

EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed as a  
separate compilation.

### PART III

#### Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIATô DEPARTMENT OF LAW, JUSTICE AND  
PARLIAMENTARY AFFAIRS

Notification

Jammu, the 13th October, 2020.

SO-311.ô In exercise of the powers conferred by section 28 of the Legal Services Authorities Act, 1987, the Government of Jammu and Kashmir in consultation with the Chief Justice of the High Court of Jammu and Kashmir, hereby make the following rules, namely :ô

1. **Short title and commencement.**ô (1) These rules may be called the Jammu and Kashmir Legal Services Authority Rules, 2020.





4 The J&K Official Gazette, 13th Oct., 2020/21st Asy., 1942. [No. 28-d  
Chief Justice of the High Court as its Executive Chairman, the Authority shall consist of the following members, namely :

(a) Ex-officio Members

- (i) Advocate General, Union Territory of Jammu and Kashmir ;
- (ii) Administrative Secretary to Government, Finance Department, J&K ;
- (iii) Administrative Secretary to Government, Department of Law, Justice and Parliamentary Affairs, J&K ;
- (iv) Administrative Secretary, Information Department, Jammu and Kashmir ;
- (v) Administrative Secretary, Social Welfare Department, Jammu and Kashmir ;
- (vi) Inspector General of Police, Jammu/Srinagar ;
- (vii) Secretary Bar Council, Jammu and Kashmir ;

(b) The following members shall be nominated by the Government in consultation with the Chief Justice of High Court, namely :

- (i) two Chairman of the District Authorities ;
- (ii) five eminent Social Workers (of which at least three shall be women) who are engaged in the upliftment of the weaker sections of the society including Scheduled Castes, Women, Children and rural and urban labour ; and
- (iii) one member out of the following persons, by rotation in the order given below, namely :

- (a) Head of the Law Department, University of Kashmir ;  
and

(b) Head of the Law Department, University of Jammu.

4. **Headquarters of the Authority.**ô The office of the Authority shall be located at Jammu/Srinagar.

5. **Special Provisions for Patron-in-Chief, the Executive Chairman and Chairman, High Court Legal Services Committee.**ô

The Patron-in-Chief, the Executive Chairman and the Chairman, High Court Legal Services Committee, being a sitting Judge of the High Court, shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed in connection with the work of the Authority and be paid by the Authority in accordance with the provisions of the High Court Judges (Travelling Allowance) Rules, 1959 as amended from time to time.

6. **Conditions of service of Executive Chairman in case of retired Judge.**ô Where the Executive Chairman is a retired Judge of the High Court, his terms and conditions of service shall be such as may be specified by the Government, as may be applicable to the retired Judges of the High Court appointed on Commissions or Committees.

7. **Member-Secretary, Legal Services Authority.**ô Member-Secretary of the Authority constituted under these rules shall exercise the following powers and shall perform the following duties, namely :ô

- (a) to give free legal services to the eligible persons and weaker sections of the society ;
- (b) to work out modalities of the Legal Services Schemes and Programmes approved by the Authority and ensure their effective monitoring and implementation ;
- (c) to exercise the powers as Member-Secretary in respect of Administrative Housekeeping, Finance and Budget matters as Head of the Department of Legal Services ;

6 The J&K Official Gazette, 13th Oct., 2020/21st Asy., 1942. [No. 28-d  
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- (d) to maintain true and proper accounts of the Authority including periodical checking and auditing in respect thereof ;
- (e) to manage the properties, records, and funds of the Authority ;
- (f) to prepare Annual Income and Expenditure Accounts Balance Sheet of the Authority ;
- (g) to liaison with the Social Action Groups, District Authorities and Tehsil Committees ;
- (h) to maintain up-to-date completes 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 Certificate thereof ;
- (j) to organize various legal services programmes as approved by the Authority and convene meetings or seminars and workshops connected therewith ;
- (k) to produce video or 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 measures to draw schemes for effective and meaningful legal services for settling rural disputes at the door steps of the rural people including organization of Mediation Centres in the rural as well as urban areas ;
- (m) to perform such other functions as are necessary to give effect to the policy and directions of the Authority ; and



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source from which the same was originally filled under clause (b) of the  
rule 3 and a person so nominated to fill a casual vacancy shall continue  
to be a member for remainder of his predecessor's term.

(6) All nominated members shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed in connection with the meetings of the Authority and shall be paid by the Authority in accordance with the rules as are applicable to the Class-I Officers of the Government as amended from time to time.

(7) The ex-officio members shall be entitled to travelling allowance and daily allowance either from their parent department, or as the case may be, from the Authority.

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

(9) In all matters like age of retirement, pay and allowances, benefits and entitlements, and disciplinary matters, the Member-Secretary shall be governed by the Jammu and Kashmir Higher Judicial Services Rules and he shall be on deputation to the Authority.

**9. The number of officers and other employees of the Authority.** The Authority shall have such number of officers and other employees for rendering secretarial and field assistance and its day to day functions as may be sanctioned by the Government from time to time.

**10. The conditions of service and the salary and allowances of officers and other employees of the Authority.**—(1) The officers and other employees of the Authority shall be entitled to draw pay and allowances in the scales of pay admissible to the Jammu and Kashmir Government Employees holding equivalent posts and shall also be entitled to same status, privileges and facilities.

(2) In all other matters like age of retirement and disciplinary matters, the officers and other employees of the Authority shall be governed by the rules as are applicable to the employees of the Government holding equivalent posts.



11. **Qualification of Secretary of the High Court Legal Services Committee.** A person shall, not be qualified for appointment as Secretary of the High Court Legal Service Committee unless he is a member of the Jammu and Kashmir (Gazetted) Judicial Service.

12. **The number of officers and other employees of the High Court Legal Services Committee and the conditions of service and salary and allowances payable to them.** (1) The High Court Legal Services Committee shall be provided with such number of officers and other employees for rendering secretarial assistance and its day to day functions as may be sanctioned by the Government from time to time.

(2) The officers and other employees of the High Court Legal Services Committee shall be entitled to draw pay and allowances and other benefits in the scale of pay at par with the Government employees as the case may be, holding equivalent posts and shall also be entitled to, the same status, privileges and facilities.

(3) In all other matters like age of retirement and disciplinary matters the officers and other employees of the High Court Legal Services Committee shall be governed by the service rules of the Government and if belonging to the establishment of the High Court, then the rules of the High Court.

13. **The number, experience and qualifications of members of the District Authority.** (1) The District Authority shall consist of the following members, namely :

(a) Ex-officio members

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|---|----------|
| (i) District and Sessions Judge         | Chairman |
| (ii) Deputy Commissioner                | Member   |
| (iii) Addl. District and Sessions Judge | Member   |
| (iv) Senior Superintendent of Police    | Member   |



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|---|--------|
| (ii) Sub-Divisional Magistrate concerned                    | Member |
| (iii) Deputy Superintendent of Police concerned             | Member |
| (iv) Tehsildar concerned                                    | Member |
| (vi) Block Development Officers<br>(Headquarters) concerned | Member |
| (viii) President, Tehsil Bar Association                    | Member |

(b) Nominated members

(2) Three members from amongst eminent social workers (of which at least one shall be women) interested in the upliftment of the weaker sections of the society including Scheduled Castes and Backward Classes, Women, Children and rural labour, to be nominated by the Government in consultation with the Chief Justice of the High Court.

(3) The Naib-Tehsildar (Headquarter) of the tehsil shall be the Secretary of the Tehsil Legal Services Committee.

**17. The number of officers and other employees of the Tehsil Legal Services Committee.** The Tehsil Legal Services Committee shall have such number of officers and other employees for rendering secretarial and field assistance and for its day to day functions as may be sanctioned by the Government from to time.

**18. The conditions of service and the salary and allowances of officers and other employees of the Tehsil Legal Services Committee.** (1) The officers and other employees of the Tehsil Legal Services Committee shall be entitled to draw pay and allowances in the scale of pay admissible to Government employees holding equivalent posts and shall also be entitled to same status, privileges and facilities.

(2) In all other matters like age of retirement and disciplinary matters, the officers and other employees of the Tehsil Legal Services Committee shall be governed by the Government rules as are applicable to person holding equivalent post.





1 4 The J&K Official Gazette, 13th Oct., 2020/21st Asy., 1942. [No. 28-d  
services in accordance with the provisions of these rules, and for the  
purpose of arriving at such a decision he may, if necessary and required,  
give personal hearing to the applicant but in doing so, the Member-  
Secretary, the Secretary or the Chairman of the Authority or the Committee  
as the case may be, shall have regard to the fact that the applicant is a  
poor person or belongs to a weaker section of the society and deserves  
to be assisted. The application shall be processed as early as possible and  
preferably within a period of fifteen days of its receipt.

(2) The decision of the Member-Secretary, the Secretary and the  
Chairman of the Authority or the Committee, as the case may be to  
provide legal services shall be subject to the confirmation by the concerned  
Authority or the Committee.

(3) Where it is decided not to provide legal services to an applicant,  
the reasons for doing so shall be recorded in the register of applications  
maintained by the Authority or the Committee, as the case may be, and  
information in writing to that effect shall be communicated to the applicant.

(4) No legal service shall be allowed to continue after the legal  
service is granted, if the Authority or the Committee is satisfied that

- (a) the applicant knowingly made false statement or has furnished  
false information as regards his eligibility ;
- (b) in legal 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 case ;
- (c) the application is frivolous and fictitious or the applicant is not  
entitled to the same under the provisions of these rules ;
- (d) having regard to all the circumstances of the case, it is otherwise  
not reasonable to grant it.

24. **Panels for legal services.** (1) Every Authority or the  
Committee, as the case may be, shall prepare such number of panels of  
legal practitioners as it may consider necessary.

(2) Every panel prepared under sub-rule (1) shall remain force till it is revised or modified by the Authority or the Committee, as the case may be.

(3) Appointment of a legal practitioner for legal services under these rules, shall be made as far as possible from the panel of legal practitioners prepared under sub-rule (1) by the Authority or the Committee, as the case may be :

Provided that the Executive Chairman may appoint a legal practitioner not included in the panel and in a special case, the Chairman of the Authority or the Committee may do so with the prior permission of the Executive Chairman.

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

(5) If any person after having agreed to serve on a panel neglects or does not discharge the duties properly, the Authority or the Committee, may delete his name from the panel and may also disassociate him forthwith from the legal services being provided by him.

(6) 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 besides any appropriate legal proceedings.

(7) Save as otherwise directed by the Authority or the Committee, as the case may be, a legal practitioner who ceased 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 within seven days all the papers pertaining to cases entrusted to him by the Member-Secretary, Secretary or Chairman of the Authority or Committee as the case may be, failing which he shall forfeit any claim to the legal fee or other dues, if any, besides appropriate civil or criminal legal action.

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**25. Duties of legal practitioner on the panel.**ô (1) A legal practitioner appointed for rendering legal services to an aided person under these rules shall perform the following duties, namely :ô

- (a) if the case is not concerning any legal proceedings hear the aided person, or any other person representing him and 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 rendered to the Member-Secretary, the Secretary or the Chairman of the Authority or the Committee, as the case may be ; and
- (b) if the case relates to any legal proceedings represent aided person to act and plead for him in the legal proceedings and shall forthwith make a report to the Member-Secretary, the Secretary or the Chairman of the Authority or Committee, as the case may be, on the action taken by him and also make monthly report to them in regard to the progress of the legal proceedings besides a report, in writing, within two days of the final conclusion of proceedings to the concerned Authority or Committee.

(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 Authority or the Committee as the case may be.

**26. Honorarium payable to legal practitioner on the panel.**ô

(1) The legal practitioners brought on the panel in terms of rule 24, shall be paid by the concerned Authority or the Committee such honorarium, as may be determined from time to time by the Authority in respect of the legal proceedings conducted and advice tendered by them under these rules.

(2) No legal practitioner to whom any case is assigned for legal service shall receive any fee or remuneration whether in cash or in kind or any other advantage, monetary or otherwise, from the aided person or from any other person on his behalf.



(3) In case final judgment or order is rendered by the Court against the aided person, the concerned legal practitioner shall also submit along with his fee bill, his opinion, in writing with reasons as to whether the case is fit for further appeal or revision, as the case may be, within seven days of the receipt of the certified copy of final judgment or order.

27. **Duties of aided person.** (1) A person seeking legal service shall comply with the requisition or direction that may be made upon him by the Authority or the Committee on the date of application made for legal service till the completion or cessation of legal service or cancellation of eligibility.

(2) Every aided person shall execute an agreement agreeing to the effect that in the event of the Court passing a decree or order in his favour awarding costs to him or other monetary benefit or advantage (except an order of maintenance) to repay by way of reimbursement to the Authority or the Committee, as the case may be, the amount of costs, charges and expenses of legal proceedings incurred by the Authority or the Committee in rendering him legal service and to facilitate such reimbursement, he shall also execute an irrevocable power of attorney authorising the Member-Secretary, the Secretary or the Chairman of the Authority or Committee, as the case may be, to do all such acts and things, as may be necessary for recovery or realisation of the amount decreed or ordered to be paid to him.

(3) The costs, charges and expenses which may be recovered by the Authority or the Committee under sub-rule (2), shall be credited to the Government.

28. **Operation of Bank Account.** The Member-Secretary, the Secretary or the Chairman of the Authority or the Committee, as the case may be, shall operate the account of the Authority or the Committee.

29. **The experience and qualification of other persons of the Lok Adalats.** A person shall not be qualified to be included in the Bench of a Lok Adalat unless he is

- (a) an eminent social worker, who is engaged in the upliftment of the weaker sections of the society, including Scheduled Castes, Women, Children, Rural and Urban Labour ; or



32. **Repeal and saving.**ô (1) The Jammu and Kashmir State Legal Services Authority Rules, 1998 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including applications admitted or legal aid granted) by the Jammu and Kashmir State Legal Services Authority or High Court Legal Services Committee or District Legal Services Authorities and Tehsil Legal Services Committees (hereinafter referred as Authority/Committee as the case may be) immediately before the commencement of these rules in the exercise or purported exercise of its powers and authority conferred by or under the rules so repealed, shall be deemed to have been validly done or taken as if these rules had been in force at all material times and accordingly, anything done or any action taken by the Authority or Committee, as the case may be, shall be deemed to have been done or taken by the Authority, or as the case may be, by the corresponding Legal Services Authority or Committee constituted under the Act.

By order of the Government of the Jammu and Kashmir.

(Sd.) ACHAL SETHI,

Secretary to Government,  
Department of Law, Justice and Parliamentary Affairs.