

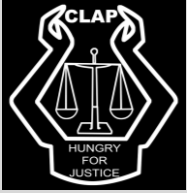
COMMITTEE FOR LEGAL AID TO POOR

CUTTACK - 753014

PREAMBLE

Sri Shyam Sundar Das took an interest in the study of poverty and legal aid to poor in August 1980. He visited Free Legal Aid Committee, Jamshedpur in December, 1980, and contacted Legal Support and Social Justice Cell of the Gandhi Peace Foundation formed under Sri B.G. Verghese legal aid activities of Ananda Niketan and Rajpipla Social Service Society, Gujarat were also studied. On the basis of these studies a programme was developed under the Sarvodaya Relief Committee, Orissa of which Sri Das was the Project Co-ordinator. In the meanwhile, Government of Orissa came forward with a Legal Aid and Advice Programme and Scheme, 1981. The International Funding Agency, OXFAM, assisted Sri Das in his efforts through the Sarvodaya Relief Committee with effect from 1st June, 1981. A seminar was held between 24th to 26th June, 1981 in which the Ad-hoc Committee for Legal Aid to Poor was formed. On 2.8.81 some writers in legal matters recommended legal literacy as a first step. With the help of AVARD, New Delhi a small booklet regarding the manner legal aid can be applied for, was published in Oriya. The Xavier Institute of Social Service, Ranchi and Father D'Souza of Bhubaneswar and many other voluntary organisations were gradually contacted, such as, Indo-German Social Service Society, Society for Developing Gramadans, Utkal Nava Jiban Mandal, Consortium of Voluntary Agencies, Orissa, Chetana Bikash-Ban India, Balasore, OXWORP, Khariar Road, Samagravikash Parishad, Baliapal, Antodaya Chetana Mandal-Barkand, Mayurbhanj, Khet Mazdur Kissan Parishad-Baripada etc. The Law Minister and the Governor of Orissa were also presented with our papers offering support for Legal Aid Projects. A delegation met the President of the Orissa State Legal Aid and Advice Board on 18.9.81. The PUCL and the Amnesty International were contacted too. Subsequently, another booklet on Bonded Labour and a number of pamphlets and leaflets have been published in Oriya.

TV interviews on Bonded Labour and Legal Aid included Sri S.S. Das in November, 81 and on 25.7.82 respectively. Actions for training Para Legal Workers and conducting 60 Legal Education Camps were also taken. In January, 1982, the separate registration of the Committee for Legal Aid to Poor was thought necessary and fees were deposited. After the grant from OXFAM through the Sarvodaya Relief Committee, Orissa, which expired on 31.5.82, the Committee for Legal Aid to Poor sought funds for itself. With this background, the Memorandum of Association and the Rules and Regulations have to be viewed.



MEMORANDUM OF ASSOCIATION

1. The name of the Society is the "**Committee for Legal Aid to Poor**". In Oriya it will be known as **Garibanku Aina Sahajya Samiti or Aina Sahajya - ASA** for short.
2. The Registered Office of the Society shall be situated at Thoriasahi, Cuttack - 753 001.
3. The aims and objects of the Society are:-
 - a) To organise Legal Aid to Poor in it's various dimensions.
 - b) To organise Legal Aid to Poor oriented to development and vice versa.
 - c) To organise Legal Services, such as;
 - (i) Identifying problems and difficulties of the poor and seeking its redressal;
 - (ii) Attempting the resolution of the problems and grievances by approaching various authorities and organising various programmes, social, economic and political;
 - (iii) To sort out Legal problems which can be solved by resort to the legal process and take steps for solution through conciliation, Legal Advice and Legal aid in Litigation;
 - (iv) Organising socio-legal and socio-economic surveys and researches for conducting social, economic, political programmes with the ends of assuring justice;
 - (v) Organising legal literacy projects of various types;

- (vi) Organising Legal Advice in the pre-legal stage through and educational approach;
 - (vii) Organising amicable settlement of the disputes by bringing about conciliation between the parties the dispute;
 - (viii) Rendering assistance in complying with various legal requirements in order to secure the benefits under various schemes sponsored by or on behalf of the Central or State Government or any other public authority for the welfare of the general public or any section thereof;
 - (ix) Organising Legal Aid in Litigations;
 - (x) Organising Legal Reform in the procedure of law and also before and after the enactment of a law;
 - (xi) Doing such other things as are conducive and incidental to provide legal aid to poor.
- d)** Organise Relief and Rehabilitation Project for implementing the ideas emanating from Article-41 of the constitution of India in the chapter on the Directive Principles of State Policy.
- e)** To arrange publication of booklets, leaflets, pamphlets, Articles, serious treatises and useful literature etc. in Oriya, English or Hindi and to develop a suitable Legal Aid Kit or literature packet.
- f)** To conduct activities in furtherance of the functions of the Orissa State Legal Aid and Advice Board as detailed in clause 3(2) of the Orissa State Legal Aid and Advice Programme, 1981, seeking the Board's support.
- g)** To keep contact with and seek support of the Central Committee for implementing Legal Aid Programmes and similar National and International bodies.

- h)** To co-ordinate and collaborate with the activities of various Voluntary Organisations within and outside the state engaged in programmes and projects relating to legal aid to poor in any manner.
- i)** To organise and train a cadre of social workers for para legal services.
- j)** The lok-shikshya or people's education, lok sangathana or people's organisation, constructive activities on Gandhian lines and peoples struggle against injustice and exploitation are the broad methodology that will be resorted to for attaining the objectives of the society. Peaceful Struggle through Right means shall inform the methodology.
- k)** Keeping Article 39(A) and Article 15(3) as well as 15(4) of the Indian Constitution in view the Legal Aid Eligible will be selected for legal services. However, the entire community can be served where even necessary.
- l)** The Orissa State Legal Aid and Advice Scheme 1981 will be supported by projects of implementation.
- m)** To organise legal assistance as a technique of Disaster Mitigation and Relief in areas visited by natural calamities like flood, drought, cyclone, fire affliction etc. in Orissa along with actual field work of relief and Rehabilitation.
- n)** To conduct various development activities for the poor such as projects relating to Social Welfare, Food for Work, NREP, I.R.D. E.R.R.P, Khadi and Village Industries, Minimum Needs Programme etc. sponsored by public bodies, organisations and the Government from time to time.

- o)** To support Public Interest Litigations provided, prima-facie, it appears to benefit persons eligible for legal support.
 - p)** To participate in Human Rights Movements such as the People's Union of Civil Liberties, the Amnesty International etc.
 - q)** To conduct camps, sivrirs, seminars, conferences, clinics, services, group talks, campaigns etc. with or without the use of various audio-visual techniques, so that legal literacy can be spread among illiterate or semi- literate people.
 - r)** To conduct voter's education on legislations affecting poor legal aid eligibles, so that, unhealthy law can be amended or repealed and healthy laws can be legislated upon. In the process the representatives of the people shall be made more responsible to the constituency so that they can rightly function as the people's representatives.
 - s)** To promote innovations in the forms of legal assistance including those mentioned in the Orissa State Legal Aid and Advice Scheme 1981 and beyond its limits.
 - t)** To experiment various ideas in order to develop poverty jurisprudence and to this end it should be competent to run a library.
 - u)** To achieve any or all the objectives stated above, it shall be competent for the society to raise funds own property as well as administer the same.
 - v)** To do such other things as are conductive and incidental to the above objectives, so that a Sarvodaya order of society can gradually evolve with Antyodaya as its primary concern.
4. The names and addresses, occupations, designations of the first registered Executive Committee of the Committee for Legal Aid to Poor

with whom the management of the affairs of the society are entrusted, as required in the Societies Registrations Act, (Act XXI of 1860) as applicable to Orissa are as follows:

Sl. No.	Name	Address	Designation	Occupation	Signature
1.	Shyam Sundar Das, LL.B	Committee for Legal Aid to Poor, Thoria Sahi, Cuttack-1	President and Project Co-ordinator	Social Service	Sd/
2.	Baidhar Bal	At. Ostia, Po: Taras, Rajkanika, Cuttack	Member	-do-	Sd/
3.	Gautam Kumar Samal	Legal Miscellany, Cuttack-2	Secretary	-do-	Sd/
4.	Karnadeva Muduli, LL.M. (Advocate)	C/O: Legal Miscellany, Cuttack-2	Vice President	-do-	Sd/
5.	Chimaya Haldar, Dip-in- Tourism & Hotel Management (Advocate)	High Court Road, Cuttack-2	Member	-do-	Sd/
6.	Bhaktabatsal Mohanty	A.C.M. Barakanda, Co-ordinator.	-do-	-do-	Sd/
7.	Chandana Das	Thoria Sahi, Cuttack-1	-do-	-do-	Sd/
8.	Aditya Patnaik	A.C.M. Barakanda, Mayurbhanj	-do-	-do-	Sd/

5. We the undersigned are desirous of forming a society, namely, the "Committee for Legal Aid to Poor" in pursuance of this Memorandum of Association and we believe that the facts stated above are true to the best of our knowledge and belief.

Sl. No.	Name	Address	Designation	Occupation	Signature
1.	Shyam Sundar Das, LL.B	Committee for Legal Aid to Poor, Thoria Sahi, Cuttack-1	President and Project Co-ordinator	Social Service	Sd/
2.	Baidhar Bal	At. Ostia, Po: Taras, Rajkanika, Cuttack	Member	-do-	Sd/
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5.	Chimaya Haldar, Dip-in-Tourism & Hotel Management (Advocate.)	High Court Road, Cuttack-2	Member	-do-	Sd/
6.	Bhaktabatsal Mohanty, A.C.M	A.C.M. Barakanda, Co-ordinator.	-do-	-do-	Sd/
7.	Chandana Das	Thoria Sahi, Cuttack-1	-do-	Student	Sd/
8.	Aditya Patnaik, A.C.M.	A.C.M. Barakanda, Mayurbhanj	-do-	-do-	Sd/

Signature of the witness with their address attested the signatures from Sl. No. 1 to 8

1. Signed

2. Signed.

Signed.



RULES AND REGULATIONS

1. **Name:** The name of the society is the "Committee for Legal Aid to Poor". In Oriya, it will be known as Garibanku Aina Sahajya Samiti or Aina Sahajya-ASA for short.
2. **Registered Office:** The registered office of the Society shall be situated at Thoria Sahi, Cuttack-1, PIN: 753 001.
3. **Definitions:** In these rules:
 - a) "ASA" means the Committee for Legal Aid to Poor or, in Oriya, the equivalent, as given in rule 1 above.
 - b) "Executive Committee" means the directive body of ASA.
 - c) "Project Co-ordinator" means the Chief Executive Officer of ASA. Directing the activities of ASA in all respects. For the first three years he shall be the President of the Committee for Legal Aid to Poor.
4. **Membership and General Body:**
 - a) The membership of the General Body shall consist of adults residing in the State of Orissa and signifying, in writing to be a member duly admitted by the Project Co-ordinator as members.
 - b) The General Body shall meet once annually during the quarter from first April to 30th June of the subsequent year and shall transact the following business:-
 - i) To pass the audited balance sheet of the preceding financial year and to appoint the auditor for the coming year.

- ii) To pass the budget estimate for the current and following year for which the accounts have been audited.
 - iii) To elect the new Executive Committee.
 - iv) To review the work done and to lay down the policies for future programmes and projects.
 - v) Such other matters as the President may allow.
- c)** To amend the Memorandum of Association and Rules and Regulations, clear 15 days notice previous to the date of the special General Body Meeting shall be given and it shall be convened for the specific purpose of amending the constitution.
- d)** The General Body may meet often as and when necessary as the highest controlling body of the society transacting such business as the President may appoint.

5. Executive Committee:

- a)** The Executive Committee shall meet once in a quarter of the year in the interest of the institution.
- b)** The quorum in the Executive Committee shall be three, one of whom shall be the Project Co-ordinator.
- c)** The Executive Committee shall manage the affairs of the Committee for Legal Aid to Poor consistent with the constitution of the Society, the policies laid down and decisions made by the General Body and the best interests of the Committee for Legal Aid to Poor.
 - i) Notice of the meeting should be served before one week of the commencement of the meeting. Emergent meeting may be called by serving 24 hour's notice, ensuring the quorum.

- ii) Notices for the Executive Committee or General Body Meetings will be given by the Secretary and or the Project Co-ordinator by post or by circulation.
- iii) Every notice shall clearly state the place, dates and time of the concerned meetings along with the agenda.

6. **Quorum:** 1/3rd of the members of the society shall form the quorum in every meeting one of whom must be the Project Co-ordinator.

7. **Office Bearers:**

a) **President:**

- i) The President shall preside over the meetings of the General Body and the Executive Committee. In his absence the Vice-President shall preside and in the absence of both members present may transact business with any other member in the chair.
- ii) The President of the meeting will sign the minutes of the General Body and the Executive Committee as the case may be at the close of the proceedings. After the ratification of the minutes in the next meeting the Presiding Officer of the next meeting shall sign the proceedings as a token of the same being adopted.
- iii) The President shall control the affairs of the General Body or Executive Committee as the case may be.

b) **Vice-President:** There shall be one Vice-President who will help the President in the discharge of his functions.

c) **Secretary:** The Secretary shall be responsible to the Executive Committee for the proper discharge of its orders and carrying on to the resolutions. He shall record the proceedings of all meetings and

exercise proper supervision over all the affairs of the society under the control of the President. He shall be the custodian of the records and incur expenditure with the prior approval of the President or the Governing Body.

- d) Project Co-ordinator:** The Project Co-ordinator shall discharge such functions of the Secretary as are necessary. He shall be liable to be sued or to sue in respect of the affairs of the society. He is the custodian of all property and the Chief Executive Officer of the society.

8. Management:

- a) The Executive Committee shall have a minimum of seven members and a maximum of nine members inclusive of the office bearers.
- b) The Annual General Body Meeting shall elect the Executive Committee in which the Project Co-ordinator shall be one.
- c) The vacancies arising due to death, resignation or for any other reason in the General Body or the Executive Committee can be filled up by co-operation for the unexpired term of office by a resolution in a meeting of the General Body on the recommendation of the Project Co-ordinator.

- 9. Minute Books:** The proceedings of the meetings will be recorded in a minute book. It shall be signed at the close by the President of the meeting and at least two other office bearers or members of the Executive Committee.

10. Roll of Members:

- a) A roll of members will be maintained by the Secretary showing the name, address, occupation, age, sex, educational qualification, past antecedents etc. of the members. If he is not the promoter member,

the names of the proposer and seconder shall be entered in the roll of members.

- b) The final authority for the admission and removal of the members shall be with the General Body.
- c) Absence from three consecutive meetings of the General Body shall render a member liable to be removed from the roll of the members.

Vote:

- d) Every member has right to one vote. The President shall have a casting vote.
- e) The funds of the society shall be the following:-
 - i) Membership subscription of Rs. 5/- at the time of admission and annual subscription of Rs. 1/- payable in the month of January every year.
 - ii) Donation in general or for specific purpose from members and non-members.
 - iii) Grants from the Govt. Local bodies or other organisations for general or specific purposes or projects.
 - iv) Grants, subsidies, and other forms of financial assistance including refundable or non-refundable revolving capital, the terms of which can be mutually agreed upon by the society and the donor.
 - v) Income from investments - Any other income and/or receipts such as all value of goods produced or sold, service charges, hire charges, surplus of income over expenditure etc.

- 11. Bankers:** The Executive Committee shall appoint the bankers. Initially the Bank of India, Ranihat Branch, Cuttack shall be the Banker. Accounts will

be operated by the President and Secretary jointly or as the Committee may decide.

12. **Accounts:** For every kind of receipts the society shall grant a printed acknowledgement, dully signed by the Project Co-ordinator or any official or member authorised by him or the Executive Committee.
13. **Audit:** The auditors will be appointed by the General Body. The Executive Committee shall decide the nature of audit to be applied and the detailed arrangements to be made in regard to the forms of the accounts and their maintenance and the presentation of the accounts.
14. **Financial Year:** The financial year of the society shall be from 1st April to 31st March of the subsequent year.
15. **Jurisdiction:** The jurisdiction of the society shall be the whole of the State of Orissa. It can draw members from this area of operation. It can open centres, branches camps etc. in its jurisdiction provided that in extraordinary cases it can work beyond its jurisdiction after a resolution of the General Body is adopted to that effect.
16. **Seal:** There shall be a common seal of the society. The office bearers will have their own seals. All the seals have to be kept in the custody of the President or the Project Co-ordinator as decided in the Executive Committee.
17. **Filing of List of the Executive Committee:** The Secretary shall file a list of the office bearers and members of the Executive Committee within 14 days from the date of the Annual General Body Meeting as required in the Societies Registration Act, 1860 as applicable to Orissa shall also be applicable to this society.
18. **Bye-Laws:** The Executive Committee or General Body can adopt Bye-Laws to be prepared by the Project Co-ordinator for running the various activities of the society.

- 19. Regarding Property:** The society can hire godowns, residential quarters, service centres or purchase and own similar assets, house sites and land etc. in furtherance of its objectives by a decision of the Executive Committee. However, properties can be parted only with the approval of the General Body.
- 20. Dissolution:** If on the winding up or upon dissolution of the society there shall remain, after the satisfaction of debts and liabilities, any property whatsoever the same shall not be paid or distributed among the members of the society or any of them, but shall consistent with the objects of the society be handed over to any institution engaged in similar work as may be decided by the General Body or the Government. The society shall not be dissolved unless 3/5th of members hall have expressed a wish for such dissolution by their votes delivered in person or by proxy at a General Meeting convened for the purpose.
- 21. Not to be in validated:** No act or proceedings of the society shall be deemed to be invalid by reason merely of any vacancy or any defect in the constitution of the Executive Committee or General Body as the case may be.
- 22. Date of effect:** The Memorandum of Association and the Rules and Regulations forming these presents of the Committee for Legal Aid to Poor will be effective from the date of registration or from the beginning of the financial year, in which it is presented for registration.

Certificate:

- i)** Certified that this is the true and correct copy of the Rules and Regulations of the Committee for Legal Aid to Poor.
- ii)** Certified that there is no other society in the same name in the locality, that is in Cuttack City.

President: **Shyam Sundar Das**

4.10.82

Vice-President: **Karnadev Muduli, LL.M. (Advocate)**

4.10.82

Secretary: **Gautam Kumar Samal**

4.10.82

Members: **Chinmaya Haldar**

4.10.82

