

## **KARNATAKA LEGAL AID BOARD ACT, 1981**

**32 of 1981**

**[13th March, 1981]**

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## **KARNATAKA LEGAL AID BOARD ACT, 1981**

**32 of 1981**

**[13th March, 1981]**

An Act to provide for the establishment of a State Legal Aid Board for the purpose of providing free legal aid to the weaker sections of the society and for matters connected therewith. Whereas, it is expedient to provide for the establishment of a State Legal Aid Board for the purpose of providing free legal aid to the weaker sections of the society and for matters connected therewith. Be it enacted by the Karnataka State Legislature in the Thirty-second Year of the Republic of India as follows.

### CHAPTER 1

#### Preliminary

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

- (1) This Act may be called the Karnataka Legal Aid Board Act, 1981.
- (2) It shall be deemed to have come into force on the fifth day of March, 1981.

#### **2. Definitions :-**

In this Act, unless the context otherwise requires.

- (1) "Board" means the Karnataka Legal Aid Board established under Section 3;
- (2) "Executive Chairman" means the Executive Chairman of the Board;

- (3) "Government" means the State Government;
- (4) "Legal Aid" to be rendered by or under this Act means.
- (a) representation by a legal practitioner in legal proceedings;
- (b) supply of certified copies of judgments, orders, notes of evidence and other documents in legal proceedings;
- (c) preparation of <sup>1</sup>[petitions and other documents] in legal proceedings including printing and translation thereof;
- (d) drafting of legal documents;
- (e) payment of Court fees, process fees, expenses of witnesses and all other charges payable or incurred in connection with any legal proceedings; and
- (f) rendering of legal service.
- (5) "Legal aid organisation" means an organisation rendering legal aid;
- <sup>2</sup>[(5A) "Legal proceedings" includes proceedings before a quasi-judicial or an administrative authority;]
- (6) "Legal service" means rendering of legal advice either orally or in writing; <sup>3</sup> [and includes spreading of legal knowledge and creating legal awareness and the like amongst people];
- (7) "President" means the President of the Board;
- (8) "Secretary" means the Secretary of the Board.

1. Substituted for the word "documents" by Act No. 25 of 1985 and shall be deemed to have come into force w.e.f. 26-4-1985

2. Clause (5-A) inserted by Act No. 25 of 1985 and shall be deemed to have come into force w.e.f. 26-4-1985

3. Inserted by Act No. 25 of 1985 and shall be deemed to have come into force w.e.f. 26-4-1985

## CHAPTER 2

### Legal Aid Board

### **3. Establishment of the Board :-**

(1) With effect from such date as the Government may, by notification, appoint, there shall be established for the purpose of this Act, a Board to be called the Kamataka Legal Aid Board.

(2) The Board shall be a body corporate with the name aforesaid,

having perpetual succession and a common seal with power to acquire, hold and dispose of property and to contract and shall by that name sue and be used.

#### **4. Composition of the Board :-**

(1) The Board shall consist of the following members, namely.

(a) the Minister for Law of the State of Karnataka, who shall be the President of the Board;

(b) the Advocate General for Karnataka, ex officio;

(c) the Chairman of the Karnataka State Bar Council, ex officio;

(d) the President of the Bangalore Bar Association, ex officio;

<sup>1</sup>[(dd) the Commissioner and Secretary to Government, Revenue Department, ex officio];

(e) the Secretary to Government, Department of Law and Parliamentary Affairs, ex officio;

(f) the Secretary to Government, Finance Department, ex officio;

(g) the Secretary to Government, Social Welfare and Labour Department, ex officio;

<sup>2</sup>[(h) the Secretary to Government, Home Department, ex officio;

(ha) the Director-General of Police, ex officio;

(i) two members of the Karnataka Legislative Assembly and one ] member of the Karnataka Legislative Council, nominated by the Government;

( j ) <sup>3</sup>[ t w o persons] to represent organisations (other than organisations established by or under this Act) engaged in rendering ' legalaid, nominated by the Government;

(k) <sup>4</sup>[ten persons] nominated by the Government, of whom.

(i) one shall be a woman to represent an organisation of women connected with social welfare in the State;

(ii) one shall be a representative of labour; <sup>4</sup>[other than agricultural labour];

<sup>5</sup> [(ii-a) one shall be a representative of agricultural labour];

- (iii) one shall be a representative of the Scheduled Castes;
- (iv) one shall be a representative of the Scheduled Tribes;
- (v) one shall be a representative of the Backward Classes of citizens; and
- (vi) two shall be Advocates, of whom one shall be a woman.

(2) The Government may nominate one of the members, as the Executive Chairman of the Board.

(3) The Board may co-opt such number of persons not exceeding three for such period as it deems desirable from among persons having special knowledge or practical experience of social service including any service connected with legal aid and a person so co-opted shall have the right to attend the meetings of the Board and to take part in the proceedings thereof but shall not be entitled to vote.

(4) The names of the members nominated or co-opted shall be notified in the official Gazette. Every member of the Board other than the ex officio members, shall, subject to the pleasure of the Government, hold office for a period of three years from the date of notification of his nomination in the official Gazette.

(5) The members other than the ex officio members shall be eligible for re-nomination.

(6) Any casual vacancy may be filled by nomination by the Government and a person so nominated shall hold office so long only as the member in whose place he is nominated would have held it if the vacancy had not occurred.

(7) Where an ex officio member is unable to attend any meeting of the Board or of any Committee thereof, he may authorise in writing any officer to attend such meeting of the Board or of any committee as the case may be, and the person so attending shall have the same rights at the meeting as that of the ex officio member.

1. Clause (dd) inserted by Act No. 21 of 1987

2. Clauses (h), (ha) and (hb) substituted for clause (h) by Act No. 25 of 1985 and shall be deemed to have come into force w.e.f. 26-4-1985

3. Substituted for the words "one person" by Act No. 25 of 1985 and shall be deemed to have come into force w.e.f. 26-4-1985

4. Inserted by Act No. 9 of 1989

5. Sub-clause (ii-a) inserted by Act No. 9 of 1989

## **5. Disqualifications :-**

(1) No person shall be eligible to be a member of the Board or any committee thereof who.

(a) is, or at any time has been, adjudged an insolvent or has applied for being so adjudged;

(b) is of unsound mind and stands so declared by a Competent Court; or

(c) is or has been convicted of an offence which, in the opinion of the Government, involves moral turpitude.

## **6. Vacation of seats of members :-**

(1) If a member of the Board.

(a) becomes subject to any of the disqualifications specified in Section 5; or

(b) in the case of a member nominated under clause (i) of sub-section (1) of Section 4, ceases to be a member of the Legislative Assembly or the Legislative Council, as the case may be, his seat shall thereupon become vacant.

(2) If any question arises as to whether a member of the Board has become subject to any disqualification specified in Section 5, such question shall be referred to the President whose decision shall be final:

Provided that, before giving any decision on such question the President shall give the member concerned a reasonable opportunity of being heard.

(3) If a member of the Board other than the president or an ex officio member.

(a) is absent without sufficient cause from more than three consecutive meetings thereof; or

(b) has ceased to represent the interest to represent which he was nominated, then, the President may, by order, remove such member from the membership of the Board:

Provided that no member shall be removed under this sub-section

except after giving him a reasonable opportunity of showing cause against such removal.

(4) Any member of the Board, other than an ex officio member, may resign his office by giving notice in writing of his intention so to do, to the President and on such resignation being accepted he shall be deemed to have vacated his office.

## **7. Meetings of the Board :-**

(1) The Board shall meet at least twice in year at such time and place as may be specified by the President.

(2) The President or in his absence the Executive Chairman or in the absence of both the President and the Executive Chairman, any member chosen by the members present from among themselves shall preside at the meetings of the Board.

(3) Unless otherwise provided by regulations one third of the total number of members of the Board shall form quorum for such meetings.

(4) All questions at the meetings of the Board shall be decided by the majority of the votes of (he members present and voting and in the case of equality of votes, the person presiding shall have a second or a casting vote.

## **8. Vacancy etc., not to invalidate acts. No act or proceeding of the Board or of any committee thereof shall be invalid merely by reason of :-**

(a) any vacancy in or defect in the constitution of the Board or the committee, as the case may be; or

(b) any defect in the nomination of any person as a member of the Board or the committee, as the case may be; or

(c) any irregularities in its procedure not affecting the merits of the case.

## **9. Allowances payable to the members of the Board :-**

<sup>1</sup> The sitting fees and other allowances payable to members other than the President and the Executive Chairman for attending the meetings of the Board or of any Committee thereof shall be such as may be prescribed].

1. Section 9 substituted by Act No. 25 of 1985 and shall be and

shall be deemed always to have been substituted

**10. Term of office of the Executive Chairman, his powers and functions. The Executive Chairman shall :-**

(a) hold office, for such term not exceeding three years as the Government may specify:

Provided that the Executive Chairman shall, notwithstanding the expiry of his term, hold office until his successor is nominated and assumes office;

(b) when the President is unable to discharge his functions owing to absence, illness or any other cause, discharge his functions until the date on which the President resumes his duties;

(c) in the event of occurrence of any vacancy in the office of the President by death, resignation or otherwise, act as President until the date on which a new President is appointed to fill such vacancy and enters upon his office;

(d) receive such allowances as may be prescribed;

(e) <sup>1</sup> [exercise all powers necessary for the proper administration of the Board and to achieve the objects thereof and such other powers] and discharge such functions;

(i) as are conferred on him by or under this Act; or

(ii) as the Board may, by regulations specify; or

(iii) as the President may, by general or special order, delegate.

1. Substituted for the words "exercise such powers" by Act No. 25 of 1985 and shall be and shall be deemed always to have been substituted

**11. Executive Committee :-**

(1) The Board shall constitute from among its members an Executive Committee which shall consist of the following members, namely.

(a) The Executive Chairman, ex officio;

(b) The Secretary to Government, Department of Law and Parliamentary Affairs, ex officio;

(c) The Secretary to Government, Finance Department, ex officio;



(d) Two non-official members.

(2) The Executive Chairman shall preside at the meetings of the Executive Committee.

(3) The Executive Committee shall be in overall charge of all matters connected with the powers, functions and administration of the Board.

(4) The Secretary shall be the Secretary of the Executive Committee.

(5) The Executive Committee shall meet at such times and at such places and shall observe such procedure in regard to the transaction of business at its meetings as may be provided by regulations made by the Board under this Act and in the absence of such regulations, as the President may determine.

## **12. Other Committees :-**

(1) The Board may constitute one or more standing committees or ad-hoc committees for the exercise of any power or the discharge of any function of the Board or for inquiring into advising it on, any matter that may be referred to them.

(2) An ad-hoc committee may include persons who are not members of the Board.

(3) The Secretary shall be a member of every committee constituted under this section.

(4) The Secretary or any other officer of the Board as the President may specify shall be the Secretary of a committee constituted under this section.

## **13. Officers and other employees of the Board :-**

(1) The Board shall, appoint a Secretary to the Board.

(2) The Secretary shall be the Chief Administrative Officer of the Board and shall be responsible <sup>1</sup> [for the proper management of the affairs of the Board and the custody] and management of the properties, both movable and immovable of the Board and shall exercise such powers and discharge such functions as are conferred on him by or under this Act or as may be prescribed or as may be determined by regulations made by the Board or as may be delegated to him by the Board or by the President.

(3) The Government shall, from among its officers appoint an Accounts Officer to the Board who shall be responsible for the maintenance of true and proper accounts of the Board.

(4) Subject to such rules as may be prescribed, the President may appoint such number of other officers and employees as may be necessary for the efficient performance of the functions of the Board.

(5) The qualifications, method of appointment, the conditions of service and the scales of pay of the Secretary, and other employees of the Board shall be such as may be prescribed by regulations and until, so prescribed shall be such as the President may, by order, determine.

1. Substituted for the words "for the custody" by Act No. 25 of 1985 and shall be deemed to have come into force w.e.f. 26-4-1985

#### CHAPTER 3

##### Objects and Powers of the Board

#### **14. Objects of the Board :-**

The objects of the Board shall be.

(a) to stimulate, guide, propagate and organise legal aid and to evolve schemes for the purpose of making such aid available in accordance with the provisions made by or under this Act;

(b) to co-ordinate the working of the legal aid organisations and other organisations rendering legal aid whether constituted by or under this Act or not;

(c) to utilise the funds at its disposal in such a way as to make legal aid readily available as a juridicate project in the State and to make appropriate allocations of funds to legal aid organisations and to other deserving organisations rendering legal aid and sociological research institutions whether constituted by or under this Act or not;

(d) to make periodic appraisals and to carry out performance audit of the implementation of this Act and the functioning of the legal aid programme in the State and to make quantitative and qualitative assessments of the extent of benefits derived there from;

(e) to undertake and promote research in the field of legal aid with

reference to the needs of the society and in particular the weaker sections thereof;

(f) to promote guide and supervise the establishment and working of legal clinics, bureaus and other centres in Universities, Law Colleges and other institutions and other places;

(g) to make proposals with a view to reaching legal aid and social justice to the weaker sections of the society and to the backward areas of the State;

(h) to promote and to initiate proposals for law reform;

(i) to enlist the support of social service organisations and organisations working in the field of Scheduled Castes and Scheduled Tribes, other backward classes, women and labour and to co-ordinate the activities of such organisations, with those of the legal aid organisations in so far as such activities relate to any matter connected with the rendering of legal aid under this Act;

(j) to take necessary steps (including the giving of directions to legal aid organisations to take appropriate steps), by litigation or otherwise, in regard to consumer protection, environmental control or any other matter of special concern to the public;

(k) to find ways and means for making justice less expensive and more expeditious and for promoting easy accessibility to Courts and other authorities irrespective of such authorities being judicial, quasi-judicial or administrative;

(l) to take measures by way of encouragement, guidance and financial help to various organisations for spreading legal literacy and creating legal awareness amongst people;

<sup>1</sup> [(l-a) to undertake strategic and preventive legal service programme];

(m) to take measures for involving lawyers, judges, academicians and students in the legal aid programmes;

(n) to undertake publications in the legal and sociological spheres; and

(o) to take such other steps as may be necessary to secure that the operation of the legal system promotes justice, on a basis of equal opportunity and to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other

disabilities.

1. Clause (1-a) inserted by Act No. 18 of 1983

**15. Powers of the Board :-**

(1) The Board may exercise all such powers as are necessary for the purpose of carrying out the objects specified in Section 14 and for implementing any scheme or schemes which may be framed under this Act.

(2) In particular and without prejudice to the generality of the provisions contained in sub-section (1), the Board may exercise all or any of the following powers namely.

(a) lay down policies and principles for making legal aid available under the provisions of this Act;

(b) make legal aid available in accordance with the provisions of this Act;

(c) lay down norms, standards and guidelines relating to the conduct and behaviour of legal practitioners and other persons working in connection with the legal aid programme under the provisions of this Act;

(d) promote research and establish and maintain centres for research in the field of legal services with reference to the needs of the society, and in particular the weaker sections thereof;

(e) make grants to centres or institutions doing research in the field of legal aid with reference to the needs of the society;

(f) lay down the procedure to be followed by the committees of the Board;

(g) manage and invest the funds of the Board;

(h) take such measures as may be necessary to bring the Courts and other authorities exercising judicial or quasi-judicial or administrative functions within easy reach of the people;

(i) to recommend such measures as may be necessary by way of reform of law to better serve the interests of the weaker sections of society;

(j) make allocations from the funds at its disposal to legal aid organisations;

(k) make grants to other organisations rendering legal aid, subject to such conditions as may be specified, from time to time, by the Board;

(1) undertake and aid publications on the legal and socio-legal sphere;

(m) do such other things as may be necessary for, or incidental to, the discharge of the functions conferred on it by or under this Act or to achieve the objects thereof.

<sup>1</sup> (3) The Board may delegate any of its powers to the Executive Committee or the Executive Chairman with or without any condition].

1. Sub-section (3) inserted by Act No. 25 of 1985 and shall be deemed to have been come into force w.e.f. 26-4-1985

#### **16. Framing of Schemes by the Board :-**

(1) The board may, with the previous approval of the Government and by notification, frames one or more schemes for the purpose of promoting and carrying out the objects specified in Section 14 and for giving effect to the powers mentioned in Section 15 and any such scheme may specify the area, the class of persons or matters to which it shall apply.

(2) Subject to the provisions of this Act and the rules and regulations made thereunder, a scheme framed under sub-section (1) may provide for all or any of the following matters, namely.

(a) the area or the class of persons or category of matters to which it shall apply;

(b) the nature and extent of the legal aid available under the scheme;

(c) the Court, tribunal or other authority (whether judicial, quasijudicial or administrative) in relation to which legal aid shall be available under the scheme;

(d) the circumstances in which and the conditions subject to which, legal aid shall be made available;

(e) the form and manner in which and the authority to which applications for availing of the benefits thereunder shall be made;

(f) the manner of availing of legal aid under the scheme;

- (g) appointment of legal practitioners to render legal aid under the scheme and the terms and conditions subject to which such appointment shall be made;
- (h) the remuneration payable to the legal practitioners rendering legal aid;
- (i) the authority by which certificates of eligibility for legal aid shall be issued and the form for such certificates and the matter to be taken into consideration while issuing the certificates;
- (j) the rights and obligations of persons to whom certificates of eligibility have been issued;
- (k) the verification of any information or particulars furnished, by or on behalf of any person applying for the certificate of eligibility or for the benefits under the Act or scheme;
- (1) appeal by applicants who are aggrieved by any decision in the matter of grant or withdrawal of legal aid including the form in which the time within which and the authority to which, such appeal shall lie and the procedure to be followed by such authority;
- (m) contributions, if any, to be made by applicant or classes of applicants, for legal aid under the scheme, to the funds of the Board including the circumstances under which such contributions shall become payable, the amounts thereof and the consequences of non-payment;
- (n) the circumstances under which and the authority by which a certificate of eligibility for legal aid may be withdrawn and the consequences thereof;
- (o) constitution of conciliation cells, the composition, powers and functions of conciliation cells;
- (p) the qualifications and disqualifications for the appointment as members of conciliation cells;
- (q) the fees, salary or allowances payable to the members of the conciliation cells;
- (r) the procedure to be followed by conciliation cells;

<sup>1</sup> [(r-a) constitution of legal aid committees and centres in the districts and taluks, their functions and other matters, including the allowances payable to the members thereof for attending the

meetings of the committee or sub-committees thereof];

(s) constitution and composition of separate cells to look after the interests of women, industrial and farm labour, scheduled castes, scheduled tribes and other weaker sections of the society;

(t) the extent to which and the manner in which law students and law teachers may be associated in carrying out the legal aid programme;

(u) establishment and maintaining of centres for research and promotion of research, in the field of legal aid;

(v) any other matter that may be, or is required to be, provided by a scheme.

(3) Notwithstanding anything contained in sub-section (1), the Executive Chairman may frame one or more schemes for all or any of the purposes specified in sub-section (2) so long as it is the first scheme for that purpose:

Provided that the Executive Chairman shall not frame any scheme by virtue of the powers conferred on him by this sub-section after the expiry of one year from the date of coming into force of this section.

(4) Every scheme framed by the Executive Chairman under sub-section (3) shall be placed before the Executive Committee at its next meeting.

(5) The Board may, by notification, add to, amend, vary or rescind, either prospectively or retrospectively, any scheme framed under this section.

(6) Any scheme framed under this section may provide that all or any of its provisions shall have effect from such date as may be specified in that behalf in the scheme.

1. Clause (r-a) inserted by Act No. 18 of 1983

### **17. Special provision in the schemes regarding certain categories of persons :-**

In framing a scheme under Section 16, due regard shall be had to the special need to provide legal aid to the following categories of persons, namely.

(a) members belonging to the weaker sections of society and in

particular to the Scheduled Castes and the Scheduled Tribes and other backward classes;

(b) agricultural labourers;

(c) rural artisans and small farmers;

(d) industrial workers;

(e) women and children;

(f) members of the armed forces, and ex-servicemen and their families; and

(g) persons detained in jail, whether pending trial or undergoing sentence, or otherwise.

### **18. Public Interest litigation by Board :-**

(1) The Board may institute, continue or defend, suits, prosecutions or other proceedings on behalf of any class or classes of persons or the public generally, or direct or authorise any legal aid organisation to do so for all or any of the following purposes namely.

(a) protection of the interests of consumers or of socially, educationally and economically backward section of society; <sup>1</sup>  
[including women and children]

(b) relief against environmental pollution;

(c) any other, purpose affecting the interests of the public.

(2) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (Central act 5 of 1908), or the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) or any other law for the time being in force, in relation to

(a) that the Board or legal aid organisation, as the case may be, represents all persons interested in the suit, prosecution or other proceeding, on whose behalf the Board or legal aid organisation has instituted or seeks to continue or defend the suit, prosecution or other proceeding; and

(b) that the Board or the legal aid organisation has a cause of action in relation to, or is otherwise entitled to institute, continue or defend, the suit, prosecution or other proceeding:

Provided that any person, on whose behalf or for whose benefit a



suit, prosecution or other proceeding is instituted, continued or defended under this sub-section, may apply to the Court to be made a party to such suit, prosecution or other proceeding.

(3) Where the Board or legal aid organisation has instituted or seeks to continue or defend, a suit, prosecution or other proceeding, under this section, it shall be deemed that the suit, prosecution or other proceeding has been instituted or is sought to be continued or defended for the purposes specified in sub-section (1).

(4) When the Board directs or authorises a legal aid organisation to institute, continue or defend, a suit, prosecution or other proceeding under sub-section (1), it shall reimburse the legal aid organisation the expenditure incurred to institute, continue or defend, the suit, prosecution or other proceeding or make such grants as it may deem fit for the purpose.

1. Added by Act No. 18 of 1983

#### CHAPTER 4

Funds, Accounts, Audit, etc.

### **19. Transfer of properties :-**

The Government may transfer to the Board, buildings, land or any other property whether movable or immovable, for use and management by the Board, on such conditions as the Government may deem fit, for the purposes of this Act.

### **20. Funds of the Board :-**

(1) The funds of the Board shall consist of.

(a) subventions and grants by the Government or the Central Government for the purposes of this Act;

(b) contributions, donations, subscriptions, bequests, gifts and the like received by it;

(c) amounts realised towards rendering legal aid;

(d) costs awarded in suits, appeals or applications in favour of persons availing of legal aid where such costs are realisable by the Board;

(e) any other amount received by the Board.

(2) All moneys belonging to the Board shall be deposited in the

Reserve Bank or the State Bank of India or a subsidiary Bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 or in any scheduled Bank.

(3) The funds of the Board shall be applied for meeting the expenses towards salaries, allowances and other remuneration of the officers and other employees of the Board, other administrative expenses of the Board and the expenses in the discharge of the functions of the Board under this Act.

## **21. Recovery of costs by the Board :-**

(1) Where in any suit, appeal or other proceeding before any Court, tribunal or authority, legal aid has been made available to any person by the Board and costs have been awarded in favour of such person, the decree or order awarding such costs shall, notwithstanding anything contained in any law, decree or order of a Court, be deemed to be a decree in favour of the Board and the Board shall be deemed to be the decree holder in relation to the amount due by way of such costs and the amount so due together with interest, if any, may be recovered.

(a) as if it were an arrear of land revenue; or

(b) on application to any Magistrate, by such Magistrate, as if it were a fine imposed by <sup>1</sup>[him; or]

<sup>2</sup> [(c) by executing the decree or order in a civil Court].

(2) In every suit, appeal or other proceeding referred to in sub-section (1) where costs have been awarded in favour of any person availing of legal aid, the legal practitioner who appeared in the suit, appeal or other proceeding on behalf of such person shall apply to the Court, tribunal or authority, as the case may be, for a copy of the decree or order for costs, and the same shall be granted by the Court free of cost.

(3) The copy of the decree or order obtained by the legal practitioner under sub-section (2) shall be forwarded by him to the Board.

1. Substituted for the word "him" by Act No. 25 of 1985 and shall be deemed to have come into force w.e.f. 26-4-1985

2. Clause (c) inserted by Act No. 25 of 1985 and shall be deemed to have come into force w.e.f. 26-4-1985

## **22. Sanction of Budget, Accounts and Audit :-**

(1) The Board shall, on such date and in such form as may be prescribed prepare and submit to the Government the budget for the next financial year showing the estimated receipts and expenditure on capital and revenue accounts according to the programme.

(2) The Government may sanction the budget submitted to it with such modification as it may deem proper.

(3) The Board may submit a supplementary budget for the sanction of the Government in such form and before such date as the Government may prescribe.

(4) The Board shall prepare and forward to the Government in such manner as may be prescribed, an annual report within three months from

(5) The Board shall, before such date and at such intervals and in such manner as the Government may from time to time direct, submit to the Government a report on such matters and such statistics and such returns as the Government may direct.

(6) The accounts of the Board shall be maintained and an annual statement of accounts shall be prepared in such manner as may be prescribed. Such accounts shall be audited by an auditor appointed by the Government.

### **23. Submission of programmes of activities and financial estimates :-**

(1) The Board shall prepare before the commencement of each year a programme of its activities during the forthcoming year as well as a statement regarding the financial estimates in respect thereof.

(2) The programme and the statement regarding financial estimates referred to in sub-section (1), together with a statement regarding performance of the Board, during the year preceding the year to which the estimates relate, shall, not less than three months before the commencement of each financial year, be submitted for approval to the Government.

(3) The Government may approve and sanction the said programme and statement with or without modification.

### **CHAPTER 5**

#### **Miscellaneous**

## **24. Secrecy :-**

(1) This section applies to every person who is a member of the Board, or of any committee thereof, and to every person who holds any office or employment under or for the purposes of this Act.

(2) A person to whom this section applies shall not, either directly or indirectly, except for the purpose of this Act.

(a) make a record of, or divulge or communicate to any person, any information concerning the affairs of another person, acquired by him by reason of his office or employment under or for the purposes of this Act; or

(b) produce before any person a document relating to the affairs of another person furnished for the purposes of this Act.

(3) Subject to the provisions of this Act a person to whom this section applies shall not be required to produce before a Court any document relating to the affairs of another person of which he has the custody, or to which he has access, by virtue of his office or employment under or for the purposes of this Act or to divulge or to communicate to any Court information concerning the affairs of another person obtained by him by reason of such an office or employment.

(4) Sub-section (3) shall not apply if the Court considers that it is necessary in the interest of justice that the document be produced or the information be divulged or communicated.

(5) This section shall not apply in proceedings instituted for an offence under Section 25 against a person who has applied for legal aid.

(6) This section shall not affect any law or any rule of practice or procedure relating to the discovery of documents in a proceeding in respect of which legal aid is provided to a person under this Act.

(7) In this section.

(a) 'Court' includes any tribunal, authority or person having power to require the production of documents or the answering of questions;

(b) 'Produce' includes permit access to and "production" shall be construed accordingly.

**25. Penalty for contravening Section 24 :-**

Whoever in contravention of Section 24 makes a record of, or divulges or communicates to any person any information of the nature referred to in clause (a) of sub-section (2) of Section 24 or produces any document of the nature referred to in clause (b) of that sub-section shall, on conviction be punishable with imprisonment for a period not exceeding three months and with fine of an amount not exceeding five hundred rupees.

**26. Misrepresentation :-**

(1) If any person seeking or receiving legal aid under this Act.

(a) wilfully fails to comply with any requirement as to information to be furnished by him, or

(b) in furnishing any such information, knowingly makes any false statement or false representation, he shall, on conviction, be liable to a fine not exceeding two hundred and fifty rupees.

(2) Notwithstanding anything contained in any other law, any proceeding in respect of an offence under sub-section (1) shall be instituted at any time within two years next after commission of the offence or within six months after the first discovery thereof whichever is earlier.

**27. Protection of action taken under this Act in good faith :-**

No suit, prosecution or other legal proceeding shall lie against the Board or a committee constituted by or under this Act or any member or any officer or other employee thereof or any other person authorised by the Board or the Executive Committee to discharge any function under this Act or anything which is in good faith done or intended to be done, in pursuance of this Act or any scheme framed thereunder.

**28. Offence by companies :-**

(1) If the person committing any offence punishable under this Act is a company, every person, who at the time the offence was committed was incharge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence

was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence punishable under this Act has been committed by a company and it is proved that such offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary, or other officer of the company such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. For the purposes of this section.

(a) "Company" means any body corporate and includes a firm and other association of individuals; and

(b) "Director" in relation to a firm, means a partner in the firm.

### **29. Officers and employees to be public servants :-**

The officers and employees of the Board, the Executive Committee or any other committee constituted under this Act and the legal practitioners engaged under this Act for rendering legal services shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code (Central Act 45 of 1860).

### **30. Power to make rules :-**

(1) The Government may, by notification, and after previous publication make rules for carrying out the purposes of this Act.

### **31. Regulations :-**

(1) The Board may, by notification, and with the previous sanction of the Government, make regulations not inconsistent with this Act and the rules made thereunder for enabling it to perform its function under 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) rules of procedure with regard to the transaction of business at a meeting of the Board including the quorum for such meeting;

(b) the terms, conditions and methods of appointment and service and scales of pay of officers and employees of the Board including

the secretary thereof;

(c) the time and place of meetings of the Board;

(d) the summoning and holding of meetings, the rules of procedure and conduct of business of the Executive Committee or any other committee constituted by the Board;

(e) the powers and functions of the Secretary of the Board and the delegation of powers to him;

<sup>1</sup>[(f) x x x x x]

(g) the maintenance of minutes of the Board, the Executive Committee or any other committee constituted by the Board;

(h) the powers and functions of the Executive Chairman of the Board;

(i) the powers and duties that the Board may confer upon the Executive Committee;

(j) the receipt and custody of the moneys received by the Board and matters connected with the funds of the Board;

(k) maintenance of accounts by the Board; and

(1) any other matter incidental to the above mentioned purposes or which is required to be, or may be provided by regulations by the Board.

<sup>2</sup> [(3) Any regulation under this Act may be made, to have effect retrospectively and when any such regulation is made, a statement specifying the reasons for making such a regulation shall be laid before both Houses of the State Legislature along with the regulation].

1. Clause (f) omitted by Act No. 18 of 1983

2. Sub-section (3) inserted by Act No. 12 of 1995

### **32. Laying of [rules, schemes and regulations] before State Legisla- ture :-**

<sup>1</sup>Every rule made under Section 30, <sup>2</sup>[every scheme framed under Section 16 and every regulation made under sub-section (3) of Section 31] shall be laid as soon as may be after it is made before each House of the State Legislature 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

sessions immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the <sup>3</sup>[rule, scheme or regulation] or both houses agree that the <sup>4</sup>[rule, scheme or regulation] shall not have effect, the <sup>5</sup>[rule, scheme or regulation] shall from the date on which the modification or annulment is notified by the Government in the official Gazette 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 that <sup>6</sup> [rule, scheme or regulation].

1. Substituted for the words "rules and schemes" by Act No. 12 of 1995
2. Substituted for the words "and every scheme framed under Section 16" by Act No. 12 of 1995
3. Substituted for the words "rule or scheme" by Act No. 12 of 1995
4. Substituted for the words "rule or scheme" by Act No. 12 of 1995
5. Substituted for the words "rule or scheme" by Act No. 12 of 1995
6. Substituted for the words "rule or scheme" by Act No. 12 of 1995

**33. Over-riding effect of Act :-**

The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

**34. Repeal and savings :-**

(1) The Kamataka Legal Aid Board Ordinance 1981 (Karnataka Ordinance No. 6 of 1981) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.