

VI

**THE HARYANA STATE LEGAL SERVICES AUTHORITY RULES, 1996**

**Notification**

**The 27<sup>th</sup> February, 1996**

**No. G.S.R. 16/C.A. 39/1987/S. 28/96.**—In exercise of the powers conferred by section 28 of the Legal Services Authorities Act, 1987 (No. 39 of 1987), as amended by the Legal Services Authorities (Amendment) Act, 1994 (No. 59 of 1994), the Government of Haryana hereby makes the following rules regulating the constitution of Legal Services Authorities namely:--

**1. Short title and commencement.**—(1) These rules may be called “The Haryana State Legal Services Authority Rules, 1996.”

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

**CHAPTER—I**

**DEFINITIONS**

**2.** In these rules unless the context otherwise requires,--

- (a) “Act” means the Legal Services Authorities Act, 1987 (Central Act No. 39 of 1987) as amended by the Legal Services Authorities Act, 1987 (Central Act No. 59 of 1994);
- (b) “Chairman” means the Executive Chairman of the State Authority, or the Chairman of the District Authority or the Chairman of the Sub-Divisional Legal Services Committee, as the case may be;
- <sup>1</sup>(c) Omitted.
- (d) “District Authority” means the District Legal Services Authority constituted under Section 9 of the Act;
- (e) “High Court Legal Services Committee” means a High Court Legal Services Committee constituted under Section 8A of the Act;
- (f) “Joint Member Secretary” means the person so appointed as the Joint Member Secretary of the State Authority under rule 8;
- (g) “Member” means the member of the State Authority appointed under Section 6(2)(c); member of the District Authority appointed under Section 9(2); member of the High Court Legal Services Committee appointed under Section 8A(2) and member of the Sub-Divisional Legal Services Committee appointed under Section 11A(2) (b) of the Act, as the case may be;

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<sup>1</sup> Omitted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

- (h) “Member Secretary” means the Member-Secretary of the State Legal Services Authority appointed under Section 6 of the Act;
- (i) “Schedule” means schedules appended to these rules;
- (j) “Section” means the Section of the Act;
- (k) <sup>1</sup>“Secretary” means the Secretary of the High Court Legal Services Committee constituted under Section 8A of the Act, the Secretary of the District Legal Services Authority constituted under Section 9 of the Act as the case may be;
- (l) “State Authority” means the State Legal Services Authority constituted under Section 6(1) of the Act;
- (m) “Sub-Divisional Legal Services Committee” means the committee constituted under Section 11A of the Act;
- (n) All other words and expressions used in these rules but not defined shall have the meaning, respectively assigned to them in the Act.

## **CHAPTER II**

### **HARYANA LEGAL SERVICES AUTHORITY**

- 3. (1) The State Authority shall consist of the following namely:--
  - (i) Chief Justice of High Court of Punjab and Haryana as the Patron-in-Chief;
  - (ii) Executive Chairman of the Haryana State Authority;
  - (iii) the Secretary in the Department of Administration of Justice;
  - (iv) the Secretary in the Department of Finance;
  - (v) the Secretary in the Department of Law and Legislative;
  - (v) the Advocate General of the Haryana State;
  - (vi) the Director General of Police of the State of Haryana;
  - (vii) the Chairman, Bar Council of Haryana and Punjab;
  - (viii) the Director, Public Relations Department, Haryana;
  - (ix) two Chairman of the District Authority as may be nominated by the State Government in consultation with the Chief Justice of Punjab and Haryana High Court;

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<sup>1</sup> Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

(x) Member-Secretary of the State Authority.

(2) The State Authority shall have the following nominated members in consultation with the Chief Justice of Punjab and Haryana High Court:--

(i) One Representative of Women;

(ii) One representative of Scheduled Castes;

(iii) Dean/Chairman, Department of Law, M.D. University/ Kurukshetra University.

(3) The State Government may nominate, in consultation with the Chief Justice of the High Court of Punjab and Haryana, two persons as specified in sub-rule 2(i) & 2(ii) of this rule 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 State Authority unless he is--

(a) 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;

OR

(b) an eminent person in the field of law;

OR

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

(5) The number of members of State Authority shall not exceed fifteen.

(6) The Headquarter of the State Authority shall be located at the seat of the High Court of Punjab and Haryana or at Panchkula.

**4. Terms of office and other conditions relating thereto of members of State Authority.-**

(1) The Members of the State Authority nominated under sub-rule (1) (x) and (2) of rule 3 by the State Government shall continue for a term of two years and shall be eligible for renomination.

(2) A member of the State Authority nominated under sub-rules (1) (x) and (2) of rule 3 may be removed by the State Government in consultation with the Chief Justice of Punjab and Haryana High Court if in the opinion of State Government, he is not desirable to continue as a member.

(3) If any member nominated under sub-rules (1) (x) and (2) of rule 3 ceases to be a member of the State Authority for any reason, the vacancy shall be filled in, 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-rules (1) (x) and (2) of 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 Group “A” officers, as amended from time to time.

(5) If the nominated member is a Government employee, he shall be entitled to claim travelling allowance and daily allowance from his parent department.

### **CHAPTER III**

#### **MEMBER SECRETARY**

**5.** (1) There shall be a Member Secretary of the Haryana State Legal Services Authority in terms of Section 6 or its proviso who will be appointed by the Government in consultation with the Chief Justice of the Punjab and Haryana High Court on the recommendations of the Executive Chairman of the Haryana State Legal Services Authority.

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

- (a) to give free legal services to the eligible and weaker sections;
- (b) to work out modalities of the Legal Services Schemes and programmes approved by the State Authority, and ensure their effective monitoring and implementation ;
- (c) to exercise the powers in respect of Administrative, Housekeeping, finance and Budget matters as 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 account 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;
- (g) to liaison with the Social Action Groups and District and Sub-Divisional Legal Services Authorities/Committees;
- (h) to maintain up-to-date and complete statistical information including progress made in the implementation of various Legal Services Programmes from time to time;

- (i) to process proposals for financial assistance and issue Utilization Certificates thereof ;
- (j) to organize various Legal Services Programmes as approved by the State Authority and convene Meeting/Seminars and Workshops connected with Legal Services Programmes and preparation of Reports and follow-up action thereon;
- (k) to produce video/documentary films, publicity material, literature and publications 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 measure 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 section 4(b) of the Act; and
- (n) to perform such other functions as may be expedient for efficient functioning of the State Authority.

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

(1) The Member Secretary of the State Authority shall be the whole time employee and shall hold office for a term not exceeding five years.

(2) The Member Secretary of the State Authority shall be the Head of the office.

(3) 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 and he shall be on deputation to the State Authority.

**CHAPTER IV**

**8. Joint Member Secretary of the State Legal Services Authority.--** With a view to smooth functioning of the State Authority the State Government may on the recommendation of the Executive Chairman of the State Authority appoint one Joint Member Secretary of the State Authority who shall not be below the rank of Senior Subordinate Judge or Chief Judicial Magistrate.

**9. The number of officers and other employees of the State Authority.--**

(1) 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 I to these rules or as may be notified by the State Government from time to time.

(2) On constitution of the State Authority, existing staff of the Haryana State Legal Service and Advice Committee as specified in Schedule II shall stand transferred to the said State Authority.

**10. The conditions of service and the salary and allowances of officers and other employees of the State Authority,--**

(1) The officers and other employees of the State Authority shall be entitled to draw pay and allowances in the scale of pay indicated against each post in the Schedule I to these rules or at par with the State Government employees holding equivalent posts;

(2) In all matters like age of retirement, pay and allowances, 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 person holding equivalent posts.

(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 words “allowances”, “benefits”, “entitlement” and “facilities” occurring in sub-rules (1), (2) and (3) shall be deemed to include the entitlement to gratuity, provident fund, housing, medical benefits, pension, group insurance and such other benefits as are available to employees of the State Government holding equivalent posts.”.

**CHAPTER V**

<sup>2</sup>11. Omitted.

**CHAPTER VI**

**HIGH COURT LEGAL SERVICES COMMITTEE**

<sup>3</sup>12. Omitted.

<sup>4</sup>13. **Experience and qualifications 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 a member of the Punjab/Haryana Superior Judicial Service;

Provided that if no suitable person is available from amongst the members of the Punjab/Haryana Superior Judicial Service then an officer of the High Court not below the rank of Joint Registrar shall be eligible for appointment as Secretary of the aforesaid Committee.

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<sup>1</sup> Added by Haryana Government vide notification No. 20/5/2001-4JJ(I), dated 2-8-2002.

<sup>2</sup> Omitted by Haryana Government vide notification No. 20/5/2001-4JJ(I), dated 2-8-2002.

<sup>3</sup> Omitted by Haryana Government vide Notification No. 20/27/2000-4JJ(I) dated 12.7.2001.

<sup>4</sup> Substituted by Haryana Government vide notification No. 20/17/2000-4JJ(I), dated 12-7-2001.

14. The Composition of, and the experience and qualifications of the members of the High Court Legal Services Committee, shall be laid down by regulations made by the State Authorities of both the States.

## CHAPTER VII DISTRICT AUTHORITY

15. **There shall be a District Legal Services Authority of each district in the State of Haryana.** - (1) The District Legal Services Authority shall have not more than eight members.

(2) The following shall be ex-officio members of the District Legal Services Authority:--

(i) District and Sessions Judges as Chairman;

<sup>1</sup>“Provided that where there is no District & Sessions Judge posted at the seat of headquarters of a district (as distinguished from a sessions division), in such eventuality the Senior Most Additional District & Sessions Judge/Senior Most Judicial Officer, as the case may be, posted there, shall be the Chairman of the District Legal Services Authority.”

(ii) District Magistrate;

(iii) Superintendent of Police;

(iv) District Attorney;

(v) The Chief Judicial Magistrate/<sup>2</sup>“Additional Chief Judicial Magistrate” shall be Secretary.

(3) The following shall be the nominated members:--

(a) One Social Worker; and

(b) One Representative of Women.

(4) The State Government may nominate in consultation with the Chief Justice of the High Court of Punjab and Haryana, two persons as specified in sub-rule (3) of this rule from amongst those possessing the qualifications and experience prescribed in sub-rule (5) of this rule.

(5) A person shall not be qualified for nomination as a member of the District Legal Services Authority unless he is --

(a) an eminent Social Worker who is engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, Backward Classes, Women, Children and Rural Labour; or

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<sup>1</sup> Substituted by Haryana Government vide notification No. 20/17/2000-4JJ(I) dated 19-10-2000.

<sup>2</sup> Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

- (b) an eminent person in the field of law; or
- (c) a person of repute who is specially interested in the implementation of the Legal Services Schemes.

**16. The number of officers and other employees of the District Legal Services Authority.** – (1) The District Legal Services 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-I, Part-II to these Rules or as may be notified by the State Government from time to time.

(2) On constitution of the District Authority, the existing staff of the District Level Legal Services and Advice Committees as specified in Schedule-II, Part-II shall stand transferred to the said District Authorities.

**17. The conditions of service and the salary and allowances of the officers and other employees of the District Legal Services Authority** - (1) The officers and other employees of the District Legal Services Authority shall be entitled to draw pay and allowances in the scale of pay indicated against each post in the Schedule-I, Part-II to these rules or at par with the State 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 District Legal Services Authorities shall be governed by the State Government Rules as are applicable to persons holding equivalent posts.

(3) The officers and other employees of the District Legal Services 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 words “allowances”, “benefits”, “entitlement” and “facilities” occurring in sub-rule (1), (2) and (3) shall be deemed to include the entitlement to gratuity, provident fund, housing, medical benefits, pension, group insurance and such other benefits as are available to the employees of the State Government, holding equivalent posts.

## CHAPTER VIII

### SUB-DIVISIONAL LEGAL SERVICES COMMITTEE

**18. The number, experience and qualifications of members of the Sub-divisional Legal Services Committee.—**

(1) The Sub-Divisional Legal Services Committee shall have not more than six members.

(2) The following shall be ex officio members of the Sub-Divisional Legal Services Committee: -

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<sup>1</sup> Inserted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

- (i) <sup>1</sup>“Senior most Judicial Officer” of the Sub-Division as Chairman;
  - (ii) Sub-Divisional Officer (Civil);
  - (iii) Deputy Superintendent of Police;
  - (iv) Civil Judge (Junior Division)”.
- (3) The following shall be the nominated members:--
- (a) One Social Worker; and
  - (b) One Representative of Women.
- (4) The State Government may nominate in consultation with the Chief Justice of the High Court of Punjab and Haryana, two persons as specified in sub-rule (3) of this rule from amongst those possessing the qualifications and experience prescribed in sub-rule (5) of this rule.
- (5) A person shall not be qualified for nomination as a member of the Sub-Divisional Legal Services Committee unless he is --
- (a) an eminent Social Worker who is engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, Backward Classes, Women, Children and Rural 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 the Legal Services Schemes.

<sup>2</sup>“*Note-* For the time being no clerical or ministerial staff shall be given. The existing staff of the “Senior most Judicial Officer of the Sub-Division” shall look after the work of the Sub-Divisional Legal Services Committee.”

## CHAPTER IX

### ENTITLEMENT TO LEGAL SERVICE

**19. Entitlement to Legal Service.--** Any citizen of India whose annual income from all sources does not exceed <sup>3</sup>Rs.50,000 (Rupees fifty 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:

Provided that the State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority and the Sub-Divisional Legal Services Committee, as the case may be, may grant legal services to any other person irrespective of his income:-

- (a) To a member of Scheduled Caste or Scheduled Tribe or Backward Classes;

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<sup>1</sup> Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

<sup>2</sup> Substituted by Haryana Government vide notification No. 20/17/2000-4JJ(I) dated 2.8.2000.

<sup>3</sup> Substituted by Haryana Government vide notification No. 20/17/2000-4JJ(I) dated 9.6.2005.

- (b) To a victim of trafficking in human beings or beggar as referred in Article 23 of the Constitution;
- (c) To a woman;
- (d) To a child, i.e. person who has not attained the age of 18 years or if he is under the guardianship under the Guardians and Wards Act, 1890 the age of 21 years;
- (e) <sup>1</sup>To a person with disability as defined in clause (i) of Section 2 of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995 (1 of 1996);
- (f) To a person, under circumstances of undeserved want such as being victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- (g) To an industrial workman; or
- (h) <sup>2</sup>To a person in custody, including custody in a protective home within the meaning of clause (g) of Section 2 of the Immoral Traffic (Prevention) Act, 1956(104 of 1956), or “Children’s Home, Observation Home, Shelter Home and Special Home within the meaning of clause (e), (o), (u) and (v) respectively of section 2 of Juvenile Justice (Care and Protection of Children) Act, 2000(56 of 2000).”
- (i) To a person in a psychiatric hospital or psychiatric nursing home within the meaning of clause (q) of Section 2 of the Mental Health Act, 1987; or
- (j) In a test case, the decision of which is likely to affect cases of numerous other persons belonging to the poor and weaker sections of the society; or
- (k) To a person, in a special case, which for reasons to be recorded in writing is considered otherwise deserving of legal service where the means test is not satisfied; or
- (l) To a person in the case where the High Court or the Supreme Court provides legal service under any order in that case legal service would be deemed to have been provided by the Authority/Committee in relaxation of all the conditions laid down in this rule; or
- (m) To a person in case of public interest litigation.”

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<sup>1</sup> Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2.8.2002.

<sup>2</sup> Substituted by Haryana Government vide notification No. 20/27/87-4JJ(I) dated 13.11.2002.

- (n) <sup>1</sup>"To an ex-serviceman, and the families of such persons who have died in action; or
- (o) To riot victims, and the families of such persons as well as terrorist victims and families of such persons; or
- (p) To freedom fighters."

**20. Matters on which Legal Service is admissible --** (1) Free legal aid may be obtained in any court of law upto the Supreme Court and in any Tribunal, Revenue Court as well as all departments of Government and other bodies discharging quasi-judicial functions.

(2) The legal aid is available in all civil, criminal, revenue and administrative matters.

**21. Modes of providing legal service.**—Legal Service may be given in all or any one or more of the following modes, namely:--

- (a) By payment of court fee, process fee, expenses of witnesses, preparation of the paper book, lawyer's fee and all other charges payable or incurred in connection with any legal proceedings;
- (b) By representation by a legal practitioner in legal proceedings;
- (c) By supplying certified copies of judgments, orders, notes or evidence and other documents in legal proceedings;
- (d) By preparation of appeal, paper book, including printing, typing and translation of documents in legal proceedings; and
- (e) By drafting of legal documents.

#### **PROCEDURE FOR PROVIDING LEGAL AID**

**22. Application for Legal Service.--**

(1) <sup>2</sup>"Any person desiring to seek legal service may make an application addressed to the Member-Secretary of the State Authority, Secretary of the High Court Legal Services Committee, Secretary of the District Legal Services Authority, Chairman of the Sub-Divisional Legal Services Committee (hereinafter referred to as Member Secretary, Secretary or Chairman of the Authority/Committee concerned), as the case may be."

(2) <sup>3</sup>"The Member Secretary, Secretary or Chairman of the Authority/Committee concerned shall maintain a register of applications wherein all applications for legal service received under sub-rule (1) shall be entered."

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<sup>1</sup> Added by Haryana Government vide notification No. 20/17/2000-4JJ(I) dated 3-3-2006.

<sup>2</sup> Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

<sup>3</sup> Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

**23. Disposal of applications.--**

(1) On receipt of an application under rule 22, the <sup>1</sup>“Member Secretary, Secretary or Chairman of the Authority/Committee” shall scrutinize the application for the purpose of deciding whether the applicant is entitled to get legal service in accordance with the provisions of these rules, and for the purpose of arriving at such decision he may require applicant to supply further information as may be necessary, and, if necessary, give personal hearing to the applicant and in doing so the Member-Secretary shall have regard to the fact that the applicant is a poor person or belonging to a weaker section of the society and deserves to be assisted in the matter of obtaining legal service. The application shall be processed as early as possible and preferably within fifteen days of its receipt.

(2) The decision of the <sup>2</sup>“Member Secretary, Secretary or Chairman of the Authority/Committee as the case may be” to provide legal service shall be final:

<sup>3</sup>“Provided that if the Member-Secretary, Secretary or the Chairman of the Authority/Committee, as the case may be, is of the opinion that the applicant is not deserving of legal service, he may reject the application but such rejection shall be brought to the notice of Executive Chairman of the State Authority by the Member-Secretary of the State Authority, to the Chairman of the High Court Legal Services Committee by the Secretary of the High Court Legal Services Committee, to the Chairman of the District Authority by the Secretary of the District Authority and to the Chairman of the District Legal Services Authority by the Chairman of the Sub-Divisional Legal Services Committee possibly within two weeks of rejection of application for legal service.”

(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 legal service shall be granted or continued after the legal service is granted, if the Authority/Committee is satisfied that:-

- (a) The applicant has knowingly made false statement or furnished false information as regards his means or place of residence; or
- (b) In proceedings 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 proceedings; or
- (c) The application is frivolous and fictitious; or
- (d) The applicant is not entitled to the same under rule 19 or any other provisions of the rule; or

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<sup>1</sup> Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

<sup>2</sup> Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

<sup>3</sup> Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

- (e) Having regard to all the circumstances of the case, it is otherwise not reasonable to grant it.

**24. Panel for Legal Service—** (1) The State Authority, District Authority, Sub-Divisional Legal Services Committee and High Court Legal Services Committee, shall prepare such number of panel of legal practitioners as it may consider necessary.

(2) Every panel prepared under sub rule (1) shall be continued for a period of two years from the date of its preparation.

(3) Appointment of legal practitioner for legal service shall be made as far as possible from the panel of legal practitioners prepared under sub-rule (1) by the Authority/Committee:

Provided that the Authority/Committee may appoint a legal practitioner not included in any panel in a case where it deems it necessary for imparting justice and may even appoint a legal practitioner of the choice of the applicant.

(4) Every person included in the panel shall be required to communicate, in writing to the Member-Secretary, <sup>1</sup>“Secretary or Chairman of the Authority/Committee” concerned as the case may be, his willingness to serve on the panel.

(5) Any vacancy in the panel caused by resignation or otherwise may be filled in by the Authority/Committee as soon as possible.

(6) If any person after having agreed to serve on a panel, neglects or refuse to discharge the duties properly the Authority/Committee may delete his name from the panel after giving him, opportunity to be heard.

(7) If any person after having agreed to serve on a panel is guilty of misconduct or violates any of the provisions of these rules, he shall be liable to be removed from the panel.

(8) Save as otherwise directed by the Authority/Committee, a legal practitioner who ceases to be on the panel whether on account of resignation or otherwise, shall as soon as practicable, after he so ceases to be on the panel, deliver all the papers pertaining to cases entrusted to him, to the <sup>2</sup>“Member-Secretary, Secretary or Chairman of Authority/Committee concerned as the case may be”.

**25. Duties of Legal Practitioners on the Panel.--** (1) Legal practitioners appointed for rendering legal service to the aided person under these rules:--

- (a) If the case is not concerning any proceeding in a court of law, tribunal or administrative tribunal shall hear the aided person, or any other person representing him, and shall examine the papers and documents relating to the case and shall give his advice in writing to the aided person and also send a copy of the advice so recorded to the

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<sup>1</sup> Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I), dated 2-8-2002.

<sup>2</sup> Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

<sup>1</sup>“Member-Secretary, Secretary or Chairman of the Authority/Committee; as the case may be” and

- (b) If the case relates to any legal proceedings, he shall represent the aided person and act and plead for him in the legal proceedings and shall forth-with make a report to Member-Secretary, <sup>2</sup>“Secretary or Chairman of the Authority/Committee as the case may be” on the action taken by him and also make monthly report to the Member Secretary in regard to the progress of the legal proceedings.

(2) The legal practitioner so long as he remains on the panel shall act in accordance with such instructions as may be given to him from time to time, by the Member-Secretary, <sup>3</sup>“Secretary or Chairman of the Authority/Committee as the case may be.”

**26. Honorarium payable to legal practitioner on the panel.** — The honorarium to the legal practitioners may be paid as may be notified by the State Authority from time to time.

**27. Duties of aided person.** — A person seeking legal service shall comply with any requisition or direction that may be made upon him by the Authority/Committee or any of its members from the date of application made for legal service till the completion or cessation of legal service or cancellation of eligibility.

<sup>4</sup>**27A. Recovery of legal aid expenses from aided persons.**—

(1) A person seeking legal service shall execute an agreement in the form appended to these rules wherein he shall undertake for the refund/recovery, in suitable cases, of such portion of the costs/charges which may have been borne by the State Legal Services Authority/High Court Legal Services Committee/District Legal Services Authority/Sub-Divisional Legal Services Committee, as the case may be, in funding the litigation and which litigation may have ultimately resulted in award of costs/charges by any Court/Tribunal in favour of an ‘aided person’. The said form shall also provide for authorization by the aided person, to the Court/Tribunal awarding such costs/charges in the litigation resulting in his favour to order refund of such costs/charges directly to the respective Legal Services Authority/Committee, which may have funded his litigation. The aforesaid agreement to be executed by the aided person shall also contain a clause in the shape of an irrevocable power of attorney authorizing the Member-Secretary, Secretary or Chairman of the respective Authority/Committee concerned to do all such acts and things as may be necessary for recovery/realization of the amount decreed or ordered awarded to him by any Court/Tribunal. Where due to inadvertence or otherwise, any such costs are ordered by such courts to be recoverable by an aided person and released in his favour, the aided person shall be under legal obligation to deposit such costs/charges to the concerned Authority/Committee within one month of the receipt of such amount and on his failure to deposit the same within the stipulated period, the said costs/charges shall be recovered from the aided person as arrears of land revenue by the Collector of

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<sup>1</sup> Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

<sup>2</sup> Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

<sup>3</sup> Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

<sup>4</sup> Substituted by Haryana Government vide notification No. 20/5/2001-4JJ(I), dated 2-8-2002.

the district in which the aided person may be residing or holding property and upon recovery in such manner, the Collector shall remit the same to the concerned Authority/Committee:

Provided that where the amount of costs/charges awarded is less than Rs.1000/- (One thousand rupees only) it shall be in the absolute discretion of the Member-Secretary, Secretary or Chairman of the respective Authority/Committee concerned whether or not to proceed for recovery of such amount.”

**<sup>1</sup>Form**

(See Rule 27A)

I, \_\_\_\_\_ son of/daughter of/wife of/Shri \_\_\_\_\_ resident of \_\_\_\_\_, hereby agree that in the event of the Court/Tribunal finally passing a decree or order in my favour awarding costs to me or other monetary benefit or advantage, the expenses of litigation borne by the Authority/Committee on my behalf shall remain the first charge on that monetary benefit/decreed. I further bind myself that for releasing the said benefit/decreed in my favour in order to recover the said expenses of litigation, Member-Secretary, Secretary or Chairman of the Authority/Committee, as the case may be, shall be legally entitled to act as my special attorney without any further legal document.

I, hereby also declare that in case of any benefit under a decree or order granted in my favour the Court/Tribunal shall be at liberty to divert such amount to the Authority/Committee, as may have been incurred by the Authority/Committee in giving me legal service and I shall also supply true information to the Authority/Committee in this regard.

I, hereby further declare that where due to inadvertence or otherwise, any such costs are ordered by such courts to be recoverable by me and released in my favour, I shall be under legal obligation to deposit such costs/charges to the concerned Authority/Committee within one month of the receipt of such amount and on my failures to deposit such amount within stipulated period, the said costs/charges shall be recoverable from me as arrears of land revenue by the Collector of district in which I reside or hold property.

Place : \_\_\_\_\_

Dated: \_\_\_\_\_

APPLICANT.

**28. The experience and qualifications of other persons of the Lok Adalats other than 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 Scheduled Castes, Scheduled Tribes, Women, children, Rural and Urban Labour; or

<sup>1</sup> Added by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002

- (b) a lawyer of standing; or
- (c) a person of repute who is specially interested in the implementation of the Legal Services Schemes and programmes.

<sup>1</sup>**28A. Award of Lok Adalat**— (1) Every award of the Lok Adalat 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 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.

3. The awards passed by the Lok Adalats in respect of pending cases shall be executable by the courts in which those matters were pending prior to the passing of the awards by the Lok Adalats.”

4. <sup>2</sup>“However, the petitions for execution or awards passed by the Lok Adalats regarding matters at pre-litigative stage shall be instituted before the Senior most Judicial Officer out of Civil Judges (Senior Division) at the District level; and before the Senior most Civil Judge (Senior Division) at the Sub-Divisional level who may either execute the same himself, or entrust it to any Judicial Officer junior to him and exercising pecuniary jurisdiction in respect of the amount settled at the pre-litigative stage.

## CHAPTER X

### MISCELLANEOUS

**29. Repeal and Savings** – (1) The Haryana State Grant of Free Legal Service and Advice to the Poor Rules, 1982, are hereby repealed:

Provided that any action taken under the rules so repealed shall be deemed to have been taken under the corresponding provisions of these rules.

(2) All notifications, regulations and orders made by the State Government will be valid unless they are inconsistent with Act and these Rules.

**30. Interpretation** — If any question arises as to the interpretation of these rules, the decision of the Executive Chairman of State Legal Services Authority, shall be final.

## CHAPTER XI

### TRANSITIONAL PROVISION

**31.** <sup>3</sup>Omitted

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<sup>1</sup> Inserted by Haryana Government vide notification No. 20/4/2000-4JJ(I) dated 10-1-2001.

<sup>2</sup> Inserted by Haryana Government vide notification No. 20/4/2000-4JJ(I) dated 4-6-2003.

<sup>3</sup> Omitted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

**32.** The Secretarial staff of the Executive Director, Haryana State Level Legal Service and Advice Committee and of the District Attorney-cum-Member Secretary, District Level Legal Service and Advice Committees shall continue as the staff of the State Legal Service Authority and of the District Legal Service Authorities respectively.

**SCHEDULE—I**

[See rules 9(1), 10(1), 16, 17 (1)]

**PART I**

**A**

<b>Sr. No.</b>	<b>Designation of the post</b>	<b>Scale of pay</b>	<b>Number of posts required</b>
1.	Member Secretary	3,950-125-4,700-150-5,000(After completion of 9 years service in the cadre) scale(3,950-125-4,700-150-5,000)(Selection Grade)scale 5,900-200-6,700 Special Pay Rs. 500	1
2.	Joint Member Secretary	3,000-100-3,500-125-5,000	1
3.	<sup>1</sup> Omitted		
4.	Superintendent Grade—I	2,000-60-2,300-EB-75-3,200-100-3,500 + Spl. Pay	1
5.	Deputy Superintendent	1,640-60-2,600-EB-75-2,900	1
6.	Accountant	1,400-40-1,600-50-2,300-EB-60-2,600	1
7.	Librarian	1,400-40-1,600-50-2,300-EB-60-2,600 + Spl. Pay	1
8.	Personal Assistant	1,640-60-2,600-EB-75-2,900 + Spl. Pay	1
9.	Senior Scale Stenographer	1,400-40-1,600-50-2,300-EB-2,600+Spl. Pay	1
10.	Junior Scale Stenographer	1,200-30-1,560-EB-40-2,040 + Spl. Pay	1
11.	Steno Typist	950-20-1,150-EB-25-1,500 + Spl. Pay	1
12.	Assistants	1,400-40-1,600-50-2,300-EB-60-2,600	8
13.	Clerks	950-20-1,150-EB-25-1,500	7
14.	Restorer	950-20-1,150-EB-25-1,500	1
15.	Daftari	800-15-1,010-EB-20-1,150	1
16.	Drivers	1,200-30-1,560-40-2,040 + Spl. Pay Rs.200	2
17.	Peons	750-12-870-EB-14-940	5
18.	Chowkidars	750-12-870-EB-14-940	2
19.	Sweepers	750-12-870-EB-14-940	2

<sup>1</sup> Omitted by Haryana Government vide notification No. 20/5/2001-4JJ(I) dated 2-8-2002.

**PART II**  
**B**  
**Requirement of the Staff of the District Legal Services Authority**

Sr. No.	Designation of the post	Scale of pay	Number of posts required
1.	Assistant	1,400-40-1,600-50-2,300-EB-60-2,600	1
2.	Clerk	950-20-1,150-EB-25-1,500	1
3.	Peon	750-12-870-EB-14-940	1

(Three posts in each of 17 districts of Haryana, total posts-51)

**SCHEDULE—II**

[See rule 9(2)]

A

**PART I**

Existing Staff of the Haryana State Legal Service and Advice Committee

The following posts were sanctioned by the Haryana Government for the office of the Executive Director, Haryana State Level Legal Service and Advice Committee:-

Sr. No.	Name of the official working against the post	Name of the post	Date when the incumbent joined	Haryana Government communications
1.	Dr. Paras Diwan	Executive Director	1-3-1985	Memo No. 20/18/86-4JJ(I) dated 2-3-1995
2.	D.D. Vohra	Deputy Superintendent	5-6-1985	
3.	Rajiv Puri	P.A.	24-9-1992	
4.	A.S. Rana	Assistant	30-12-1986	
5.	Rishi Ram Bhatt	Assistant	17-4-1989	
6.	Tripta Malik	Clerk	14-2-1991	
7.	Kashmir Singh	Clerk	21-2-1991	
8.	Matbar Singh	Peon	8-1-1987	
9.	Bharat Singh	Peon	6-8-1993	
10.	Bhale Ram	Driver	11-2-1988	

Since the posts of aforesaid officials were sanctioned by the Haryana Government for doing the work of providing free legal aid to poor under the Haryana State Grant of Free Legal Service and Advice to the Poor Rules, 1982, therefore, the aforesaid officials shall continue to work now in the office of the Haryana State Legal Services Authority and shall be entitled to draw pay and allowances in the scale indicated in schedule to these rules.

**PART II**

[See Rule 16(2)]

**B**

Existing staff of the District Level Legal Services and Advice Committee of Haryana

The following posts were sanctioned by the Haryana Government Haryana for the offices of the District Attorneys-cum-Member Secretaries of the District Level Legal Services and Advice Committees of Haryana:

Sr. No.	Name of the Official working against the post	Name of the post	Date when the incumbent	Haryana Government communication
1.	Devinder Kumar	Clerk	24-7-1992	Memo No. 20/18/86-4JJ() dated 2.3.1995
2.	Shanti Devi(Ambala)	Clerk	25-9-1985	
3.	Neelam Kumari (Bhiwani)	Clerk	26-8-1985	
4.	Katar Singh(Gurgaon)	Clerk	21-11-1985	
5.	Bhanmati(Hissar)	Clerk	17-9-1986	
6.	Jai Gopal(Jind)	Clerk	16-10-1985	
7.	Ramesh Kumar(Karnal)	Clerk	26-11-1985	
8.	Vacant(Kaithal)	Clerk	--	
9.	Sheo Ram(Kurukshetra)	Clerk	3-12-1985	
10.	Pawan Kumar(Narnaul)	Clerk	19-11-1993	
11.	Avinash Gupta(Panipat)	Clerk	11-8-1993	
12.	Birender Kumar(Rewari)	Clerk	1-10-1985	
13.	Vijay Singh(Rohtak)	Clerk	28-1-1986	
14.	Rajwanti(Sonipat)	Clerk	10-12-1985	
15.	Shish Pal(Sirsa)	Clerk	6-12-1985	
16.	Ravinder Kumar (Yamunanagar)	Clerk	27-5-1993	

Since the posts of aforesaid officials were sanctioned by the Haryana Government for doing the work of providing free legal aid to poor to the Poor Rules, 1982, therefore, the aforesaid officials shall continue to work now in the office of the District Legal Services Authorities and shall be entitled to draw pay and allowances in the scale indicated in schedule to these rules.

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