

MANIPUR



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GOVERNMENT OF MANIPUR

SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION

Imphal, the 31st March, 1998

No. 3/19/97-Act/L(i).—The following Regulations made by the Manipur State Legal Services Authority is hereby published in the Manipur Gazette.

THE MANIPUR STATE LEGAL SERVICES AUTHORITY
(TRANSACTION OF BUSINESS AND OTHER PROVISION)
REGULATIONS, 1998.

L. IBOMCHA SINGH,
Secretary to the Government of Manipur.

Dated, Imphal, the 31st March, 1998

No. 4/2/98-SLSA.—In exercise of the powers conferred by section 29-A of the Legal Services Authorities Act, 1987 (No. 39 of 1987), the Manipur State Legal Services Authority hereby makes the following Regulations :

THE MANIPUR STATE LEGAL SERVICES AUTHORITY (TRANSACTION OF BUSINESS AND OTHER PROVISIONS) REGULATIONS, 1998.

1. Short title and commencement.—(1) These regulations may be called the Manipur State Legal Services Authority (Transaction of Business and other Provisions) Regulations, 1998.

(2) They shall come into force with effect from the date of their publication in the official Gazette.

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

- (a) "Act" means the Legal Services Authorities Act, 1987;
- (b) "Central Authority" means the National Legal Services Authority constituted under section 3;
- (c) "Chief Justice" means the Chief Justice of the Gauhati High Court;
- (d) "Court" means a Civil, Criminal or Revenue Court and includes and Tribunal or any other authority constituted under any law for the time being in force to exercise judicial or quasi-judicial functions;
- (e) "District Authority" means a District Legal Services Authority constituted under section 9;
- (f) "Executive Chairman" means the Executive Chairman of the State Authority;
- (g) "High Court" means the Gauhati High Court, Imphal Bench;
- (h) "High Court Committee" means the Gauhati High Court, Imphal Bench Legal Services Committee constituted under section 8-A;
- (i) "Legal Service" 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;
- (j) "Member-Secretary" means Member-Secretary of the State Authority;
- (k) "Member" means a member of the State Authority;
- (l) "Patron-in-Chief" means the Chief Justice;
- (m) "Section" means a section of the Act;
- (n) "State Authority" means the Manipur State Legal Services Authority.

3. Functions of the State Authority.—The State Authority shall give effect to the policy and directions of the Central Authority and shall perform all such functions as are specified in clauses (a), (b) and (c) of sub-section 2 of section 7 and shall also perform all or any of the following functions namely.—

- (a) coordinate and monitor the implementation of the directions of the Central Authority through the High Court Committee and District Authorities ;
- (b) organise Lok Adalats including Lok Adalats for High Court cases;
- (c) carry out schemes and programmes of promoting the cause of legal aid, legal literacy and other legal service with the help of, and in coordination with, governmental agencies; and non-governmental voluntary Social Service institution, Universities and other bodies engaged in the work of promoting the cause of legal service to the poor;

- (d) organise and encourage special legal aid, legal advice, legal literacy and other legal services schemes and programmes, in particular, within the areas predominantly inhabited by Scheduled Castes, Scheduled Tribes and other weaker sections of the society and also within far-flung areas of the State;
- (e) carry forward the schemes, programmes of plans legal aid, legal literacy and other legal services which were in progress or in hand by the Manipur State Legal Aid and Advice Board for benefit of the poor and other weaker sections of the society in the field of law;
- (f) formulate, and undertake preventive and strategic legal aid programmes in coordination with the Government and the High Court towards reducing and discouraging litigation and making certain areas free from litigation;
- (g) formulate, in consultation with the Central Authority, schemes and programmes as are considered appropriate for providing legal service to the poor and other weaker sections of the society;
- (h) give appropriate directions to the District Authorities to promote cause of legal service to the poor and other weaker sections of the society and in the matter of securing cooperation from the governmental and non-governmental voluntary social services institutions, universities and other bodies engaged in such work.

4. Meeting of the State Authority — 1 The State Authority shall meet once in every six months; provided that the Executive Chairman may convene a meeting of the State Authority whenever any business is to be transacted.

(2) A meeting of the State Authority shall ordinarily be held at Imphal; however it may be held at such other place within the State, as may be directed by the Patron-in-Chief.

(3) Annual general meeting of the State Authority shall be convened ordinarily in the month of April every year or in such other month as may be directed by the Patron-in-Chief. Besides other business annual statement of accounts, annual progress or performance report about plans, programmes and schemes of the State Authority shall be placed before the State Authority for consideration and approval.

(4) A meeting of the State Authority shall be presided over by the Patron-in-Chief and in his absence by the Executive Chairman.

(5) The quorum for a meeting shall be seven members including the Chairman.

(6) For every meeting of the State Authority, atleast two weeks notice shall be given to the Members to attend the meeting: however an emergent meeting may be convened by the Member-Secretary in accordance with the directions of the Executive Chairman on short notice.

(7) The State Authority may regulate its own procedure.

(8) One or more persons who are engaged or interested in the upliftment of the weaker sections of the society, who are considered suitable by the Executive Chairman, may be invited for any meeting with the approval of the Patron-in-Chief in order to seek their views, co-operation and help. Such person shall have no right to vote at such meeting.

(9)(a) All policy and other important matters shall be brought before the State Authority for its consideration and decision.

(b) Any specific matter or matters as may be desired or required by the State Authority, generally or otherwise to be placed before it, shall be placed before the State Authority for its consideration and decision.

(c) In respect of emergent matters, the Executive Chairman may exercise the powers and perform the functions and discharges the duties of the State Authority. The Executive Chairman shall, however, place such matters before State Authority for its information and approval.

(10) All the decisions of the State Authority shall be taken by majority of the members present and voting and in case of tie, the person presiding over the meeting shall have second or casting vote.

(11) It shall be the duty of the Member-Secretary to record or cause to be recorded the minutes of the meeting in the register to be maintained for the purpose.

(12) The non-official members shall be entitled to payment of travelling allowance and daily allowance in respect of the journeys performed in connection with the work of the State Authority at the rates admissible to a Class I Officer of the State Government.

5. Maintenance of accounts.—(1) The Member-Secretary shall have the accounts and other relevant records of the receipts and expenditure to be maintained properly and in accordance with the rules and directions of the Central/State Government and Comptroller and Auditor General of India.

(2) The Member-Secretary of the State Authority shall operate the Bank Accounts of the State Authority in accordance with the directions of the Executive Chairman.

(3) The State Authority may require the High Court Committee and District Authorities to maintain proper accounts and other relevant records of the receipts and expenditure and prepare annual statement of accounts or purposes of audit and inspection.

6. Legal Services.—(1) Legal Aid, Legal Advice or other legal services may, with the approval of the Executive Chairman, be provided by the Member-Secretary to any bonafide resident of Manipur.

(2) The persons to be aided under sub-regulation (1) above shall submit an application together with an affidavit in Form-I appended to this Regulations.

(3) Every such person shall execute an undertaking-cum-declaration in Form-II appended in this Regulation, that in the event of awarding costs in a decree or final order in this favour to repay by way of reimbursement to the State Authority all costs, charges and expenses incurred by State Authority in giving him legal service. For effecting such reimbursement, he shall authorise the Member Secretary of the State Authority. The costs charges and expenses so recovered shall be credited to the Fund of the State Authority.

FORM-I

See sub-regulation (2) of regulation 6

AFFIDAVIT

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

- (a) I belong to a member of a Scheduled Castes/Scheduled Tribes;
- (b) I am a victim of trafficking in human beings or a bagger as referred to in article 23 of the Constitution ;
- (c) I am eligible for legal services as I am a women or child ;
- (d) I am a mantally ill or otherwise disabled person ;
- (e) I am a person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster ; or
- (f) I am an industrial workman ; or
- (g) I am in custody ; and
- (h) My annual income from all sources is below Rs. 25,000/- (Rupees twenty five thousand) only.

DEPONENT

FORM—11

See sub-regulation (3) of Regulation 6
UNDERTAKING-CUM-DECLARATION

I, — — — — — aged about — — — years, son of/daughter of/wife of Shri — — — — — Resident of — — — — — do hereby undertake and declare as under.—

1. I shall comply with any requisition and direction that may be made by the Secretary

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

3. I seek to approach the honourable High Court
Court of — — — — —

(a) in appeal from the judgement of — — — — —

(b) in writ jurisdiction for — — — — —

(c) for bringing or defending the action in the nature of — — — — —

(Delete whatever is not applicable)

4. I hereby agree that in the event of the Court passing a decree or order in my favour awarding cost to me or other monetary benefit or advantage I shall repay by way of reimbursement to the State Authority all costs charges and expenses incurred by the State Authority in giving me legal service. I hereby also authorise the Secretary of the State Authority 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 me and to reimburse the same for the above mentioned purpose.

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

6. I agree that my case be listed before Lok Adalat in Hon'ble High Court/Court, if any state it is considered by the State Authority that my matter can be reconciled or settled through Lok Adalat.

APPLICANT

A. SUKUMAR SINGH,

Member-Secretary, Manipur State Legal Services Authority.