

Orissa State Legal Services Authority Rules, 1996

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Orissa State Legal Services Authority Rules, 1996 Published vide Notification S.R.O. No. 267/96 dated 11th April, 1996, Orissa Gazette Extraordinary No. 394, dated 15.4.1996 S.R.O. No. 267/96 dated 11th April, 1996. - In exercise of the powers conferred by Section 28 of the Legal Service Authorities Act, 1987 (39 of 1987), as amended by the Legal Services Authorities (Amendment) Act, 1994 (No. 59 of 1994), the State Government, in consultation with the Chief Justice of the Orissa High Court, do hereby make the following rules, namely :

1. Short title and commencement.

(1) These rules may be called the Orissa State Legal Services Authority Rules, 1996. (2) They shall come into force on the date of their publication in the Orissa Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires, (a) "Act" means the Legal Service Authorities Act, 1987; (b) "Chairman" means the Executive Chairman of the State Authority, or, as the case may be, the Chairman of the District Authority, or as the case may be, the Chairman of the Taluk Legal Service Committee; (c) "District Authority" means a District Legal Services Authority constituted under Section 9; (d) "High Court Legal Services Committee" means the High Court Legal Services committee constituted under Section 8-A; (e) "Member" means a member of the State Authority nominated under Clause (c) of Sub-sections (2) of Section 6 or, as the case may be, the District Authority nominated under Clause (b) of Sub-section (2) of Section 9; (f) "Secretary" means the Member-Secretary of the State Legal Services Authority constituted under Section 6, or, as the case may be, the Secretary of the High Court Legal Services Committee constituted under Section 8-A, or, as the case may be, the Secretary of the District Legal Service Authority constituted under Section

9;(g)"Section" means a section of the Act;(h)"State Authority" means the State Legal Authority constituted under Section 6;(i)"Taluk Legal Services Committee" means an Taluk Legal Services Committee constituted under Section 11-A;(j)All other words and expressions used in these rules but not defined shall have the meaning respectively assigned to them in the Act.

3.

The number, experience and qualifications of other members of the State Authority under Clause (c) of Sub-section (2) of Section 6, -(1)The State Authority shall have not more than fifteen members.(2)The following shall be the ex-officio members of the State Authority:(i)Advocate-General, Orissa;(ii)the Secretary to Government, Finance Department;(iii)the Secretary to Government, Law Department;(iv)the Director General and Inspector-General of Police, Orissa;(v)Chairman, Orissa State Commission for Backward Classes;(vi)two Chairman of District Authorities, as may be nominated from time to time by the State Government in consultation with the Chief Justice of the High Court.(3)The State Government may nominate, in consultation with the Chief Justice of the High court other members from amongst those possessing the experience and qualification prescribed in Sub-rule (4).(4)a person shall not be qualified for nomination as a member of the State Authority, unless he is -(a)an eminent Social Worker who is engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, Women, Children, rural and urban labourers;(b)an eminent person in the field of law; or(c)a person of repute who is specially interested in the implementation of the Legal Services Schemes.

4.

The powers and functions of the Member-Secretary of the State Authority under Sub-section (3) of Section 6, the powers and functions of the Member-Secretary of the State Authority, inter alia, shall be :(a)to give free legal services to the eligible and weaker sections;(b)to work out modalities of the Legal Services Schemes and programmes approved by the State Authority and ensure their effective monitoring and implementation;(c)to exercise the powers in respect of Administrative, Finance and Budget matters as Heads of Department in the State Government;(d)to manage the properties, records and funds of the State Authority;(e)to maintain true and proper accounts of the State Authority including checking and auditing in respect thereof periodically;(f)to prepare Annual Income and Expenditure Account and Balance-Sheet of the said Authority;(g)to liaise with the Social Action Groups and District Authorities and Taluk Legal Services Committees;(h)to maintain up-to-date and complete statistical information including progress made in the implementation of various Legal Services programme from time to time;(i)to process proposals for financial assistance and issue Utilisation Certificates thereof;(j)to organise various Legal Services Programmes as approved by the State Authority and convene meetings or seminars and workshops connected with Legal Services Programmes and preparation of reports and follow-up action thereon;(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;(m)to perform such of the functions as

are assigned to him under the Schemes formulated under Clause (b) of Section 4; and(n)to perform such other functions as may be expedient for the efficient functioning of the State Authority.

5.

The terms of office and other conditions relating thereto, of members and Member-Secretary of the State Authority under Sub-section (4) of Section 6 -(1)The members of the State Authority nominated under Sub-rule (3) of Rule 3 by the State Government shall continue for a term of two years and shall be eligible for re-nomination;(2)A member of the State Authority nominated under Sub-rule (3) of Rule 3 may be removed by the State Government at any time if, in the opinion of the State Government, he is not desirable to continue as a member;(3)If any member nominated under Sub-rule (3) of Rule 3 ceases to be a member of the State Authority for any reason, the vacancy shall be filled up in the same manner as the original nomination and the persons so nominated shall continue to be a member for the remaining period of the term of the member in whose place he is nominated;(4)All members nominated under Sub-rule (3) of Rule 3 shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed in connection with the work of the State Authority and shall be paid by the State Authority in accordance with the rules as are applicable to the 1st Grades Officers of the State, as amended from time to time;(5)If the nominated member is a Government employee, he shall be entitled to only one set of travelling allowance and daily allowance either from his parent Department, or, as the case may be, from the State Authority;(6)The Member-Secretary of the State Authority shall be the whole time employees and shall hold office for a term of three years;(7)In all matters relating to service conditions like age of retirement, pay and allowances, benefits and entitlements and in disciplinary matters, the Member-Secretary shall be governed by the State Government Rules and he shall be on deputation to the State Authority. He shall be entitled to the special pay as admissible to the deputations its belonging to that grade under the Government.

6.

The number of officers and other employees of the State Authority under Sub-Sections (5) of Section 6 -The State Authority shall have such number of officers and other employees for rendering secretarial assistance and for its day-to-day functions as are set out in Schedule-A to these rules.

7.

The conditions of service and the salary and allowances of officers and other employees of the State Authority under Sub-section (6) of Section 6(1)The officers and other employees of the State Authority shall be entitled to draw pay and allowances in the scale of pay indicated against each post in Scheduled-A to these rules;(2)In all matters relating to service conditions like age of retirement, allowances, benefits and entitlements and in disciplinary matters, the offices and other employees of the State Authority shall be governed by the State Government Rules as are applicable to persons holding equivalent posts.

8.

The experience and qualification of Secretary of the High Court Legal Services Committee under Sub-section (3) of Section 8-A. A person shall not be qualified for appointment as Secretary of the High Court Legal Services Committee, unless he is an officer of the High Court not below the rank of Registrar.

9.

The number of officers and other employees of the High Court Legal Services Committee under Sub-sections (5) of Section 8-A and the conditions of service and the salary and allowances payable to them under Sub-sections (6) of that section - (1) The High Court Legal Services Committee shall have such number of officers and other employees for rendering secretarial assistance and for its day-to-day functions as are set out in Schedule-B to these rules; (2) the officers and other employees of the High Court Legal Services Committee shall be entitled to draw pay and allowances in the scale of pay indicated against each post in Scheduled to these rules; (3) in all matters like age of retirement, allowances, benefits and entitlements and in disciplinary matters, the officers and other employees of the High Court Legal Services Committee shall be governed by the State Government Rules as are applicable to persons holding equivalent posts.

10.

The number, experience and qualification of members of the District Authority under Clause (b) of Sub-section (2) of Section 9 - (1) the District Authority shall have not more than eight members; (2) the following shall be the ex-officio members of the District Authority (i) District Magistrate; (ii) Superintendent of Police of the district; (iii) Chief Judicial Magistrate of the district; and (iv) District Government Pleader; (3) the State Government may nominate, in consultation with the Chief Justice of the High Court, other members from amongst those possessing the qualifications and experience provided in Sub-rule (4); (4) a person shall not be qualified for nominations as a member of the District Authority, unless he is, - (a) an eminent Social Worker who is engaged in the upliftment of the weaker sections of the people, including Schedule Castes, Scheduled Tribes, women, children and rural labourers; or (b) an eminent person in the field of law; or (c) a person of repute who is specially interested in the implementation of the Legal Services Schemes.

11.

The number of officers and other employees of the District Authority under Sub-sections (5) of Section 9, - The District Authority shall have such number of officers and other employees for rendering secretarial assistance and for its day-to-day functions as are set out in Scheduled C to these rules.

12.

The conditions of service and the salary and allowances of the officers and other employees of the District Authority under Sub-sections (6) of Section 9,-(1)The officers and other employees of the District Authority shall be entitled to draw pay and allowances in the scale of pay indicated against each post in Schedule C to these rules;(2)In all matters relating to service conditions like age of retirement, allowances, benefits and entitlements and in disciplinary matters, the officers and other employees of the District Authority shall be governed by the State Government Rules as are applicable to persons holding equivalent posts.

13.

The number, experience and qualification of members of the Taluk Legal Services Committee under Clause (b) of Sub-sections (2) of Section 1f-A,(1)The Taluk Legal Service Committee shall have not more than five members.(2)The following shall be the ex officio members of the Taluk Legal Services Committee -(i)Sub-Collector; and(ii)[Sub-divisional Police Officer or where the post of Sub-divisional Police Officer does not exist in any Sub-division, the Circle Inspector of Police or the Inspector of Police as the case may be posted in the Sub-divisional headquarters.] [Substituted vide Orissa Gazette Extraordinary No. 100 dated 21.1.2000.](3)The State Government may nominate, in consultation with the Chief Justice of the High Court, other members from amongst those possessing the qualifications and experience provided in Sub-rule (4).(4)A person shall not be qualified for nomination as a member of the Taluk Legal Services Committee, unless he is, -(a)an eminent Social Worker who is engaged in the upliftment of the weaker sections of the people including Scheduled Castes, Scheduled Tribes, women, children and rural labourers; or(b)an eminent person in the field of law; or(c)a person of repute who is specially interested in the implementation of the Legal Services Schemes.

14.

The number of officers and other employees of the Taluk Legal Service Committee under Sub-section (3) of Section 11-A,-The Taluk Legal Services Committee shall have such number of officers and other employees for rendering secretarial assistance and for its day-to-day functions as are set out in Schedule D to these rules.

15.

The conditions of service and the salary and allowances of officers and other employees of the Taluk Legal Service Committee under Sub-section (4) of Section 11-A, -(1)The officers and other employees of the Taluk Legal Services Committee shall be entitled to draw a pay and allowances in the scale of pay indicated against each post in Schedule D to these rules.(2)In all matters relating to service conditions like age of retirement, allowances, benefits and entitlement and in disciplinary matters, the officers and other employees of the Taluk Legal Services Committee shall be governed by the State Government Rules as are applicable to persons holding equivalent posts.

16.

The upper limit of annual income of a person entitling him to legal services under Clause (h) of Section 12, if the case is before a Court, other than the Supreme Court, -Any citizen of India whose annual income from all sources does not exceed rupees [twenty-five thousand] [Substituted vide Orissa Gazette Extraordinary No. 159 dated 1.2.2000.] shall be entitled to legal service under Clause (h) of Section 12.

17.

The experience and qualifications of other persons of Lok Adalats under Sub-section (4) of Section 19, -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 people including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labourers; or(b)a lawyer of standing; or(c)a person of repute who is specially interested in the implementation of the Legal Services Schemes and Programmes.

A

[See Rules 6 and 7 (1)]

Sl. No.	Nomenclature of posts	Scale of pay	No. of posts	Job description
(1)	(2)	(3)	(4)	(5)
1.	Deputy Secretary belonging to the Orissa Superior Judicial Service (Junior Branch) in the cadre of Chief Judicial Magistrate.	3,000-100-3,500-125-4,500 (He shall be entitled special pay as admissible to officers of that grade).	1	To render Secretarial assistance to the Member-Secretary of the State Authority.
2.	Superintendent Level-I	2,200-75-2,650-EB-75-3,100-100-3,500.	1	To remain in overall charge of the work of Class III and Class IV employees. Besides, his primary duty shall be in relation to correspondence, maintenance of figures, statistics and information of legal aid activities and

				dealingwith urgent important matters.
				He will functions as the Personal Assistant tothe Members-Secretary.
3.	Personal Assistant to the Member-Secretary.	1,800-60-2,400-EB-175-3,000.	1	
4.	Senior Stenographer to the Deputy Secretary	1,400-40-1,800-EB-50-2,300.	1	He will functions as the Stenographer to theDeputy Secretary.
				(i) To remain in charge of legal aidapplications and Lok Adalats. He will accompany to theMember-Secretary or Deputy Secretary to the place of legal aidprogrammes like Lok Adalat and other legal aid activities likeholding of para legal training camps, legal literacy camps,legal aid camps, seminars and work-shops, etc. as and whenrequired.
5.	Senior Assistant (One being accounts Knowing)	1,400-40-1,800-EB-50-2,300.	2	(ii) To remain in charge of statisticsinformation, figures and progress report, library and accounts,etc.
				(i) To remain in charge of stationery, stock offurniture and forms, cash and vehicles.
6.	Junior Assistant	950-20-1,150-EB-25-1,500.	3	(ii) To deal with District Authority HighCourt/Taluk Committee file and record.

			(iii) To remain in charge of diary, despatch and postal accounts.
7.	Junior Grade Typist	950-20-1,150-EB-25-1,500.	1 As prescribed for equivalent post in State Government Offices.
8.	Driver	950-20-1,150-EB-25-1,500.	2 As provided for equivalent post in State Government Offices.
9.	Peon	750-12-870-EB-14-940.	5 As may be detailed.
10.	Sweeper-cum-Watchman	750-12-870-EB-14-940.	1 He is to watch the office building and sweep the rooms of the office.

Note - The manner of recruitment and appointment of officers and employees shall be such as the State Legal Service Authority may, subject to the approval of the State Government, determine.

B

[See Rule 9 (1) (2)]

Sl. No.	Nomenclature of posts	Scale of pay	No. of posts	Job description
(1)	(2)	(3) (Rupees)	(4)	(5)
1.	Secretary (Ex officio) who shall be one of the Registrar of the High Court to be appointed by the Chief Justice of the High Court.	Own scale of pay	1	To function as the Secretary of the High Court Legal Services Committee.
2.	Superintendent Level I	2,200-75-2,650-EB-75-3,100-100-3,500.	1	He will remain in overall charge of supervisor of work of Class III and Class IV employees of the Committee. His primary duty will be to put up

				files in regard to administration, implementation of Legal Services Programmes and Legal aid activities of the Committee. He will also deal with urgent and important matters and correspondence. Besides, he will remain in charge of motor vehicle.
3.	P.A. to Secretary (Ex officio) who will be the existing P.A. to the concerned Registrar	Own scale of pay	1	He will function as the P.A. to the Secretary
4.	Senior Assistant (Accounts)	1,400-40-1,800-EB-50-2,300	1	He is to prepare all bills expenditure statements, Utilisation Certificate, maintain account registers and voucher and deal with Bank and Treasury transactions. He will remain in charge of stationery, forms and furniture and library, all correspondence tiles and papers, diary and despatch and postal stamp accounts and other matters as may be assigned from time to time.
5.	Junior Assistant	950-20-1,150-EB-25-1,500.	1	He is to assist and carry the files, registers and papers from one place to another in the office, to carry and distribute local daks and to help
6.	Peon	750-12-870-EB-14-940.	1	

on Bank and
Treasury transactions.

Note I - The ex officio officer/employee shall be entitled to an annual honorarium equivalent to one month's basic pay. Note II - The manner of recruitment and appointment in relation to mentioned against Serial Numbers 2 to 6 shall be such as the Secretary with approval of the Chief Justice, Orissa High Court may determine.

C

[See Rules 11 and 12 (1)]

Sl. No.	Nomenclature of posts	Scale of pay	No. of posts	Job description
(1)	(2)	(3) Rs.	(4)	(5)
1.	Secretary (Ex-officio) who shall be one of the existing officers of the Orissa Judicial Service Class I (Senior Division) at the station to be appointed by the State Authority in consultation with the Chairman of the District Authority.	Own Scale of pay	1	He will function as the Secretary of the District Authority as required under the Act.
2.	Senior Clerk (Accounts)	1,200-30-1,560-EB-40-2,040.	1	He will remain in charge of legal aid applications will accompany to the Secretary to the place of Legal Aid Programmes like legal literacy camps, legal aid camps and para legal training camps. He will also remain in charge of register panel lawyers and deal with bills for sanction of advance expenditure in legal aid proceedings where legal aid has been granted, remain in charge of cash, cash registers, vouchers, stores, and stationery and all account matters will prepare all bills and deal with Bank and Treasury transactions and

				also prepare expenditure statements and Utilisation Certificate.
				He will remain in charge of register of legal aid applications, forms furniture, and library, will maintain all correspondence files and papers, remain in charge of diary and despatch and postal stamps and discharge such other duties as may be entrusted to him from time to time.
3.	Junior Clerk	950-20-1,150-EB-25-1,500	1	
4.	Senior Stenographer (Ex officio) who shall be one of the existing Stenographers.	Own scale of pay	1	He will perform functions as the Steno to the Secretary.
5.	Peon	750-12-870-EB-14-940.	1	To assist and carry the files, registers and papers from one place to another in the office to carry and distribute local daks and help the Accountant in respect of Bank and Treasury transactions. To service notices and process.

Note I. - The Ex-officio officer and employee shall be entitled to annual honorarium equivalent to one month's basic pay. Note II. - The manner of recruitment and appointment of the employees shall be such as the State Authority may determine.

D

See Rules 14 and 15

Sl. No.	Nomenclature of posts	Scale of pay	No. of posts	Job description
(1)	(2)	(3)	(4)	(5)
		(Rupees)		
1.	Junior Clerk-cum-Typist	950-20-1,150-EB-25-1,500	1	He will deal with legal aid applications and all matters connected with organisation of Lok Adalats and other services activities within the Taluk, maintain primary register, register of monthly meetings of the Committee, accounts register, register of panel

			lawyers, letters received and issued. He will compile statistics, progress reports, deal with all Banks and Treasury transactions, payment of remuneration to lawyers, prepare and submit Utilisation Certificate, expenditure statements and maintain vouchers and be in charge of forms, stationery, furniture and library. He will maintain all files of letters received and issued and records and papers of the Committee. He will also accompany the Chairman to the place of Lok Adalat and other legal services activities, when required.
2.	Peon	750-12-870-EB-14-940.	1
			He will perform all duties as such attached to the Committee which will include distribution of daks, service of notices with regard to Lok Adalats and other legal services activities, accompanying the Chairman to place of Lok Adalat, besides helping the Junior Clerk in Bank and Treasury transactions.

Note - The manner of recruitment and appointment of the employees shall be such as the State Authority may determine.