

Chhattisgarh Legal Services Authority Rules, 2002

CHHATTISGARH

India

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Rule

CHHATTISGARH-LEGAL-SERVICES-AUTHORITY-RULES-2002 of 2002

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Chhattisgarh Legal Services Authority Rules, 2002 Published vide Notification No. 6776/5414/21-B/C.G./2002, dated 26-10-2002, published in the C.G. Rajpatra (Asadharan) dated 28-10-2002 at pages 546 (11-22) In exercise of the powers conferred by Section 28 of the Legal Services Authorities Act, 1987 (No. 39 of 1987), and in consultation with Chief Justice of the Chhattisgarh High Court, the Government of Chhattisgarh makes following rules, namely :-

1. Short title and commencement.

(1) These rules may be called the Chhattisgarh State Legal Services Authority Rules, 2002. (2) They shall come into force on the date, as the State Government may, by notification, appoint.

2. Definitions.

- In these Rules, unless the context otherwise requires, -(a) "Act" means the Legal Services Authorities Act, 1987 (No. 39 of 1987); (b) "Chairman" means the Executive Chairman of the State Authority or, as the case may be, Chairman, High Court Legal Services Committee or the Chairman of the District Authority or the Chairman of the Taluk Legal Services Committee; (c) "District Authority" means a District Legal Services Authority constituted under Section 9 of the Act; (d) "High Court Legal Services Committee" means the High Court Legal Services Committee constituted under Section 8-A of the Act; (e) "Legal Practitioner" shall have the same meaning as assigned to it in the Advocate Act, 1961 (No. 25 of 1961); (f) "Member" means a member of the State Authority nominated under clause (c) of sub-section (2) of Section 6 or, as the case may be, a member of the District Authority nominated under clause (b) of subsection (2) of Section 9 of the Act; (g) "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 Services Authority constituted under Section 9 of the Act;(h)"Section" means a section of the Act;(i)"State Authority" means the State Legal Services Authority constituted under Section 6 of the Act;(j)"Taluk Legal .Services Committee" means a Taluk Legal Services Committee constituted under Section 11-A of the Act;(k)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 twenty members.(2)The following shall be the ex-officio members of the State Authority:-(a)[Chairman, High Court Legal Service Committee. [Substituted by Notification No. 8356/1929/XXI-B/C.G./05, dated 29-10-2005.](b)Advocate General of the State.(c)The Chief Secretary, Government of Chhattisgarh.(d)The Secretary in-charge of the Department of Finance(e)The Secretary in-charge of the Department of Home.(f)The Secretary in-charge of the Department of Law and Legislative Affairs.(g)The Registrar General of Chhattisgarh High Court.(h)Chairman of Chhattisgarh Rajya Anusuchit Janjati Ayog and Chhattisgarh Rajya Anusuchit Jati Ayog.(i)Chairman, State Bar Council of Chhattisgarh.(j)Director General of Police, Chhattisgarh.(k)Director of Prosecution.(l)President, Chhattisgarh High Court Bar Association, Bilaspur; and(m)Two Chairman of the District Authority as may be nominated by the State Government in consultation with the Chief Justice of Chhattisgarh High Court.(n)Member Secretary of the Authority appointed under sub-section (3) of Section 6 of the Act.](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 qualifications prescribed in sub-rule (4) of this rule, at least one of whom shall be a woman.(4)A person shall not be qualified for nomination as a member of the State Authority, unless he/she 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. Special Provisions for the Patron-in-Chief, Executive Chairman of the State Legal Services Authority and Chairman, High Court Legal Services Committee.

(1)The Patron-in-Chief, Executive Chairman in case he is a sitting Judge of the High Court and the Chairman, High Court Legal Services Committee shall be entitled to payment of travelling allowances and daily allowances in respect of journeys performed in connection with the work of the State Authority or the High Court Legal Services Committee, as the case may be, and be paid by the said Authority or the Committee, as the case may be, in accordance with the provisions of the High Court Judge (Travelling Allowances) Rules, 1956.(2)The Executive Chairman [x x x] [Omitted by Notification No. 1186/D-398/XXI-B/C.G./06, dated 14-2-2006.] shall be provided with a staff car and driver by the State Authority and the expenditure on account of the pay and allowances of the staff car driver as well as the maintenance and repairs of the car shall be borne by the said

Authority.(3)The ceiling for the petrol consumption for the car provided under sub-rule (2) shall be [200 litres] [Substituted by Notification No. 1186/D-398/XXI-B/C.G./06, dated 14-2-2006.] per month or actual consumption, whichever is less.(4)The Patron-in-Chief and Executive Chairman of the State Legal Services Authority and Chairman, High Court, Legal Services Committee each shall be provided with telephone with S.T.D. facility with a maximum ceiling of Rs. 24,000/- per annum.

5. [Term of office of the Executive Chairman. [Substituted by Notification No. 7142/D-2944/XXI-B/C.G./04, dated 4-12-2004.]

- The Executive Chairman of the State Authority, whether a serving or a retired judge of the High Court shall hold office during the pleasure of the Governor.]

6. Conditions of services of the Executive Chairman in case of retired Judges of the High Court.

- Where the Executive Chairman of the State Authority is a retired Judge of the High Court, during his term of office as such Executive Chairman of the State Authority :-(i)His terms and conditions shall be such as are specified in the Government of India, Ministry of Finance, Department of Expenditure-O.M. No. 19048/7/80-E-IV, dated 8th October, 1987 or such other relevant orders of the State Government as may be applicable to the retired Judges of the High Court appointed on Commission's/Committees.(ii)He shall be permitted to subscribe to the G.P.F.

7. 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 with the approval of the Executive Chairman, the powers in the respect of Administrative, Finance and Budget matters as Head of the 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 and Taluk/ Tehsil/Sub-Division Legal Services Authorities;(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 Certificate thereof;(j)to organize various Legal Services Programmes as approved by the State Authority and convene meetings or seminars and workshops connected with the Legal Services Programmes and preparation of reports and follow-up action thereon;(k)to produce or prepare 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 of the Act; and(n)to perform such other functions as may be expedient for the efficient functioning of the State Authority.

8. 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 renomination.(2)A member of the State Authority nominated under sub-rule (3) of Rule 3 may, after consultation with the Chief Justice, be removed by the State Government at any time if, in the opinion of State Government, it is not desirable to continue him 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 members 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 Grade 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 employee and shall normally hold office for a term of three years on deputation basis.(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 belonging to that grade under the Government.

9. The number of officers and other employees of the State Authority under sub-section (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.

10. 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 indicated against each post in Schedule-A to these rules.(2)[In all matters like age of retirement, Pension, pay and allowances benefits and entitlement of the officers and the other employees of the State Authority shall be governed by the service Rules as are applicable to persons holding equivalent post in Chhattisgarh High Court/State Government.] [Substituted by Notification No. 1030/D-4911/XXI-B/C.G./04, dated 11-2-2004.]

11. 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 Additional Registrar being a member of the Chhattisgarh Higher Judicial Service.

12. The number of officers and other employees of the High Court Legal Services Committee under sub-section (5) of Section 8-A and the conditions of service and the salary and allowances payable to them under sub-section (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 position in Schedule-B to these rules, or as fixed by the Chief Justice.(3)In all matters like age of retirement, [Pension] [Inserted by Notification No. 1030/D-4911/XXI-B/C.G./04, dated 11-2-2004.], 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 Service Rules as are applicable to persons holding equivalent posts in the Chhattisgarh High Court/State Government, as the case may be.

13. The number, experience and qualifications 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 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 District Authority under sub-section (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 Schedule-C to these rules.

15. The conditions of service and the salary and allowances of the officers and other employees of the District Authority under sub-section (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, [Pension] [Inserted by Notification No. 1030/D-4911/XXI-B/C G /04, dated 11-2-2004.], allowances, benefits and entitlements and in disciplinary matters, the officers and other employees of the District Authority shall be governed by the Service Rules as are applicable to ministerial staff of the Subordinate Courts.

16. The number, experience and qualification of members of the Taluk Legal Services Committee under clause (b) of sub-section (2) of Section 11-A.

(1)The Taluk Legal Services 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;(ii)Sub-divisional Police Officer;(iii)President of the Local Bar Association.(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.

17. The number of officers and other employees of the Taluk Legal Services 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.

18. The conditions of service and the salary and allowances of officers and other employees of the Taluk Legal Services Committee under subsection (4) of Section 11-A.

(1)The officers and other employees of the Taluk Legal Services Committee shall be entitled to draw 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, [Pension] [Inserted by Notification No. 1030/D-4911/XXI-B/C.G./04. dated 11-2-2004.], allowances, benefits and entitlements and in disciplinary matters, the officers and other employees of the Taluk Legal Services Committee shall be governed by the Service Rules as are applicable to ministerial staff of the Subordinate Courts.

19. The upper limit of annual income of a person entitling him to legal service 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 Rs. 25,000/- (Rupees Twenty Five Thousand only) shall be entitled to legal service under clause (h) of Section 12.

20. 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.

21. Matters on which legal services admissible.

- In addition to the cases covered under Section 12 read with Section 13 of the Act, legal service may also be provided to all matters where such service shall be aimed at :-(a)amicable settlement of the disputes by bringing about conciliation between the parties to the disputes, and(b)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 Government or the Government of Chhattisgarh or any other public authority for the welfare of the general public or any Section thereof.

22. Modes of providing legal service.

- Legal service may be given in all or any one or more of the following modes, namely :-(a)by payment of Court fee, process fee, expenses of witnesses and paper book, lawyers fee and all other charges payable in connection with any legal proceedings;(b)through representation by a legal practitioner in legal proceedings.(c)by supplying certified copies of judgements, orders, notes of evidence and other documents in legal proceedings;(d)by preparation of paper book, including printing, typing and translation of documents in legal proceedings;(e)by drafting of legal documents; and(f)by giving legal advice to any legal matter.

23. Headquarters and office of the State Authority.

- Headquarters and office of the State Authority shall be located at Bilaspur, which is the main seat of the High Court of Chhattisgarh.

24. Removal of difficulty in respect of on going Legal Aid Programmes.

- The Patron-in-Chief may authorise expenditure and approve Legal Aid Programmes in respect of cases in which Legal Aid has already been given and Legal Aid Programmes have already been planned prior to the constitution of State Legal Services Authority.

25. The manner of recruitment and appointment of Officers/Staff of.

- (A) Shall be such as the Executive Chairman after consultation with the Patron-in-Chief may, subject to the approval of the State Government, determine. (B) [The transfer of positing of officers and staff of the Authority will be made by the Executive Chairman after consultation with the Patron-in-Chief.] [Substituted by Notification No 8326/D-2783/21-B (C.G.)/2002 dated 30-11-2002.]

26. Repeal and Saving.

- [The Chhattisgarh State Legal Services Authority Rules, 1996 are hereby repealed :] [Substituted by Notification No 8326/D-2783/21-B (C.G.)/2002 dated 30-11-2002.] Provided that anything done or any action taken under the rules so repealed shall unless such thing done or action taken is inconsistent with any of the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules.

A

(See Rule 9) A. State Legal Services Authority

No.	Name of the post	Scales of Pay	No. of Posts	Remarks
(1)	(2)	(3)	(4)	(5)
1.	Secretary Belonging to the Chhattisgarh Higher Judicial Service in thecadre of District Judge.	Own scale of pay	01	
2. [[Substituted by Notification No 8326/D-2783/21-B (C.G.)/2002, dated 30-11-2002]	Deputy Secretary Belonging to the Chhattisgarh Lower Judicial Service in thecadre of Chief Judicial Magistrate.]	Own scale of pay	01	
3.	Under Secretary		01	

		Own scale of pay	
	Belonging to the Chhattisgarh Lower Judicial Service in the cadre of Civil Judge Class-I.		
4.	Accounts Officer	8000-13500	01
5.	Private Secretary to Executive Chairman	6500-10500	01
6.	Legal Aid Officer	6500-10500	17
7.	Audit Officer	6500-10500	01
8.	Superintendent	5500-9000	01
9.	Personal Assistant or Stenographer to Secretary	4500-7000	01
10.	Assistant Auditor	4500-7000	01
11.	Accountant	4000-6000	01
12.	Assistant Protocol Officer	4000-6000	01
13.	Assistant Grade-2	4000-6000	04
14.	Assistant Grade-3	3050-4590	15
15.	Computer Operator	3050-4590	02
16.	Driver	3050-4590	02
17.	Dattari	2600-3540	01
18.	Peon	2550-3200	02
19.	Farrash	2550-3200	01
20.	Waterman	2550-3200	01
21.	Watchman	2550-5200	01
22.	Sweeper	2550-3200	01
23.	Process Server	2550-3200	06

B

(See Rule 11) B. High Court Legal Services Committee

No.	Name of the post	Scales of Pay	No. of Posts	Remarks
(1)	(2)	(3)	(4)	(5)
1.	Secretary (Ex-officio)		01	
	Who shall be a member of the Chhattisgarh Higher Judicial Service not below the rank of Additional Registrar of Chhattisgarh High Court be appointed by the Chief Justice of the High Court.			

2. Stenographer	5000-8000	01
3. Accountant (trained)	4500-7000	01
4. Assistant Grade-2	4000-6000	01
5. Assistant Grade-3	3050-4590	06
6. Peon	2550-3200	04
7. Process Server	2550-3200	05

C

(See Rule 13)C. District Legal Services Committee

No.	Name of the post	Scales of Pay	No. of Posts	Remarks
(1)	(2)	(3)	(4)	(5)
1.	Secretary (Ex-officio) Who shall be one of the existing officer of the Chhattisgarh Higher Judicial Service at the station shall be appointed by the State Authority in consultation with Chairman of the District Authority		01	
2.	Assistant Grade-2	4000-6000	10	
3.	Assistant Grade-3	3050-4590	14	
4.	Process Server	2550-3200 + 75/- Additional Allowance	14	
5.	Peon	2550-3200	01	

D

(See Rule 16)D. Taluk Legal Services Committee

No.	Name of the post	Scales of Pay	No. of Posts	Remarks
(1)	(2)	(3)	(4)	(5)
1.	Assistant Grade-3	3050-4590	31	
2.	Peon	2550-3200	31	