

असाधारण
EXTRAORDINARY

Daman 15th April 1998 25 Chaitra 1920 (Saka)

सं. 19
No.

सरकारी राजपत्र OFFICIAL GAZETTE



भारत सरकार
Government of India

संघ प्रदेश दमण एवं दीव प्रशासन

U.T. ADMINISTRATION OF DAMAN & DIU

प्राधिकरण द्वारा प्रकाशित
PUBLISHED BY AUTHORITY

UNION TERRITORY OF DAMAN & DIU
SECRETARIAT, MOTI DAMAN.

No.LAW/DMN/12-95/12

Dated : 15/04/1998.

NOTIFICATION

In exercise of the powers conferred by section 6 of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987), and under the provisions of rule 3 of the Daman & Diu State Legal Services Authority Rules, 1998 the Administrator of Daman & Diu hereby constitutes the legal Services Authority for the union Territory of Daman & Diu consisting of following Official and non-official members to exercise the powers and perform the functions conferred on, or assigned to it under the said Act.

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STATE LEGAL SERVICE AUTHORITY :

- | | | |
|------|---|--------------------|
| (1) | The Chief Justice of the Bombay High Court, Bombay. | Patron-in-Chief |
| (2) | Seniormost Sitting Judge, High Court, Bombay. | Executive Chairman |
| (3) | The Development Commissioner, Union Territory of Daman & Diu and Dadra & Nagar Haveli. | Ex-Officio Member |
| (4) | The Finance Secretary, Union Territory of Daman & Diu and Dadra & Nagar Haveli. | --do-- |
| (5) | The Inspector General of Police/Asstt. Inspector General of Police, Daman & Diu and Dadra & Nagar Haveli. | --do-- |
| (6) | The Collector, Daman. | --do-- |
| (7) | The Collector, Diu, | --do-- |
| (8) | The Collector, Silvassa. | --do-- |
| (9) | The Civil Judge (Sr. Division) Daman & Diu. | --do-- |
| (10) | The Civil Judge (Sr. Division) Dadra & Nagar Haveli. | --do-- |
| (11) | The Law Secretary, Union Territory of Daman & Diu and Dadra & Nagar Haveli. | --do-- |
| (12) | Government Pleader and Public Prosecutor, Daman & Diu. | --do-- |
| (13) | The President, Bar Association, Daman. | --do-- |
| (14) | The President, Bar Association, Diu. | --do-- |
| (15) | The President, Bar Association, Silvassa. | --do-- |
| (16) | The Child Development Project Officer, Daman. | --do-- |
| (17) | The Child Development Project Officer, Diu. | --do-- |
| (18) | The Child Development Project Officer, Silvassa. | --do-- |
| (19) | Shri R.C. Bhatia, Advocate, Daman. | Member |
| (20) | Smt. Madhu Ahluwalia, President Balbhavan, Daman. | --do-- |

असाधारण
EXTRAORDINARY

Daman 7th April 1998, 17 Chaitra 1920 (Saka)

सं. : 18
No.

सरकारी राजपत्र OFFICIAL GAZETTE



भारत सरकार
Government of India

संघ प्रदेश दमण एवं दीव प्रशासन

U.T. ADMINISTRATION OF DAMAN & DIU

प्राधिकरण द्वारा प्रकाशित
PUBLISHED BY AUTHORITY

The following Notification is published in the Gazette of India Part II Section 3, Sub-Section (ii) is hereby republished in the Official Gazette of this U.T. Administration of Daman & Diu for general information of public.

Government of India
Ministry of Law & Justice
(Department of Legal Affairs)

New Delhi, the 1st April, 1998.
Chaitra 11, 1920 (Saka)

NOTIFICATION

S.O. (E) - In exercise of the powers conferred by sub-Section (3) of section 1 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Government hereby appoints the 1st April, 1998 as the date on which the provisions of chapter III of the said Act shall come into force in the Union Territory of Daman & Diu.

Sd/-
(A SINHA)
JOINT SECRETARY TO THE GOVT. OF INDIA

F. No. A-60011(19)/98-Admn.III(LA)(NALSA)

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- | | |
|---|---------------------|
| (21) Col. R.C. Khatri, Silvassa. | Member |
| (22) The District Judge, Daman & Diu. | Member Secretary |
| (23) The Civil Judge (Sr. Division), Daman & Diu. | Co-Member Secretary |

The non-official members of the Legal Services Authority for the Union Territory of Daman & Diu, shall be entitled to TA/DA as admissible to Grade A Officers. The other terms and conditions will be governed as per the Daman & Diu State Legal Services Authority Rules, 1998.

The Head Quarters of the Legal Services Authority shall be at Daman.

By order and in the name of the
Administrator, Daman & Diu

Sd/-
(M.R. TRIVEDI)
ASSISTANT SECRETARY (LAW)

UNION TERRITORY OF DAMAN & DIU
SECRETARIAT, MOTI DAMAN

No.LAW/DMN/12-95/14

Dated : 15/04/1998.

NOTIFICATION

THE STATE LEGAL SERVICES AUTHORITY REGULATIONS, 1998.

In exercise of the powers conferred under the provisions of Section 29A of the Legal Services Authorities Act, 1987 and in consultation with the Hon'ble The Chief Justice of Bombay High Court, the Daman & Diu State Legal Services Authority hereby makes the following Regulations.

CHAPTER I

PRELIMINARY

1. These Regulations may be called the Daman & Diu State Legal Services Authority Regulations and they shall come into force from the date of publication in the Union Territory Official Gazette.
2. In these Regulations, unless the context otherwise requires :-

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- (a) "Act" means, the Legal Services Authorities Act, 1987 (No.39 of 1987);
- (b) "Chairman" means the Executive Chairman of the State Authority;
- (c) "Legal Practitioner" shall have the meaning assigned to that expression in the Advocates Act, 1961 (Act No. 25 of 1961);
- (d) "Member" means a member of the State Authority;
- (e) "Nominated Member" means a member nominated to the State Authority;
- (f) "Patron-in-chief" means the Chief Justice of the High Court, Bombay;
- (g) "Rules" means the State Legal Services Authority Rules, 1998;
- (h) "Secretary" means the Member Secretary of the State Legal Services Authority;
- (i) "State Authority" means the Daman & Diu State Legal Service Authority constituted under section 6 of the Act;
- (j) All other words and expressions used in these Regulations but not defined shall have the meaning respectively assigned to them in the Act and the Rules framed thereunder.

CHAPTER II

EXECUTIVE AUTHORITY

3. The Executive Authority of the State Authority shall vest in the Executive Chairman and may be exercised by him through the Member-Secretary who shall act under the control of the Executive Chairman.

Provided that the Patron-in-Chief may in respect of any decision to be taken give such advice as is deemed necessary.

CHAPTER III

STATE AUTHORITY

4. In addition to the functions to be performed by the State Authority under the Act, the State Authority may also perform the following additional functions :-
- (i) The State Authority may conduct legal literacy camps in different parts of the State with a view to transmitting knowledge about the legal aid schemes conducted in the State and with a view to spreading consciousness about the legal rights and duties of citizens with special reference to the tribal and rural populations, women, children, disabled, handicapped and weaker sections of the society.

- (ii) The State Authority may finance public interest litigations before appropriate courts in the Union Territory if the State Authority is prima facie satisfied that such litigations are for the general benefit of a large body or class of persons who cannot by themselves take recourse to law due to penury, illiteracy or other similar reasons.
- (iii) The State Authority may conduct legal aid clinics in different parts of the State in collaboration with Law Colleges, Universities and other Social Service Organisations..

CHAPTER IV

CONDUCT OF BUSINESS

- 5. The member Secretary of the State Authority, with the prior approval of the Executive Chairman, shall call meeting of the Authority at least once in a month and as and when the business may warrant.
- 6. **Minutes of the meeting :**
 - (1) The minutes of the proceedings of every meeting shall be prepared by the member Secretary.
 - (2) The Secretary of the State Authority as soon as possible, after the meeting and after obtaining the approval of the respective Chairman, shall circulate the minutes to the members.
 - (3) The minutes shall be confirmed and signed by the respective Chairman unless any member has, who was present at the meeting to which the minutes relate, raised an objection, to the minutes, as having been incorrectly or incompletely recorded and has communicated his objection in writing to the Member Secretary or the Secretary, as the case may be within 7 days of the receipt of the minutes by him or her. Any objection received shall be considered by the Chairman of the Authority who may make such modification in the minutes, as though proper and the modified minutes shall then be confirmed and signed by the Chairman.
- 7. **Expenditure for the meeting :**

The Member Secretary of the State Authority is authorised to spend an amount not exceeding Rs.5000/- (Rupees five thousand only) for a meeting of the State Authority and an amount not exceeding Rs.3000/- (Rupees three thousand only) for a meeting of any Sub-Committee, from out of the Legal Aid Funds.
- 8. The Legal practitioner conducting a case or on behalf of a person receiving the services shall, as soon as the case is decided, apply for a copy of Judgment and decree if any, and immediately on receipt of the copies shall submit them to the body appointing him together with his detailed comments. Such body may also consider, where necessary, the feasibility of filing any appeal, revision or a Writ Petition if -
 - (i) the case has been decided against the person;
 - (ii) the case is prima facie fit for taking such remedies;

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(iii) the aided person has applied for legal services for taking recourse to such remedies;

Provided that it will not be necessary to make a fresh enquiry as to eligibility under Section 12(h) of the Act, wherever applicable, unless the State Authority is of the opinion that a change of circumstances has taken place since the grant of the legal services.

9. The fee payable to the legal practitioners, representing the parties, in the matters to be filed, conducted, assigned by the State Legal Service Authority shall be as per the Schedule I, appended to these Regulations.

Provided that, for reasons to be recorded in writing, the Presiding Judge may award a higher fee.

Sd/-
CO-MEMBER SECRETARY
STATE AUTHORITY
DAMAN & DIU

STATE LEGAL SERVICES AUTHORITY REGULATIONS, 1998

SCHEDULE - I
(SEE REGULATION - 9)

SUBJECTS	Rate per case MINIMUM(Rs)	Rate per case MAXIMUM(Rs)
HIGH COURT		
Writ Petition in the High Court	500.00	700.00
Writ Appeal in the High Court	600.00	800.00
Letters Patent Appeal	600.00	800.00
Second Appeal in the High Court	500.00	750.00
First Appeal in the High Court	600.00	800.00
Appeal from Order	200.00	300.00
Civil Miscellaneous Application	100.00	100.00
Civil Revision Petition	200.00	300.00
Criminal Appeal	250.00	500.00

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SUBJECTS	Rate per case MINIMUM(Rs)	Rate per case MAXIMUM(Rs)
Criminal Revision	200.00	300.00
Criminal Miscellaneous	100.00	100.00
DISTRICT COURT Sessions Case	400.00	600.00
Criminal Appeal	200.00	300.00
Criminal Revision	100.00	150.00
Regular Civil Appeal	300.00	400.00
Miscellaneous Civil Appeal	200.00	300.00
Motor Accident Claim Petitions	300.00	500.00
Miscellaneous Civil Application	50.00	100.00
Miscellaneous Criminal Application	50.00	100.00
