information;
- (15) legal literacy campaign;
- (16) legal advice;
- (17) legal aid;
- (18) legal aid courses for lawyers and legal aid activists;
- (19) holding seminars for lawyers and Paralegals;
- (20) holding workshop and conferences on legal matters;
- (21) holding Legal Aid Clinics in different Districts of the State for catering legal aid schemes to the door steps of the weaker section of society;
- (22) conducting socio-legal survey and research;
- (23) conducting Legal Aid Classes in different parts of the State;
- (24) creating awareness about concept of public interest litigation for greatest good to the greatest number;
- (25) counselling of mentally deprived children;
- (26) rendering legal aid advice and assistance to the vulnerable section of the society;
- (27) to identify problems of the community;
- (28) to establish short stay home for destitute women;
- (29) to establish permanent alternative dispute Resolution Centre, family counselling centre and Research Institute for Comparative Constitutional Law and Human Rights;

- (30) to establish accommodation for Counselling Centres one each in East, North, West and South District;
- (31) to call for services of psychologist, psychiatrics;
- (32) to create Non-Government Organisations and to keep co-ordination with them;
- (33) Referral Service;
- (34) help in monitoring pre-release exercise and rehabilitation of male and female non-criminal lunatics in Jail, if any;
- (35) Legal Aid Library facility;
- (36) spreading awareness on legal matters through regular Assistance column;
- (37) establishment of marriage and family counselling centre;
- (38) Para Legal Training Programmes;
- (39) To persuade the State Government for establishment of separate Jail for men and women separately in the District and Sub-divisions in the State;
- (40) Support Service in Courts through panel of lawyers maintained by Legal Services Authority;
- (41) holding of maximum number of Lok Adalats preferably once in a week on matrimonial disputes, bank loan and other loan matters, land acquisition cases, matters relating to industrial disputes, landlord tenants controversies, petty criminal cases, if any, between departments of the Government, State owned corporations, motor accident claim cases, commercial disputes etc.
- (42) frame the most effective and economical schemes for the purpose of making legal services available under the provisions of this Act;
- (43) take necessary steps by way of social justice litigation with regard to consumer protection, environmental protection or any other matter of special concern to the weaker section of the society and for this purpose, give training to social workers in legal skills.

***Regu.15 ] SIKKIM STATE LEGAL SERVICES AUTHORITY REGULATION, 1998***

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- (44) organise legal aid camps, especially in rural areas, slums or labour colonies with the dual purpose of educating the weaker sections of the society as to their rights as well as encouraging the settlement disputes through Lok Adalats;
- (45) encourage the settlement of disputes by way of negotiations, arbitration and conciliation;
- (46) undertake and promote research in the field of legal services with special reference to the need for such services among the poor;
- (47) to do all things necessary for the purpose of ensuring commitment to the fundamental duties of citizens under Part IVA of the Constitution;
- (48) monitor and evaluate implementation of the legal aid programmes at periodic intervals and provide for independent evaluation of programmes and schemes implemented in whole or in part by funds provided under this Act;
- (49) provide grants-in-aid for specific schemes to various voluntary social service institutions and the State and District Authorities, from out of the amounts placed at its disposal for the implementation of legal services schemes under the provisions of this Act;
- (50) make special efforts to enlist the supports of voluntary social welfare institutions working at the grassroot level, particularly among the Schedule Castes and the Scheduled Tribes, women and rural and urban labour and prevention of child labour;
- (51) co-ordinate and monitor the functioning of District Authorities, High Court Legal Services Committee, Taluk Legal Services Committees and voluntary social service institutions and other legal services organisations and give general directions for the proper implementation of the legal services programmes.
- (52) to collect, trace out and compile old local laws, rules, regulations, orders, circulars or any documents of instruments having force of law

promulgated by the former Maharaja of Sikkim, old judgements/orders of Courts prior to and till 26.4.1975 and to constitute a Sub-Committee for the aforesaid purpose and to monitor its functions.

- (53) <sup>[1]</sup> *[To ensure promotion of concept of Gender Equality, spreading messages for education of public on the concept of Gender Equality, holding of seminars, training, camps, etc. on the concept of Gender Equality and participation in such programme by Judicial Officers and Hon'ble Judges of different High Court and from Supreme Court, association of N. G. Os. wherever possible in such matter, coordination with Social Welfare Department of the State Government or the Central Government or any other concerned Department or Organisation/Establishment, rendering assistance in deserving cases for promotion of the concept of Gender Equality, etc.]*

### CHAPTER III HIGH COURT LEGAL SERVICES COMMITTEE

#### 16. Number, experience and qualifications of members of the Committee under clause (b) of sub-section (2) of section-8-A of the Act-

- (1) The Committee shall have not more than seventeen members including the Chairman thereof.
- (2) The High Court Legal Services Committee established under section 8A shall consist of the following members namely:-
  - (a) The Chief Justice of the High Court or Acting Chief Justice as the case may be,
  - OR
  - A sitting Judge of the High Court (to be nominated by the Chief Justice of the High Court);
  - (b) The <sup>[2]</sup>*[General Secretary]*, Bar Association of Sikkim, or any member of the said Bar nominated by the President;

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<sup>[1]</sup> *Inserted vide Notification No.155/SLSA dated 13.11.01(Annexure 'J')*

<sup>[2]</sup> *Substituted vide Notification No.43/SLSA/3 dated 25.01.01(Annexure 'K-1')*

***Regu.16 ] SIKKIM STATE LEGAL SERVICES AUTHORITY REGULATION, 1998***

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- (c) The <sup>[1]</sup>*[Vice President]*, Bar Association of Sikkim, or any member of the said Bar nominated by the President;
- (d) <sup>[2]</sup>*[Registrar General or Registrar]* (of the cadre of District Judge/Judicial Service) to be the Member Secretary of the Committee to be appointed by the Chief Justice under sub-section (3) of section 8-A of the Act.
- (3) The Chief Justice or Acting Chief Justice as the case may be of the High Court may nominate other members <sup>[3]</sup>*[not exceeding thirteen]* from among those possessing the experience and qualification provided in sub-regulation (4).
- (4) A person shall not be qualified for nomination as a member of the Committee, unless he is-
- (a) an eminent Social Worker who is engaged in the upliftment of the Weaker section of the people, including Scheduled Castes, Scheduled Tribe, women, children rural and urban labour; or
- (b) an eminent person in the field of law; or
- (c) a person of repute who is especially interested in the implementation of the Legal Services Schemes.

<sup>[4]</sup> *[Provided that if a person was/is involved in litigation either as plaintiff/petitioner or defendant/respondent or in a criminal case either as a complainant or as an accused, such person shall not be eligible to be nominated as a non-official member of the Committee and a non-official member who has completed his/her term shall not be eligible for re-nomination to the Committee, however, such bar or re-nomination shall not apply in respect of official members]*

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[1] Substituted vide Notification No.43/SLSA/3 dated 25.09.08 (Annexure 'K-1')

[2] *Substituted vide Notification No.118/SLSA dated 16.3.2001(Annexure 'K')*

[3] & [4] *Substituted vide Notification No.155/SLSA dated 13.11.2001(Annexure 'J')*

- <sup>[1]</sup> [(5) – *Out of the total non-official members to be nominated by the Chief Justice or Acting Chief Justice as the case may be, 30% of the total non-official member shall be from among woman.*

*Provided that till the appointment of non-official members or during the pendency of such appointment of non-official members of the Committee, the ex-officio members nominated by the competent authority shall be deemed to be the appropriate authority and any decision taken by them with required quorum of the ex-officio member shall be deemed to be the decision of the Committee.]*

**17. Terms of office and other conditions of appointment of members of the Committee-**

- (1) The term of office of the members of the Committee nominated under sub-regulation (3) of regulation 16 shall be two years and they shall be eligible for re-nomination.
- (2) A member of the Committee nominated under sub-regulation (3) of regulation 16 may be removed by the Chief Justice of the High Court, if the member-
  - (a) has been adjudged an insolvent; or
  - (b) has been convicted of an offence, which is the opinion of the State Authority, involves moral turpitude; or
  - (c) has become physically or mentally incapable of acting as a member; or
  - (d) has so abused his position or render his continuance in the Committee prejudicial to the public interest.
- (3) A member may, by writing under his hand addressed to the Chairman, resign from the committee and such resignation shall take effect from the date on which it is accepted by the State Authority or on the expiry of thirty days from the date of tendering resignation, which-ever is earlier.
- (4) If any member nominated under sub-regulation (3) of regulation 16 ceases to be a member of the Committee for any reason, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be a member for the remaining term of the member in whose place he is nominated.

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<sup>[1]</sup> *Inserted vide Notification No.155/SLSA dated 13.11.2001 (Annexure 'J')*

***Regu.18&19 ] SIKKIM STATE LEGAL SERVICES AUTHORITY REGULATION, 1998***

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- (5) Subject to the provisions of sub-regulation (6) all members nominated under sub-regulation (3) of regulation 16 shall be entitled to payment of travelling allowance and daily allowance in respect of journey performed in connection with the work of the Committee and shall be paid by the Committee at the rates admissible to the first grade officers of the State Government under the State Government Travelling Allowances Rules.
- (6) If any member is a Government employee, he shall be entitled to draw travelling allowance and daily allowance at the rates to which he is entitled to under the Travelling Allowance Rules applicable to him and shall draw from the Department, in which he is employed and not from the Committee.

**18. Functions of the Committee-**

- (1) It shall be the duty of the Committee to give effect to the policy and directions of the State Authority.
- (2) Without prejudice to the generality of the functions referred to in sub-regulation (1) the Committee shall, for the High Court, in consultation with the Executive Chairman, State Authority, perform all or any of the following functions, namely:-
  - (a) provide legal services to persons who satisfy the criteria laid down under the Act and the Rules;
  - (b) conduct Lok Adalats for High Court cases; and
  - (c) encourage the settlement of disputes by way of negotiations, arbitration and conciliation.

**19. Functions of the Secretary-**

- (1) The Secretary shall be the custodian of all assets, accounts, records and funds placed at the disposal of the Committee and shall work under the supervision and direction of the Chairman of the Committee.
- (2) The Secretary shall maintain or cause to be maintained true and proper accounts of the receipts and disbursements of the funds of the Committee.

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*SIKKIM STATE LEGAL SERVICES AUTHORITY REGULATION, 1998* [Regu.20 & 21]

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- (3) The Secretary shall convene meetings of the committee with the previous approval of the Chairman and shall be responsible for maintaining a record of the minutes of the proceedings of the meetings.

**20. Meetings of the Committee-**

- (1) The Committee shall ordinarily meet <sup>[1]</sup>[*twice in a year*] on such date and at such place as the Secretary may, in consultation with the Chairman, decide.
- (2) The Chairman, and in the absence of the Chairman, a person chosen by the members present from amongst themselves shall preside at the meeting of the Committee.
- (3) The procedure at any meeting of the Committee shall be such as the Committee may determine.
- (4) The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the Secretary and such minutes shall be open to inspection at all reasonable times by the members of the Committee.  
A copy of the minutes shall, as soon as may be after the meeting be forwarded to the State Authority.
- (5) The quorum for the meeting shall be six including the Chairman or the member presiding over the meeting.
- (6) All questions at the meeting of the Committee shall be decided by a majority of the members present and voting and in case of a tie the person presiding shall have a second or casting vote.

**21. Funds, Accounts and Audit of the Committee-**

- (1) The funds of the Committee shall consist of such amounts as may be allocated and granted to it by State Authority as also such amounts as may be received by the Committee, from time to time, either by way of donations or by way of costs, charges and expenses recovered from the legal aided persons or the opposite party or otherwise.
- (2) The funds of the Committee shall be maintained in a Scheduled Bank.
- (3) For the purpose of meeting, the incidental minor charges such as court fee, stamps and expenditure necessary for

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<sup>[1]</sup> *Substituted vide Notification No.98/SLSA dated 31.7.2000 (Annexure 'I')*

***Regu.22 ] SIKKIM STATE LEGAL SERVICES AUTHORITY REGULATION, 1998***

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obtaining copies of documents, etc., a permanent advance of rupees three thousand shall be placed at the disposal of the Secretary.

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

Secretary shall operate the bank accounts of the Committee in accordance with the directions of the Chairman.

- (5) The Committee shall cause to be kept and maintained true and correct accounts of all receipts and disbursements and furnish quarterly returns to the Authority. The accounts of the Committee shall be subject to audit at least once a year, and any expenditure incurred in connection with such audit shall be paid by the Committee.

#### **CHAPTER IV DISTRICT LEGAL SERVICES AUTHORITIES**

**22. Secretary, District Authority-**

- (1) The Secretary of the District Authority appointment under sub-section (3) of section 9 of the Act, shall act, exercise and perform the duties of the Secretary of the District Authority in addition to the duties to be discharged by him as a Judicial Officer.
- (2) The Secretary shall be the principal officer of the District Authority and shall be custodian of all assets, accounts, records and funds placed at the disposal of the District Authority.
- (3) The Secretary shall maintain or cause to be maintained true and proper accounts of the receipts and disbursement of the funds of the District Authority.
- (4) The Secretary shall convene meetings of the District Authority with the previous approval of the Chairman and shall also attend meetings, and shall be responsible for maintaining a record of the minutes of the proceedings of the meetings.

<sup>[1]</sup> [ 22-A. *Terms of Office of the members of District Authority:-*

*The term of Office of Members of the District Legal Services Authority nominated under Section 9(2)(b) of the Legal Services Authorities Act, 1987 shall be for two years and they shall be eligible for re-nomination]*

### **23. Meetings of the District Authority-**

- (1) The District Authority shall ordinarily meet <sup>[2]</sup>*[twice in a year]* on such date and at such place, as the Secretary may, in consultation with the Chairman, decide.
- (2) The Chairman, and in the absence of the Chairman, a person chosen by the members present from amongst themselves shall preside at the meeting of the District Authority.
- (3) The procedure at any meeting of the District Authority shall be such as the District Authority may determine.
- (4) The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the Secretary and such minutes shall be open to inspection at all reasonable times by the members of the District Authority. A copy of the minutes shall, as soon as may be after the meeting, be forwarded to the Chairman of the District Authority.
- (5) The quorum for the meeting shall be three including the Chairman or the member presiding over the meeting.
- (6) All questions at the meeting of the District Authority shall be decided by a majority of the members present and voting and in case of tie the person presiding shall have a second or casting vote.

### **24. Funds of the District Authority-**

- (1) The funds of the District Authority established under section 17 of the Act, shall be maintained in a Scheduled Bank.

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<sup>[1]</sup> *Inserted vide Notification No.150/SLSA dated 22.10.2001 (Annexure 'L')*

<sup>[2]</sup> *Amended vide Notification No.98/SLSA dated 31.7.2000 (Annexure 'I')*

***Regu.25 ] SIKKIM STATE LEGAL SERVICES AUTHORITY REGULATION, 1998***

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- (2) For the purpose of meeting the incidental minor charges such as court fee, stamp and expenditure necessary for obtaining copies of documents, etc., a permanent advance of rupees two thousand shall be placed at the disposal of the Secretary of the District Authority.
- (3) All expenditure on legal aid and advice, provisions of other legal services as also expenditure necessary for carrying out the various functions of the District Authority, shall be met out of the funds of the District Authority and in accordance with such rules as may be made by the State Authority.
- (4) The District Authority shall cause to be kept and maintained true and correct accounts of all receipts and disbursements and furnish quarterly returns to the State Authority. Such accounts shall be audited in accordance with the provision of section 18 of the Act.

## **CHAPTER V**

### **TALUK OR SUB-DIVISIONAL LEGAL SERVICES COMMITTEE**

#### **25. Secretary of the Taluk or Sub-Divisional Legal Services Committee-**

- (1) The Chairman of the Taluk or Sub-Divisional Legal Services Committee shall also act, exercised and perform the duties of the Secretary of the Taluk or Sub-Divisional Legal Services Committee.
- (2) The Secretary shall be the custodian of all assets, accounts, records and funds placed at the disposal of the Taluk or Sub-Divisional Legal Services Committee.
- (3) The Secretary shall maintain or cause to be maintained true and proper accounts of the receipts and disbursements of the funds of the Taluk or Sub-Divisional Legal Services Committee.
- (4) The Secretary shall, with the previous approval of the Chairman, convene meetings of the Taluk or Sub-Divisional Legal Services Committee and shall also attend meetings and shall be responsible for maintaining a record of the minutes of the proceedings of the meetings.

<sup>[1]</sup>[25(A) – *The terms of Office of the Member of Taluk or Sub-Divisional Legal Services Committee nominated under Section 11A(2)(b) of the Legal Services Authorities Act, 1987 shall be for two years and they shall be eligible for re-nomination*]

**26. Meeting of the Sub-Divisional Legal Services Committee-**

- (1) The Taluk or Sub-Divisional Legal Services Committee shall ordinarily meet <sup>[2]</sup>[*twice in a year*] on such date and at such place, as the Chairman may decide.
- (2) The Chairman and, in the absence of the Chairman, a person chosen by the members present from amongst themselves shall preside at the meeting of the Taluk or Sub-Divisional Legal Services Committee.
- (3) The procedure at any meetings of the Taluk or Sub-Divisional Legal Services Committee shall be such as the Taluk or Sub-Divisional Legal Services Committee may determine.
- (4) The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the Secretary and such minutes shall be open to inspection at all reasonable times by the members of the Taluk or Sub-Divisional Legal Services Committee. A copy of the minutes shall, as soon as may be after the meeting, be forwarded to the District Authority as well as State Authority.
- (5) The quorum for the meeting shall be three including the Chairman or the member presiding over the meeting.
- (6) All questions at the meeting of the Taluk or Sub-Divisional Legal Services Committee shall be decided by a majority of the members present and voting and, in case of a tie, the person presiding shall have a second or casting vote.

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<sup>[1]</sup> *Inserted vide Notification No.150/SLSA dated 22.10.2001(Annexure ‘L’)*

<sup>[2]</sup> *Amended vide Notification No.98/SLSA dated 31.7.2000 (Annexure ‘I’)*

**27. Funds, Accounts and Audit of the Taluk or Sub-Divisional Legal Services Committee-**

- (1) The funds of the Taluk or Sub-Divisional Legal Services Committee shall consist of such amount as may be allocated and granted to it by the State Authority as also such amounts as may be received by the Committee from time to time either by way of donations or by way of costs, charges and expenses recovered from the Legal aided persons or the opposite-party or otherwise.
- (2) The funds of the Taluk or Sub-Divisional Legal Services Committee shall be maintained in a Scheduled Bank.
- (3) For the purpose of meeting the incidental minor charges such as court fee, stamps and expenditure necessary for obtaining copies of documents, etc.. a permanent advance of rupees two thousand shall be placed at the disposal of the Secretary of the Taluk or Sub-Divisional Legal Services Committee.
- (4) All expenditure on legal aid and advice, provisions of other legal services as also expenditure necessary for carrying out the various functions of the Taluk or Sub-Divisional Legal Services Committee shall be met out of the funds of the Taluk or Sub-Divisional Legal Services Committee. The Secretary shall operate the bank accounts of the Committee in accordance with the directions of the Chairman.
- (5) The Taluk or Sub-Divisional Legal Services Committee shall cause to be kept and maintained true and correct accounts of all receipts and disbursements and furnish quarterly returns to the State Authority.  
The accounts of the Taluk or Sub-Divisional Legal Services Committee shall be subject to audit at least once a year and any expenditure incurred in connection with such audit shall be paid by the Taluk or Sub-Divisional Legal Services Committee.

## **CHAPTER VI LEGAL AID**

**28. Modes of legal aid** – Legal aid may be given in all or any one or more of the following modes, namely:-

- (1) payment of the court fees, process fees, expenses of witnesses and all other charges payable or incurred in connection with any legal proceedings;
- (2) representation by a legal practitioner in legal proceedings;
- (3) supply of certified copies of judgments, orders, notes of evidence and other documents in legal proceedings;
- (4) preparation of pleadings, memo of Appeal, Paper Book, including printing and translation of documents, in legal proceedings; and
- (5) drafting of legal documents, special leave petition etc.

**29.** Notwithstanding anything contained in any of the provisions above, legal aid shall be provided in all such matters or cases wherever a direction from any Court has been issued in this regard.

**30.** Legal aid not to be given in certain cases – Legal Aid shall not be given in the following cases, namely:-

- (1) Proceedings wholly or partly in respect of –
  - (a) defamation; or
  - (b) malicious prosecution
- (2) Proceedings relating to any election.
- (3) Proceedings incidental to any proceedings referred to in items (1) and (2).
- (4) Proceedings in respect of offences punishable with fine only.
- (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.
- (6) Where a person seeking legal aid-
  - (a) is concerned with the proceedings only in a representative or official capacity; or

- (b) is concerned with the proceedings jointly with some other person or persons who interests are identical with his and such person or any of such persons in adequately represented in the proceedings or;
- (c) is a formal party to the proceedings, not materially concerned in the outcome to proceedings and his interests are not likely to be prejudiced on account of the absence of proper representation.

**31. Application for legal aid or advice-**

- (1) Any person desiring legal aid or advice may make an application in Form A addressed to the Secretary of the Authority/Committee. But if the applicant is illiterate or not in a position to fill in the particulars required in the application, the Secretary or any other officer of the Committee or any legal practitioner whose name appears on the panel of legal aid lawyers of the Authority/Committee, as the case may be, or any person authorised by the applicant, shall gather the necessary particulars from the applicant and prepare the application on his behalf and after reading it out and explaining it to him, obtain his signature or thumb mark on it.
- (2) The Authority/Committee shall maintain a Register of applications wherein all applications for legal aid and advice shall be entered and registered and the action taken on such applications shall be noted against the entry relating to each such application.

**32. Disposal of applications-**

- (1) On receipt of an application for legal aid or advice, in the case of High Court Committee or District Authority, the Secretary shall scrutinise the application for the purpose of deciding whether the applicant is deserving to legal aid in accordance with the provisions of these regulations and for the purpose of arriving at such decision, he may require the applicant to submit further information as may be necessary and also discuss the matter personally with the applicant. The application shall be processed as early as possible and preferably within one week.

- (2) The Legal Services Authority/Committee to which applications is made shall consider the application and decide desirability of granting application and its decision to give or refuse legal aid shall be final.
- (3) Where it is decided not to give legal aid to an applicant, the reasons for not doing so shall be entered in the Register of applications maintained by the Authority/Committee and information in writing to the effect shall be communicated to the applicant.
- (4) No application for legal aid and advice shall be allowed, if the Authority/Committee is satisfied that-
  - (a) the applicants has knowingly made false statement or furnished false information as regards his means or place of residence; or
  - (b) is a proceeding, other than the one relating to criminal prosecution, there is no prima facie case to institute or, as the case may be, to defend the proceeding; or
  - (c) the application is frivolous or fictitious; or
  - (d) the applicant is not entitled to the same under regulation 16 or any other provision of these regulations; or
  - (e) having regard to all the circumstances of the case, it is otherwise not reasonable to grant it.

**33. Certificate of Eligibility-**

- (1) Where an application for legal aid or advice is allowed, the Secretary of the Authority/Committee shall issue a Certificate of Eligibility in Form B to the applicant entitling him to legal aid or advice in respect of the proceeding concerned.
- (2) The Certificate of Eligibility shall stand cancelled if the legal aid is withdrawn and the lawyer to whom the case of the applicant is assigned as also the court before which the case is pending shall be informed accordingly in writing.

***Regu. 34,35&36]SIKKIM STATE LEGAL SERVICES AUTHORITY REGULATION, 1998***

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**34.** <sup>[1]</sup>*[The matters relating to remuneration/honorarium/fees payable to legal practitioner on the panel of State Legal Services Authority may be governed by such rules as will be framed by the State Legal Services Authority]*

**35. Duties of Aided Person-**

- (1) A person seeking legal aid or advice shall comply with any requisition or direction that may be made upon him by the Authority/Committee from the date the application for legal aid or advice is made till the completion or cessation of legal aid or cancellation of the Certificate of Eligibility.
- (2) Every such person shall execute and agreement in Form C agreeing in the event of the Court passing a decree or order in his favour awarding costs to him or other monetary benefit or advantage, to repay by way of reimbursement to the Committee all costs, charges and expenses incurred by the Committee in giving him legal aid. For facilitating such reimbursement he shall execute an irrevocable Power of Attorney in Form D authorising the Member-Secretary/Secretary of the Authority/Committee to do all such acts and things as may be necessary to realisation of the amount decreed or ordered to be paid to him. The costs, charges and expenses which may be recovered by the Authority/Committee as aforesaid shall be credited to the State Government.
- (3) Every aided person or his representative shall attend the office of the Authority/Committee or by the legal practitioner rendering legal aid to him and shall furnish full and true information and shall make full disclosure to the legal practitioner concerned and shall attend the Court, as and when required, at his own expenses.

**36. Cancellation of Certificate of Eligibility-**

- (1) The Authority/Committee may either on its own motion or otherwise cancel the Certificate of Eligibility granted under

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<sup>[1]</sup> Substituted vide Notification No.109/SLSA dated 1.12.2000 (Annexure 'M')

*SIKKIM STATE LEGAL SERVICES AUTHORITY REGULATION, 1998* [ **Regu. 36** ]

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regulation 33 in the following circumstances, namely:-

- (a) in the event of being found that the aided person was possessed of sufficient means or the Certificate of Eligibility was obtained by misrepresentation of fraud;
- (b) in the event of any material change in the circumstances of the aided person;
- (c) in the event of any misconduct, misdemeanour or negligence on the part of the aided person in the course of receiving legal aid;
- (d) in the event of the aided person not co-operating with the Authority/Committee or with the legal practitioner assigned by the Committee/Authority/Court;
- (e) in the event of the aided person engaging a legal practitioner other than the one assigned by the Committee/Authority unless the engagement is under direction of any Court;
- (f) in the event of death of the aided persons, except in the case of civil proceedings where the right of liability survives;
- (g) a report has been received from the Advocate assigned to the legally aided person that the legally aided person is not co-operating with the Advocate assigned to him or if guilty of misconduct towards the Advocate and such report has been verified by the Chairman of the Legal Services Committee/Authority;
- (h) in the event of externment under any law for the time being in force, of the aided person, from the area or place of his residence or business;

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

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

**37. Proceeding by the Chairman in most urgent cases-** Notwithstanding anything to the contrary contained in these regulation, in case the Chairman of any Committee/Authority is of the opinion that such a situation has arisen wherein immediate action is required to be taken or there is no possibility of immediately convening the meeting of the Committee/Authority, then he may, in anticipation of the approval of the Committee/Authority concerned, take such action as he may deem fit, and thereafter he shall, as soon as possible send a report of his action so taken to the Committee/Authority concerned.

**38.** If any difficulty arises in giving effect to the provisions of these Regulations, the Executive Chairman may, by order published in the Official Gazette make such provisions of the Regulations as appear to him to be necessary or expedient for removing the difficulty.

## **CHAPTER VII MISCELLANEOUS**

**39. Travelling Allowance and Daily Allowance for journey in connection with Lok Adalats and legal aid programmes of the State Authority-**

- (1) The ex-officio Members of the State Authority including the Patron-in-Chief and the Executive Chairman shall be entitled to draw their Travelling Allowance and Daily Allowance from the State Legal Aid fund established under section 16 of the Act for performing the functions of the State Authority at the rate applicable to them under the rules governing their conditions of service.
- (2) The other persons, who are required by the State Authority to participate in the Lok Adalats or legal aid programmes of the State Authority, shall be entitled to the payment of

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Travelling Allowance and Daily Allowance from the State Legal Aid Fund in respect of journeys performed by them in connection therewith, at the rate applicable to them under the rules governing their conditions of service.

Provided that where no rule is applicable to any such persons, the participating person shall be entitled to Travelling Allowance and Daily Allowance at the rate applicable to the 1<sup>st</sup> Grade Officers of the State Government.

- (3) No Travelling allowance and Daily Allowance shall be admissible under this rule to any Member or other person referred to in sub-rules (1) and (2) if he draws Travelling Allowance and Daily Allowance from any other source for performing the same journey.

**40. Expenditure of the State Legal Aid fund-**

- (1) All expenditures from the State Legal Aid Funds shall be subject to the approval of the State Authority.
- (2) Where any expenditure is incurred without such approval to meet any urgent requirement, the Member-Secretary shall place the matter before the State Authority as its next meeting held immediately after the expenditure so incurred, for ratification.

<sup>[1]</sup> [41 – *Signing of award of Lok Adalats.*

(1) – *Notwithstanding anything contained in any other rule, the award of High Court Lok Adalat may be signed by the Judge of High Court Lok Adalat and Other Persons or by the Judge of the High Court Lok Adalat or by the Member Secretary of the High Court Legal Services Committee.*

(2) – *The award of a Lok Adalat other than that of a High Court Lok Adalat may be signed by the Judicial Officer and Other Persons or by the Judicial Officer holding the Lok Adalat.*

(3) – *In all matters of execution of a decree of Lok Adalat, the provisions as contained in this regard in the Code of Civil Procedure 1908, may be followed]*

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<sup>[1]</sup> *Inserted vide Notification No.154/SLSA dated 13.11.2001(Annexure ‘F’)*

**Schedule**  
<sup>[1]</sup> **See Regulation 34 (1)**

A. In all cases before Courts and Tribunals except before the High Court, the Honorarium shall be as follows:-

		Rs.
(1)	Suits	500.00
	Probate Proceedings	300.00
	Drafting of plaint	100.00
	Drafting of written statement	100.00
(2)	Original proceedings before Criminal and Revenue courts	300.00
(3)	Appeals from original decree	500.00
(4)	Appeal from orders	200.00
(5)	Criminal Appeal and Revisions against orders of conviction	500.00
(6)	Other revisions	250.00
(7)	Other proceedings	250.00

B. In all cases before the High Court, the honorarium shall be as follows:-

(1)	First Appeal	700.00
(2)	Second Appeal up to admission	200.00

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<sup>[1]</sup> **Deleted vide Notification No.109/SLSA dated 1.12.2000**

	Hearing	500.00
(3)	Misc. Appeal up to admission	150.00
	Hearing	250.00
(4)	Civil Revision up to admission	150.00
	Hearing	350.00
(5)	Criminal appeals	500.00
(6)	Criminal Revision up to admission	150.00
	Hearing	350.00
(7)	Proceeding under section 482 of the code of Criminal Procedure, 1973 up to admission	150.00
	Hearing	350.00

C. In all cases for advice - Rs.50 per case.

**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/widow 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 of 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 in my family is ..... and their relationship with me is as under:-
10. The income, if any, of other members or 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 costs or a proportion of 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 ..... 199.....Shri/Smt ..... 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 Legal Aid

This Agreement made on 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 Service Authorities Act, 1987 the State Government have constitute 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 had 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 purpose of giving effect to the provisions of the Act;

And whereas the Applicant had under the said Regulations applied on the .....19.....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”/ “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 cost, 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 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 of legal aid under the said Regulations.
- (ii) The Authority/Committee for an 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 authorise 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. ....

Here enter the name and designation of the officer concerned who has been authorised to execute contract on behalf of the Governor of Sikkim under Article 299 (1) of the Constitution of India.

**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 that 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 an 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 thinks 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 authorised 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 thinks 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 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 whereunder 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 judgement 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 act, 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** that 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 through the Authority/Committee for and on my behalf as and by way of legal aid under the said Regulations.

**IN WITNESS WHERE OF** I ..... have hereunto set my hand this ..... day of ..... in the year one thousand nine hundred and ..... signed and delivered by the within named in ..... the presence of:

- (1)
- (2)

MEMBER SECRETARY  
SIKKIM STATE LEGAL SERVICES AUTHORITY.

**Notification No. 4/NF/SLSA/98 dated 18.8.98**

(Published in Extraordinary Gazette No. 180 dated 19.9.98)

**Sikkim State Legal Services Authority (Recruitment and Appointment) Rules, 1998.**

In exercise of the powers conferred by note appended to Schedule A, B, C, and of the Sikkim State Legal Services Authority Rules, 1995 as amended in 1998 the State Legal Services Authority hereby makes the following rules in so far as this relates to Recruitment and Appointment of Officers and as employees of Sikkim State Services Committee, District Legal Services Authority, Taluk/Sub-Divisional Legal Services Committee.

***Short title and commencement:***

1. (1) These rules may be called the Sikkim State Legal Services Authority (Recruitment and Appointment) Rules, 1998.
- (2) They shall be deemed to have come into force with immediate effect.

***Definition:***

2. "In these rules, unless the context otherwise requires:-
  - (1) "Appointment" means appointment to a post under State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority, Taluk or Sub-Division Legal Services Committee whether on permanent, temporary or officiating basis, or on probation.
  - (2) "Post" means a post, whether permanent or temporary in the State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority, Taluk or Sub-Divisional Legal Services Committee,.
  - (3) "Executive Chairman" means Executive Chairman of the State Legal Services Authority.
  - (4) "Member Secretary" means Member Secretary of the State Legal Services Authority.
  - (5) "Chairman" means Chairman of the District Legal Services Authority.
  - (6) "Selection Committee" means Selection Committee, as may be constituted by the Executive Chairman from time to time for the purpose of selection of officers and staff for different posts.

- (7) “Rules” means the Sikkim State Legal Services Authority (Recruitment and Appointment) Rules, 1998.
- (8) “Patron-in-Chief” means Patron-in-Chief of the State Legal Services Authority.
- (9) “Deputation” means and includes an employee posted in any post on deputation either from the State Government or from the High Court of Sikkim or any Government undertaking.
- (10) “Absorption” means where an employee on deputation to a post is permanently absorbed, subject to the rules as applicable to an employee under Sikkim State Legal Services Authority (Recruitment and Appointment) Rules, 1998 either before or after completion of period of deputation.
- (11) “Competitive examination” means examination in such subjects including typing, stenography etc. or such other test as may be prescribed by the Executive Chairman from time to time for different posts.
- (12) “Promotion” means an employee who is promoted to a post.
- (13) “Employee” means an employee who is serving in any post.
- (14) “Authority” means State Legal Services Authority.

***Method of recruitment to posts indicated at Schedule A, B, C, D of State Legal Services Authority Rules, 1995 as amended in 1998:***

3. The method of recruitment to the post at Schedule A, B, C, and D, of State Legal Services Authority Rules, 1995 as amended in 1998 shall be such as is specified Appendix-I, II, III and IV respectively.

***Disqualification:***

4. No person:- (a) who has entered into or contracts marriage with a person having a spouse living, or (b) who, having a spouse living, has entered into or contracted a marriage with any person shall be eligible for appointment.

***Reservation:***

5. The order/notification issued by the State Government from time to time with regard to reservation, relaxation of age, or any other concession in respect of Schedule Tribe, Schedule Caste, Other Backward Classes or any other special category of person shall apply mutatis mutandis subject to such

variations, if any, as the State Authority may specify provided that such variations shall not be in contravention of the over-all policy in this regard.

***Selection Procedure in post with State Authority:***

6. In all cases for the purpose of selection where written examination is conducted followed by viva-voce/interview a selection committee shall be constituted by the Executive Chairman consisting of such member as may be decided by him and the said selection committee on the basis of performance of a candidate in the written examination/test and interview or where no written test is held in interview only shall prepare panel of names of candidate in order of merit and forward the same with its recommendation to the member Secretary of the state Legal Services

Authority for the purpose of final appointment and the Member Secretary on receipt of the same shall place the matter before the Executive Chairman for his approval and upon such approval the Member Secretary shall proceed to issue necessary office order for the purpose of appointment.

***Selection Procedure in post other than with State Authority:***

7. For the purpose of appointment to a post in the High Court Legal Services Committee or District Legal Services Authority or Taluk/Sub-Divisional Legal Services Committee, the Executive Chairman may constitute a Selection Committee consisting of such members as may be decided by him which may include the Member Secretary of the High Court Legal Services Committee if the post relates to High Court Legal Services Committee and where the post relates to either the District Legal Services Authority or Taluk/Sub-Divisional Committee the concerned Chairman of the District Authority. The said Selection Committee, on the basis of performance of a candidate in the written examination/test and interview of where no written test is held, in the interview only, shall prepare panel of names of candidate in order of merit and forward the same with its recommendation to the Member Secretary of the State Legal Services Authority for the purpose of appointment and the Member Secretary on receipt of the same shall place the matter before the Executive Chairman for his approval and upon such approval he shall forward the matter to the Member Secretary of the High Court Legal Services Committee for issue of necessary office order of appointment if the post relates to High Court Legal Services Committee or if the post relates to either any of District Legal Services Authority or Taluk/Sub-Divisional legal Services Committee to the concerned

Chairman of the District Legal Services Authority for the purpose of issue of necessary office order of appointment.

***Format of application:***

8. For the purpose of filling up any of the posts the vacancy shall be advertised and such advertisement should be displayed in notice board and also published in local papers inviting applications containing the following particulars:-
- i) Name
  - ii) Father's name
  - iii) Present address
  - iv) Technical Qualification
  - v) Qualification (Educational)
  - vi) Employment Card No.
  - vii) Experience, if any.

Notwithstanding anything contained herein the appointment to a post of orderly may be made in such manner as the Executive Chairman may direct from time to time.

***Written test/interview:***

9. In case of direct recruitment depending on number of posts and the category of the post the authority may at discretion either hold written test followed by interview or may dispense with written test and instead hold interview for the purpose of selection.

***Transfer and posting:***

10. The Executive Chairman may from time to time effect transfer of staff and their posting in such manner as it may consider expedient.

***Method of promotion:***

11. Where a post is required to be filled up by way of promotion it shall be made on the basis of merit-cum-seniority from amongst eligible candidates.

***Promotion quota:***

12. In all cases and in respect of posts which are required to be filled up either by promotion or by direct recruitment, only 50% of the post shall be filled up by promotion and the remaining 50% by direct recruitment of deputation provided that in respect of such

categories of post which cannot be filled up by promotion all the posts may be filled up by direct recruitment.

***Age:***

13. In respect of appointment either by way of promotion, deputation or direct recruitment the age limit as prescribed by the State Government in the equivalent post shall be followed and in so far as appointment by way of deputation is concerned where no age limit has been prescribed by the State Government rule the State Authority may in its discretion prescribe such age limit as it may consider expedient.

***Deputation and absorption:***

14. Wherever the authority has decided to fill up a post by way of bringing an officer/staff on deputation the period of deputation shall normally be 2 years and thereafter the authority may at its discretion extend the period of deputation for such further period as it may consider.

Provided further that the Executive Chairman may in his discretion and on being satisfied order for absorption of any officer or other employee who is on deputation to a post at any time during the period of deputation and such absorption may be given effect after obtaining clearance of the parent department where the officer/employee was working immediately preceding the period of his deputation.

***Post Service:***

15. Where an employee has been absorbed by the Authority in any post the service of such an employee rendered by him/her prior to his/her coming over shall be counted as per the norms/rules prevailing in the State Government.

***Disciplinary Authority:***

16. (1) All matters of promotion, seniority, transfer etc. of the officers and staff working in any post with the State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority, or Taluk/Sub-Divisional Legal Services Committee shall be decided by Executive Chairman or, if authorised, by the Member Secretary of the State Authority, Member Secretary of the High Court Legal

Services Committee in respect of the staff and officers in their respective establishment or by Chairman of the District Legal Services Authority if so authorised in respect of officers and staff of District Legal Services Authority and Taluk/Sub-Divisional Legal Services Committee in their respective area of jurisdiction.

- (2) The Disciplinary Authority shall be as indicated in the table A.

Table – A

Class of Officer	Disciplinary Authority	Powers to Exercise	Appellate Authority
Gazetted/Group-B	Executive Chairman	All	Patron-in-Chief
Non-Gazetted/ Group-C & D	Member Secretary SLSA in respect of SLSA, Member Secretary, HCLSC in respect of HCLSC Chairman DLSA for DLSA and Taluk/Sub-Divisional Legal Services Committee.	All	Executive Chairman

***Appeal:***

17. An appeal shall lie against an order passed by the Member Secretary of the State Legal Services Authority or Member Secretary of High Court Legal Services Committee or Chairman of the District Legal Services Authority under the foregoing rules to the Executive Chairman who may dispose it himself and such order shall be final subject to power of review.

***Power to relax:***

18. Where the State Legal Services Authority is of the opinion that it is necessary to dispense with or relax the operation of any provision or rules it may for reason to be recorded in writing and by order relax any of the provisions or rules with respect to such issues as may be considered necessary for dealing with the case in a just and equitable manner.

***Savings:***

19. Notwithstanding anything contained in these rules relating to appointment of officers and staff to any post, if any officer or staff of the High Court Establishment of the State Government was working for and with the State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority, Taluk or Sub-Divisional Legal Services Committee in any post, the Executive Chairman of the State Authority may being satisfied regularise and absorb any officer or staff either in the Authority or any Committees as if the officers or the staff concerned was on deputation with the Authority subject however to that the parent department or establishment where he/she was working has given clearance in this regard, provided further that this provision shall be valid only for the purpose of initial appointment to a post during the period of transition for a period of three months until September, 1998 and thereafter this provision shall be deemed to have been deleted unless its continuance is so notified with such modification if any as may be considered.

Member Secretary,  
Sikkim State Legal Services Authority.

**No. L – 19011/3/98 – Jus.**  
**Government of India**  
**Ministry of Law and Justice**  
**(Department of Justice)**

**Jaisalmer House.**  
**New Delhi – 110011, the 20.1.1998.**

To,

The Joint Secretary,  
(Shri R.K. Purkayastha)  
Government of Sikkim,  
Gangtok.

**Sub: Appointment of Justice Anup Deb, Acting Chief Justice, Sikkim High Court, as Executive Chairman, Sikkim State Legal Services Authority.**

Sir,

I am directed to refer to Government of Sikkim's Message No. 9(14) SSLA & AB/87/63/98 dated the 16<sup>th</sup> January, 1998, intimating there in about the consent of Justice Anup Deb, Acting Chief Justice, Sikkim High Court, for functioning as Executive Chairman, Sikkim State Legal Service Authority. In view of above the President is pleased to request Justice Anup Deb, Acting Chief Justice, Sikkim High Court, to function as Executive Chairman, Sikkim State Legal Service Authority, in terms of the High Court Judges (C/S Act, 1954.)

2. The time spent by Justice Anup Deb, Acting Chief Justice in the performance of the above functions will count as 'Actual Service' within the meaning of para 11 (b) (i) of part – D of the Second Schedule to the Constitution of India read with section 2 (1) (c) (i) of the High Court Judge (C/S) Act, 1954. Justice Anup Deb, Acting Chief Justice, Sikkim High Court, will not be entitled to any extra remuneration for the above work except travelling allowance and daily allowance as admissible under High Court Judges (T/A) Rules, 1956.

Yours faithfully,

**(P.N. SINGH)**

**Under Secretary to the Government of India.**

**Tel. No. 3389286**

**New Delhi – 110011, the 20.1.1998.**

**No. L-19011/3/98-Jus.**

**Copy to :**

1. The Chief Secretary, Government of Sikkim, Gangtok.
2. Justice Anup Deb, Acting Chief Justice, Sikkim High Court, Gangtok.
3. The Registrar, Sikkim High Court, Gangtok
4. The Accountant General (A & E), Sikkim, Gangtok
5. The Resident Commissioner, Government of Sikkim, Sikkim House, New Delhi, with the request to pass on the message to State Government as per FAX/TELEX.
6. Spare copies.

(P.N. SINGH)

Under Secretary to the Government of India.

**Notification No. 2/LD/98 dated : 9<sup>th</sup> April, 1998**

(Published in Extraordinary Gazette No. 67 dated 13.4. 1998)

In supersession of the Notification No. 16/LD/98 dated 23.1. 98 and in exercise of the powers conferred by section 6 of the Legal Services Authorities Act, 1987 (39 of 87) as amended in 1994 read with rule 3 of the Sikkim State Legal Services Authorities Act Rules, 1995 as amended in 1998, the State Government, in consultation with the Acting Chief Justice, High Court of Sikkim, hereby constitutes the State Legal Services Authority to exercise the powers and perform the functions conferred under the Act and the rules made there under, consisting of the following, namely:-

1. Hon'ble the Chief Justice of Sikkim High Court - Patron-in-Chief Sikkim High Court
2. Hon'ble Mr. Justice Anup Deb, Judge, High Court of Sikkim (at present Acting Chief Justice). - Executive Chairman

3. Advocate General or Additional Advocate  
General or in his absence Senior Government  
Advocate-cum-Public Prosecutor  
(E & N) District and Session Court. - Ex-Officio Member
4. Secretary, Finance or in his absence Additional  
Secretary or Joint Secretary, Finance - Ex-Officio Member
5. Secretary Law Department - Ex-Officio Member
6. Director General of Police or in his absence  
Senior Inspector General of Police available  
in the Station. - Ex-Officio Member
7. Chairman, Sikkim State Scheduled Caste  
and Schedule Tribes Commission or in his  
absence Secretary, Welfare Department. - Ex-Officio Member
8. Secretary, Department of Personnel or in his  
absence Additional Secretary or Joint Secretary. - Ex-Officio Member
9. Joint Legal Remembrancer and Joint Secretary,  
Law. - Member Secretary

**Legal Remembrancer and Secretary  
Law Department.**

**Notification No. 3/LD/98 dated : 9<sup>th</sup> April, 1998**  
(Published in Extraordinary Gazette No. 68 dated 13.4. 1998)

In supersession of the Notification No. 12/LD/98 dated 23.1. 98 and in exercise of the powers conferred by section 9 of the Legal Services Authorities Act 1987 (39 of 1987) as amended in 1994 read with rule 10 of the Sikkim State Legal Services Authority Rules, 1995 as amended in 1998, the State Government, in consultation with the Acting Chief Justice, High Court of Sikkim hereby constitutes the District Legal Services Authority for East District, to exercise the powers and perform the functions conferred on or assigned to it under the Act and the rules made thereunder, consisting of the following namely:-

1. District and Session Judge (East and North) - Chairman
2. District Magistrate (East) - Ex-Officio Member
3. Superintendent of Police (East) - Ex-Officio Member
4. Civil Judge/Judicial Magistrate (East)- Ex-Officio Member
5. Shri Udai P. Sharma, Senior Government- Ex-Officio Member  
Advocate-cum-Public Prosecutor  
(East & North)

**T.D. Rinzing**  
**Secretary Law**  
**F. No. 9 (14) SSLA & AB/87**

**Notification No. 4/LD/98 dated : 9<sup>th</sup> April, 1998**  
(Published in Extraordinary Gazette No. 69 dated 13.4.1998)

In suppression of the notification No. 13/LD/98 dated 23.1.98 and in exercise of the powers conferred by section 9 of the Legal Services Authorities Act, 1987 (39 of 1987) as amended in 1994 read with rule 10 of the Sikkim State Legal Services Authority Rules, 1995 as amended in 1998, the State Government, in consultation with the Acting Chief Justice, High Court of Sikkim hereby constitutes the District Legal Services Authority for West District to exercise the powers and perform the functions conferred on or assigned to it under the Act and the rules made thereunder, consisting of the following, namely:-

1. District and Sessions Judge (South and West) - Chairman
2. District Magistrate (West) - Ex-Officio Member.
3. Superintendent of Police (West) - Ex-Officio Member.
4. Civil Judge/Judicial Magistrate (West)- Ex-Officio Member.
5. Shri Narayan P. Sharma, Government Advocate-cum-Public Prosecutor (South & West) - Ex-Officio Member.

**T.D. Rinzing**  
**Secretary, Law**  
**F.No. 9 (14) SSLA & AB/87**

**Notification No. 5/LD/98 dated : 9<sup>th</sup> April, 1998**  
(Published in Extraordinary Gazette No. 70 dated 13.4.1998)

In supersession of the Notification No. 14/LD/98 dated 23.1.98 and in exercise of the power conferred by section 9 of the Legal Services Authorities Act, 1987 (39 of 1987) as amended in 1994 read with rule 10 of the Sikkim State Legal Services Authority Rules, 1995 as amended in 1998, the State Government, in consultation with the Acting Chief Justice, High Court of Sikkim hereby constitutes the District Legal Services Authority for North District to exercise the powers and perform the functions conferred on or assigned to it under the Act and the rules made thereunder, consisting of the following, namely:-

1. District and Session Judge (East & North) - Chairman
2. District Magistrate (North) - Ex-Officio Member.
3. Superintendent of Police (North) - Ex-Officio Member.
4. Civil Judge/Judicial Magistrate (North)- Ex-Officio Member.
5. Shri Udai P. Sharma, - Ex-Officio Member.

**T.D. Rinzing**  
**Secretary, Law**  
**F.No. 9 (14) SSLA & AB/87**

**Notification No. 6/LD/98 dated : 9<sup>th</sup> April, 1998**  
(Published in Extraordinary Gazette No. 71 dated 13.4.1998)

In supersession of the Notification No. 15/LD/98 dated 23.1.98 and in exercise of the power conferred by section 9 of the Legal Services Authorities Act, 1987 (39 of 1987) as amended in 1994 read with rule 10 of the Sikkim State Legal Services Authority Rules, 1995 as amended in 1998, the State Government, in consultation with the Acting Chief Justice, High Court of Sikkim hereby constitutes the District Legal Services Authority for South District to exercise the powers and perform the functions conferred on or assigned to it under the Act and the rules made thereunder, consisting of the following, namely:-

1. District and Session Judge (South & West) - Chairman
2. District Magistrate (South) - Ex-Officio Member.
3. Superintendent of Police (South) - Ex-Officio Member.
4. Civil Judge/Judicial Magistrate (South)- Ex-Officio Member.
5. Shri Narayan P. Sharma, Government Advocate-cum-Public Prosecutor (South & West) - Ex-Officio Member.

**T.D. Rinzing**  
**Secretary, Law**  
**F. No. 9 (14) SSLA & AB/87**

**Notification No. 7/LD/98 dated : 9<sup>th</sup> April, 1998**  
(Published in Extraordinary Gazette No. 72 dated 13.4.1998)

Consequent upon the enforcement of the Legal Services Authorities Act, 1987, as amended up to date, in the State of Sikkim, the State Government have been pleased to dissolve, with immediate effect, the Sikkim State Legal Aid and Advice Board which was constituted under the Sikkim State Legal Aid and Advice Scheme, 1982 vide Resolution No. 16 (83) LD/97/248 dated 22.2.82 published in the Extra-Ordinary Gazette No. 84 dated 23.2.1982.

It is hereby further declared that all the office records, debt and liabilities, if any, all the properties and assets of the Committees or bodies if constituted by the Board shall stand transferred to and vested in the State Legal Services Authority, with immediate effect.

**T.D. Rinzing**  
**L.R. and Secretary, Law**

.....

**Notification No. 8/LD/98 dated : 9<sup>th</sup> April, 1998**  
(Published in Extraordinary Gazette No. 73 dated 13.4.1998)

The State Government has been pleased to declare the Sikkim State Legal Services Authority constituted under Legal Services Authorities Act, 1987 as a separate establishment with immediate effect.

**T.D. Rinzing**  
**Legal Remembrancer-cum-Secretary,**  
**Law Department.**

**Notification No. 2/NF/SLSA/98 dated : 21<sup>st</sup> April, 1998**  
(Published in Extraordinary Gazette No. 81 dated 21.4.1998)

In exercise of the powers conferred by section 8A of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987), the Sikkim Legal Services Authority hereby constitutes the High Court Legal Services Committee for the High Court of Sikkim to exercise the powers and perform the functions conferred on or assigned to it under the Act and the Rules and Regulations made thereunder, consisting of the following, namely:-

- |    |  |   |
|----|--|---|
| 1. | Hon'ble Mr. Justice Malay Sengupta, Judge,<br>High Court of Sikkim<br>Chairman | - |
| 2. | President, Sikkim High Court Advocates Bar<br>Association<br>Member            | - |
| 3. | President, Sikkim High Court Bar Association<br>Member                         | - |
| 4. | Registrar, High Court of Sikkim<br>Member Secretary                            | - |

**BY ORDER**

**A.P. Subba**  
**Member Secretary,**  
**Sikkim State Legal Services Authority**

.....

**Notification No. 10/LD/98/116 dated 28<sup>th</sup> April 1998.**  
(Published in Extraordinary Gazette No. 92 dated 4.5.1998)

In exercise of the powers conferred by section 6 of the Legal Services Authorities Act, 1987 (39 of 1987) and in partial Modification of Notification No. 2/LD/98 dated 9.4.98, the State Government, in consultation with the Acting Chief Justice of Sikkim High Court, hereby appoints Shri A.P. Subba, Registrar, High Court of Sikkim to be the part-time Member Secretary of the Sikkim State Legal Services Authority in place of Shri R.K. Purkayastha, Joint Secretary Law, with immediate effect.

**BY ORDER.**

T.D. Rinzing  
Legal Remembrancer and Law Secretary

**Notification No. 5/NF/SLSA/98 dated 20/7/98**  
(Published in Extraordinary Gazette No. 238 dated 28.10.1998)

**STATE LEGAL SERVICES AUTHORITY, SIKKIM**

In exercise of the powers conferred under Sub-section (3) of Section 9 of the State Legal Services Authority Act, 1987 (Act No. 39 of 1987), the Sikkim State Legal Services Authority in consultation with the Chairman of the District Authority, East/North/West/South appoints the following functionaries as Member-Secretary for different District Authorities viz;

1. Civil Judge, East - Member-Secretary, District Authority, East.
2. Civil Judge, North - Member-Secretary, District Authority, North.
3. Civil Judge, South - Member-Secretary, District Authority, South.
4. Civil Judge, West - Member-Secretary, District Authority, West.  
(In-charge, West)

Civil Judge, South who is presently Civil Judge-in-charge, West District shall act as Member Secretary, District Authority, West till such time Civil Judge, West is appointed.

**BY ORDER**

**MEMBER-SECRETARY  
STATE LEGAL SERVICES AUTHORITY  
SIKKIM, GANGTOK.**

.....

**Notification No. 3/SLSA dated 19/10/98**  
(Published in Extraordinary Gazette No. 240 dated 3.11.1998)

**STATE LEGAL SERVICES AUTHORITY, SIKKIM**

The Chief Judicial Magistrate (East and North) is hereby designated to be the Judge of the permanent and continuous Lok Adalat established for Soreng, West Sikkim.

**MEMBER SECRETARY**

**Notification No. 4/SLSA dated 19/10/98**  
(Published in Extraordinary Gazette No. 247 dated 3.11.1998)

**STATE LEGAL SERVICES AUTHORITY, SIKKIM**

The Chief Judicial Magistrate (South and West) is hereby designated to be the Judge of the permanent and continuous Lok Adalat established for Chungthang, North Sikkim.

**MEMBER SECRETARY**

.....

**Notification No. 5/SLSA dated 19/10/98**  
(Published in Extraordinary Gazette No. 249 dated 7.11.1998)

**STATE LEGAL SERVICES AUTHORITY, SIKKIM**

The District Judge (East and North) is hereby designated to be the Judge of the permanent and continuous Lok Adalat established for West District at Gyalshing.

**MEMBER SECRETARY**

.....

**Notification No. 6/SLSA dated 19/10/98**  
(Published in Extraordinary Gazette No. 250 dated 7.11.1998)

**STATE LEGAL SERVICES AUTHORITY, SIKKIM**

The District Judge (East and North) is hereby designated to be the Judge of the permanent and continuous Lok Adalat established for South District at Namchi.

**MEMBER SECRETARY**

**Notification No. 7/SLSA dated 19/10/98**  
(Published in Extraordinary Gazette No. 251 dated 7.11.1998)

**STATE LEGAL SERVICES AUTHORITY, SIKKIM**

The District Judge (South and West) is hereby designated to be the Judge of the permanent and continuous Lok Adalat established for North District at Mangan.

**MEMBER SECRETARY**

.....

**Notification No. 8/SLSA dated 19/10/98**  
(Published in Extraordinary Gazette No. 252 dated 7.11.1998)

**STATE LEGAL SERVICES AUTHORITY, SIKKIM**

The District Judge, South and West, is hereby designated to be the Judge of the permanent and continuous Lok Adalat established for East District at Gangtok.

**MEMBER SECRETARY**

.....

**Notification No. 9/SLSA dated 19/10/98**

(Published in Extraordinary Gazette No. 253 dated 7.11.1998)

**STATE LEGAL SERVICES AUTHORITY, SIKKIM**

The Chief Judicial Magistrate, East and North is hereby designated to be the Judge of the permanent and continuous Lok Adalat established for Rabongla, South Sikkim.

**MEMBER SECRETARY**

**Notification No. 10/SLSA dated 19/10/98**

(Published in Extraordinary Gazette No. 254 dated 7.11.1998)

**STATE LEGAL SERVICES AUTHORITY, SIKKIM**

The Chief Judicial Magistrate (South and West) is hereby designated to be the Judge of the permanent and continuous Lok Adalat established for Pakyong, East Sikkim.

**MEMBER SECRETARY**

.....

**Notification No. 11/SLSA dated 2<sup>nd</sup> November, 1998.**

(Published in Extraordinary Gazette No. 241 dated 3.11. 1998)

**SIKKIM LEGAL SERVICES AUTHORITY, SIKKIM**

The Sikkim State Legal Services Authority has decided that the vehicle “Gypsy King” attached to Hon'ble Executive Chariman and the vehicle “Gypsy E” shall be used in the following manner:-

**Use of vehicle “Gypsy King” attached to Hon'ble Executive Chairman.**

1. Vehicle cannot be used for any other purpose other than official duty.
2. Vehicle cannot be used for sight seeing.
3. Vehicle cannot be used for High Court works.
4. The vehicle cannot be used for any private purpose even on deposit of requisite amount as notified by the State Government for use of Government vehicle for private purpose.

**Use of vehicle “Gypsy E” attached for official use for the S.L.S.A.**

1. Member Secretaries having vehicles of their own provided by the High Court or State Government shall use such vehicle for official use of S.L.S.A. also.
2. The officer/official not provided with vehicle may use the official vehicle of S.L.S.A. with permission of Member Secretary – I. However, the official vehicle shall not be used for any purpose other than official duty. The vehicle cannot be used for any private purpose even on deposit of requisite amount as notified by the Government for use of Government vehicle for private purpose. The vehicle shall not be used for sight seeing. The vehicle cannot be used by the High Court for any purpose.

BY ORDER

**MATILDA ISAACS**  
**UNDER SECRETARY**

**Notification No. 12/SLSA dated 2<sup>nd</sup> November, 1998.**  
(Published in Extraordinary Gazette No. 242 dated 3.11.1998)

**STATE LEGAL SERVICES AUTHORITY, SIKKIM**

The Sikkim State Legal Services Authority in terms of Section 11A(1) of the Legal Services Authority Act, 1987 do hereby constitute the Chungthang Sub-Division (Taluk) Legal Services Committee consisting of the following namely:

1. Civil Judge-cum-Judicial Magistrate, North (Ex-Officio Chairperson)
2. Sub-Divisional Magistrate, Chungthang
3. S.D.P.O., Chungthang
4. Mr. Tseten Lepcha, Tsungthang (Social Worker)
5. Mr. Pempa Lepcha, Sachiva, Sakyong Pentung Gram Panchayat
6. Mr. Tshering Thendup Lepcha, Sachiva, Tingbong Gram Panchayat
7. Mr. Lhendup Lepcha, Sabhapati, Tsungthang Gram Panchayat
8. Mr. Dawa Sherpa, Sabhapati, Tung-Naga Gram Panchayat
9. Pipon of Lachen
10. Pipon of Lachung

BY ORDER

**MATILDA ISAACS**  
**UNDER SECRETARY, S.L.S.A.**

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**Notification No. 13/SLSA dated 2<sup>nd</sup> November, 1998.**

(Published in Extraordinary Gazette No. 243 dated 3.11.1998)

**STATE LEGAL SERVICES AUTHORITY, SIKKIM**

The State Legal Services Authority in terms of Section 11A(1) of the Legal Services Authority Act, 1987 do hereby constitute the Pakyong Sub-Divisional (Taluk) Legal Services Committee consisting of the following namely:

1. Civil Judge-cum-Judicial Magistrate, East (Ex-Officio Chairperson)
2. Sub-Divisional Magistrate, Pakyong
3. S.D.P.O., Pakyong
4. Mr. Kalyan Pradhan, Pakyong Panchayat Zilla Panchayat
5. Mr. Om Bhadur Gurung, Sudunglakha, Zilla Panchayat Member

6. Mr. Khusnarayan Pradhan, Changey Lakha Zilla Panchayat Member
7. Mr. Anjana Ghimiray, Linkey Tareythang Zilla Panchayat Member
8. Mr. Nakul Rai, Agriculature, Pakyong
9. Mr. Dilli Ram Sunar, Taja Tarpin Zilla Panchayat Member
10. Mr. Man Bahadur Tamang, Central/East Pandam, Zilla Panchayat Member
11. Mr. R.R. Rai, Pakyong Bazar, Former Minister
12. Mr. Tshering Ongda Sherpa, Latuk Chochenpheri
13. Mr. Palden Bhutia, Pakyong
14. Mr. Tikaram Rai, East Pandam
15. Mr. M.N. Poudhyal, Retd. Dy. Director, Education, Pakyong

BY ORDER

**MATILDA ISAACS**  
**UNDER SECRETARY, S.L.S.A.**

**Notification No. 14/SLSA dated 2<sup>nd</sup> November, 1998.**

(Published in Extraordinary Gazette No. 244 dated 3.11.1998)

**STATE LEGAL SERVICES AUTHORITY, SIKKIM**

The State Legal Services Authority in terms of Section 11A (1) of the Legal Services Authorities Act, 1987 do hereby constitute the Soreng Sub-Divisional (Taluk) Legal Services Committee consisting of the following namely:

1. Civil Judge-cum-Judicial Magistrate, (West), Ex-officio Chairperson
2. Sub-Divisional Magistrate, Soreng
3. Sub-Divisional Police Officer, Soreng.
4. Mr. Tashi Lhendup. Naku Chumbong, Panchayat President.
5. Mr. Pabitra Rai, Sombaray, Social Worker.
6. Mrs. Nirmala Pradhan, Soreng, Zilla Member
7. Mr. Gambir Dhoj Subba, Chungrang, President.
8. Mr. Indra Kumar Neopanay, Omchung, Panchayat President.

9. Mr. Kabita Lepcha, Sangdorjee, Member
10. Mr. Dharup Subba, Hee-Patel, West Sikkim.
11. Mr. Pritam Gurung, Hee-Burmiok.
12. Mr. Kinchuk Tashi, Sandorjee, Secretary.
13. Ms. Beena Rai, Chingthang, Panchayat Vice President.
14. Mr. Bishnu Chamling, Rinchenpong, Panchayat President.
15. Mr. James Subba, Rinchenpong Block, West.

**BY ORDER**

**MATILDA ISAACS  
UNDER SECRETARY, S.L.S.A.**

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**Notification No. 15/SLSA dated 2<sup>nd</sup> November, 1998.**  
(Published in Extraordinary Gazette No. 245 dated 3.11.1998)

**STATE LEGAL SERVICES AUTHORITY, SIKKIM**

The State Legal Services Authority in terms of Section 11A (1) of the Legal Services Authorities Act, 1987 do hereby constitute the Rabongla Sub-Divisional (Taluk) Legal Services Committee consisting of the following namely:

1. Civil Judge-cum-Judicial Magistrate, (South) Ex-Officio Chairperson.
2. Sub-Divisional Magistrate, Rabongla.
3. Sub-Divisional Police Officer, Rabongla.
4. Mr. Ganju Lama, V.C.
5. Mr. Norbu Dadul, Tinkitam, Ex-Sadasya.
6. Mr. Pem Tshering Sherpa, Bakhim, Ex-Panchayat.
7. Mr. Tsewang Dorjee, Rabongla.
8. Mr. Narayan Singh, Secretary, Rarang Sangmo Panchayat.
9. Mr. Bhudhi Mani Rai, Rarang Nampruk, Member, Zilla Panchayat.
10. Mr. Top Tshering Bhutia, Ralang Borong, Member, Zilla Panchayat.
11. Mr. Passang Sherpa, Kewzing, Member, Zilla Panchayat
12. Mr. Bal Bahadur Gurung, Ravangala, Ex-President.
13. Mr. Chandralal Gurung, Borong Famtam.
14. Mr. Sonam Gyatso Bhutia, Barfung-Zarong.

15. Mr. Purna Bahadur Basnett, Rarang Sangmo, Member, Rarang Sangmo Gram Panchayat

**BY ORDER**

**MATILDA ISAACS  
UNDER SECRETARY, S.L.S.A.**

**Notification No. 16/SLSA dated 2<sup>nd</sup> November, 1998.**  
(Published in Extraordinary Gazette No. 255 dated 7.11.1988)

**STATE LEGAL SERVICES AUTHORITY, SIKKIM**

The Executive Chairman of the State Legal Services Authority in terms of Clause (1) of Regulation 8 is hereby pleased to constitute the Executive Committee of the Sikkim State Legal Services Authority with the following Members:-

- |    |   |                     |
|----|---|---------------------|
| 1. | Director General of Police Government of Sikkim     | Member              |
| 2. | Secretary, Deptt. of Personnel Government of Sikkim | -do-                |
| 3. | Secretary, Law Department Government of Sikkim      | -do-                |
| 4. | Ms. B.M. Singh                                      | Non-official Member |
| 5. | Mr. P.O. Pazo                                       | -do-                |

**BY ORDER**

**UNDER SECRETARY  
SIKKIM STATE LEGAL SERVICES AUTHORITY**

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**Notification No. 17/SLSA dated 2<sup>nd</sup> November, 1998.**

(Published in Extraordinary Gazette No. 256 dated 7.11.1998)

**STATE LEGAL SERVICES AUTHORITY, SIKKIM**

The Executive Chairman of the State Legal Services Authority in terms of Clause (1) of Regulation 10 is hereby pleased to constitute the Finance Committee of the Sikkim State Legal Services Authority with the following Members:-

- |    |                               |                     |
|----|-------------------------------|---------------------|
| 1. | Secretary, Finance Department | Chairman            |
| 2. | Director General of Police    | Member              |
| 3. | Addl. Advocate General        | -do-                |
| 4. | Shri M.K. Pradhan             | Non-official Member |
| 5. | Mr. N.C. Shenga               | Member              |
| 6. | Shri Gopal Sharma             | -do-                |

**BY ORDER**

**UNDER SECRETARY  
STATE LEGAL SERVICES AUTHORITY**

**Notification No. 18/SLSA dated 2<sup>nd</sup> November, 1998.**

(Published in Extraordinary Gazette No. 246 dated 3.11.1998)

**STATE LEGAL SERVICES AUTHORITY, SIKKIM**

Whereas it has come to the notice of the State Legal Services Authority that in Regulation 3 (1) of the Sikkim State Legal Services Authority Regulations, 1998 the words “and control” have erroneously crept in and as the words “and control” were not to be found in the original draft as approved by the Authority, the State Legal Services Authority hereby deletes the words “and control” occurring in the said Regulation 3 (1).

**BY ORDER**

**Mrs. M. ISAACS**  
**UNDER SECRETARY**  
**STATE LEGAL SERVICES AUTHORITY**

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**Notification No. 20/SLSA dated 16<sup>th</sup> November, 1998.**  
**(Published in Extraordinary Gazette No. 270 dated 25.11.1998)**

**STATE LEGAL SERVICES AUTHORITY, SIKKIM**

This is for the information of all concerned that the office of the State Legal Services Authority will remain open and function during the winter vacation with effect from 1<sup>st</sup> January, 1999 till February, 1999 coinciding with the period of winter vacation of the High Court and the Executive Chairman and the Members Secretary of the State Legal Services Authority who are the serving Judge of the High Court of Sikkim and the Registrar of the High Court of Sikkim respectively shall not accordingly avail of such vacation.

**BY ORDER**

**A.P. SUBBA  
MEMBER SECRETARY**

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**Notification No. 21/SLSA dated 16<sup>th</sup> November, 1998.**  
(Published in Extraordinary Gazette No. 271 dated 25.11.1998)

**STATE LEGAL SERVICES AUTHORITY, SIKKIM**

This is for information of all concerned that for the purpose of holding Lok Adalats, it shall be held either on a holiday or on such other day as may be considered/decided by a serving Judge provided that normal Judicial work is not disturbed.

**BY ORDER**

**MEMBER SECRETARY**

**Notification No. 22/SLSA dated 17<sup>th</sup> November, 1998.**  
(Published in Extraordinary Gazette No. 272 dated 26.11.1998)

**STATE LEGAL SERVICES AUTHORITY, SIKKIM**

This is for information of all concerned that serving Judges and Judicial officers holding Lok Adalats shall send monthly report of disposal of cases under Lok Adalats in duplicate with a copy to the High Court.

**BY ORDER**

**A.P. SUBBA  
MEMBER SECRETARY.**

**Notification No. 84/HCS. dated 17<sup>th</sup> November, 1998.**  
(Published in Extraordinary Gazette No. 279 dated 27.11.1998)

## **HIGH COURT OF SIKKIM**

Whereas under the provision of Sikkim State Legal Services Authority Rules, 1995, the Executive Chairman of the Sikkim State Legal Services Authority is a serving Judge of the High Court of Sikkim and whereas under Section 9 (2) (a) of Legal Services Authorities Act, 1987 the District Judge shall be the Chairman of District Legal Services Authority and whereas as per Section 11 A(2) (a) of Legal Services Authorities Act, 1987, a senior Civil Judge is to be the Ex-officio Chairman of Taluk/Sub-Divisional Legal Services Committee and whereas the discharge of functions under the provisions of the Legal Services Authorities Act, 1987 is a statutory duty and obligation under the said Act, the Hon'ble Acting Chief Justice desires that all the concerned functionaries under the provisions of Legal Services Authorities Act, 1987 read with Sikkim State Legal Services Authority Rules, 1995 and the Sikkim State Legal Services Authority Regulation, 1998 will discharge and carry out their obligations and statutory duties in faithful manner to promote the purpose of speedy justice to the poor and downtrodden section of the society.

**BY ORDER**

**A.P. SUBBA  
MEMBER SECRETARY**

**Notification No. 85/HCS dated 17<sup>th</sup> November, 1998.**  
(Published in Extraordinary Gazette No. 280 dated 17<sup>th</sup>.11.1998)

## **HIGH COURT OF SIKKIM, GANGTOK**

This is for information of all concerned that for the purpose of holding Lok Adalats, at the option of serving Judicial Officer and depending upon the workload in his/her Court, the Lok Adalat may be held either on a holiday or on such other day as may be considered by the concerned serving Judge of subordinate judiciary, without disturbing judicial work.

**BY ORDER.**

**REGISTRAR**

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**Notification No. 18/LD/98 dated : 20<sup>th</sup> November, 1998**  
(Published in Extraordinary Gazette No. 318 dated 29.12.1998)

In exercise of powers conferred by clause (b) of sub-section (2) of section 6 of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987), the Governor of Sikkim, in consultation with the Chief Justice, High Court of Sikkim, is hereby pleased to nominate Shri Anup Deb, Hon'ble Acting Chief Justice of the High Court of Sikkim, as Executive Chairman of the Sikkim State Legal Services Authority with ex-post facto effect from 20.1.1998.

**BY ORDER**

**T.D. RINZING**  
**LEGAL REMEMBERANCER AND SECRETARY, LAW**

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**Notification No. 19/LD/98 dated : 28<sup>th</sup> December, 1998**  
(Published in Extraordinary Gazette No. 319 dated 29.12.1998)

In exercise of powers conferred by clause (c) of sub-section 2 of section 6 of the Legal Services Authorities Act, 1987 and in continuation of Notification No. 2/LD-98 dated 9<sup>th</sup> April, 1998 the State Government in consultation with the Acting Chief Justice, High Court of Sikkim hereby nominates the following persons to be the other members for State Legal Services Authority, namely:-

1. Mr. Kunzang Sherab - Retired Secretary, Govt. of Sikkim.
2. Mr. Passong Namgyal Lepcha - Retired Secretary, Govt. of Sikkim
3. Miss B.M. Singh - Retired Secretary, Govt. of Sikkim
4. Mrs. Sharda Pradhan - Ex-Chairman, Social Welfare, Advisory Board of Sikkim.
5. Mr. K.T. Gyaltsen - Advocate.
6. Mr. R.B. Subba - Advocate.

**T.D. Rinzing**  
**Legal Rememberancer-cum-Secretary,**  
**Law Department.**

**Notification No. 20/LD/98 dated : 28<sup>th</sup> December, 1998**  
(Published in Extraordinary Gazette No. 320 dated 29.12.1998)

In exercise of powers conferred by section 9 of the Legal Services Authorities Act, 1987 and in continuation of Notification No. 3/LD/98 dated 9<sup>th</sup> April, 1998 the State Government in consultation with the Acting Chief Justice, High Court of Sikkim hereby nominates the following persons to be the other members for the East District Legal Services Authority, namely:-

1. Mr. D.B. Thatal, Kamdong - Ex-MLA
2. Mr. O.P. Bhandari - Advocate
3. Miss Devi Basnett - Member, Zilla Panchayat.

**T.D. Rinzing**  
**Legal Remembrancer-cum-Secretary,**  
**Law Department.**

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**Notification No. 21/LD/98 dated : 28<sup>th</sup> December, 1998**  
(Published in Extraordinary Gazette No. 321 dated 29.12.1998)

In exercise of powers conferred by section 9 of Legal Services Authorities Act, 1987 and in continuation of Notification No. 4/LD/98 dated 9<sup>th</sup> April, 1998 the State Government in consultation with the Acting Chief Justice of the High Court of Sikkim, hereby nominates the following persons to be the other members for the West District Legal Services Authority, namely:-

- |    |                    |   |   |
|----|--------------------|---|---|
| 1. | Miss Zumkim Bhutia | - | Social Worker   |
| 2. | Mr. J.B. Rai       | - | Retired Deputy Secretary,<br>Pay and Accounts Office, Sikkim. |
| 3. | Mr. G Gurung       | - | (National Awardee) Social Worker                              |

**T.D. Rinzing**  
**Legal Remembrancer-cum-Secretary**  
**Law Department.**

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**Notification No. 22/LD/98 dated : 28<sup>th</sup> December, 1998**  
(Published in Extraordinary Gazette No. 322 dated 29.12.1998)

In exercise of powers conferred by section 9 of the Legal Services Authorities Act, 1987 and in continuation of Notification No. 5/LD/98 dated 9<sup>th</sup> April, 1998 the State Government in consultation with the Acting Chief Justice of the High Court of Sikkim, hereby nominates the following persons to be the other members for the North District Legal Services Authority, namely:-

- |    |                    |   |                                |
|----|--------------------|---|--------------------------------|
| 1. | Mr. Athup Lepcha   | - | Ex-MLA                         |
| 2. | Mr. Tenzing Dadhul | - | Ex-MLA, Social Worker          |
| 3. | Mr. Pintso Bhutia  | - | Member, Kabi, Zilla Panchayat. |

**T.D. Rinzing**  
**Legal Remembrancer-cum-Secretary,**

**Law Department.**

**Notification No. 23/LD/98 dated : 28<sup>th</sup> December, 1998**  
 (Published in Extraordinary Gazette No. 323 dated 29.12.1988)

In exercise of powers conferred by section 9 of Legal Services Authorities Act, 1987 and in continuation of Notification No. 6/LD/98 dated 9<sup>th</sup> April, 1998, the State Government in consultation with the Acting Chief Justice of the High Court of Sikkim, hereby nominates the following persons to be the other members for the South District Legal Services Authority, namely:-

- |    |                    |   |   |
|----|--------------------|---|---|
| 1. | Mr. Badri Thatal   | - | Chairman, Scheduled Caste Welfare Board, Sikkim |
| 2. | Mr. J. B. Rai      | - | Advocate  |
| 3. | Miss Rinzing Ongmu | - | Social Worker                                   |

**T.D. Rinzing**  
**Legal Reemembranceer-cum-Secretary,**  
**Law Department.**

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**Notification No. 24/SLSA/98 dated : 16<sup>th</sup> December, 1998**  
 (Published in Extraordinary Gazette No. 334 dated 29.12.1988)

In exercise of power conferred by Section 8A of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987) and in continuation of Notification No. 2/NF/SLSA/98 dated 21<sup>st</sup> April 1998 the following persons are hereby selected to be the members of the High Court Legal Services Committee off the High Court of Sikkim to exercise and perform the functions conferred on or assigned to it under the Act and the Rules and Regulations made there under.

They are-

- |    |                 |   |                             |
|----|-----------------|---|-----------------------------|
| 1. | Mr. N.B. Kharga | - | Advocate                    |
| 2. | Mr. T.T. Lepcha | - | Secretary P.H.E. Department |
| 3. | Shri R.B. Subba | - | Advocate                    |

- |    |                    |   |                      |
|----|--------------------|---|----------------------|
| 4. | Shri Nandu Thapa   |   |                      |
| 5. | Mr. O.P. Bhandari  | - | Advocate             |
| 6. | Mr. K.T. Gyaltzen  |   |                      |
| 7. | Shri S.K. Shailala | - | Joint Secretary, DOP |

**BY ORDER**

**R.K. Purkayastha**  
**Member Secretary.**

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**Notification No. 25/SLSA/98 dated : 31<sup>st</sup> December, 1998**  
(Published in Extraordinary Gazette No. 335 dated 31.12.1998)

In exercise of powers conferred Rule 33 of the Sikkim State Legal Services Authority Rules 1995 (as amended), the Hon'ble Executive Chairman has been pleased to create two posts of Mali-cum-Peon in the establishment of the State Legal Services Authority in the pay scale of Rs.2850-55-4170 with immediate effect.

**A.P. Subba**  
**Member Secretary – I**

**Notification No. 26/SLSA dated : 12<sup>th</sup> January, 1999**  
(Published in Extraordinary Gazette No. 7 dated 25.1. 1999)

In continuation of this office Notification No.20/SLSA.dated 16.11.1998, it is hereby informed to all concerned that the office of the State Legal Services Authority remained open and functioned during the holidays and vacation with effect from 17<sup>th</sup> December 1998 to 31<sup>st</sup> December, 1998 coinciding with the holidays and vacation of the High Court and the Executive Chairman and the Member Secretary of the State Legal Services Authority who are the serving Judge of the High Court of Sikkim and the Registrar of the High Court of Sikkim and the Registrar of the High Court of Sikkim respectively did not avail of such holidays and vacation.

**BY ORDER**

**A. P. Subba,**  
**Member Secretary**

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**Notification No. 27/SLSA dated : 21<sup>st</sup> January, 1999**  
**(Published in Extraordinary Gazette No. 8 dated 25.1.1999)**

In continuation of this Office Notification No. 26/SLSA dated 12/01/99, it is hereby informed to all concerned that the office of the State Legal Services Authority will remain open and function during the holidays and vacation with effect from 8<sup>th</sup> February, 1999 to 10<sup>th</sup> March, 1999 coinciding with the holidays and vacation of the High Court and Executive Chairman and the Member Secretaries of the State Legal Services Authority who are the serving Judge of the High Court of Sikkim and the Registrar of the High Court of Sikkim respectively will not avail of such holidays and vacation.

**By Order**

**A.P. Subba**  
**Member Secretary**