

The Rajasthan Legal Services Authority Rules, 1995

RAJASTHAN

India

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Rule

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The Rajasthan Legal Services Authority Rules, 1995 Published vide Notification dated 6-8-1996, published in Rajasthan Gazette Part 4-C dated 5-10-1996 page 135 (16)G.S.R. 70. - In exercise of the powers conferred by section 28 of the Legal Services Authorities Act, 1987 (Central Act No. 39 of 1987), as amended by the Legal Services Authorities (Amendment) Act, 1994 (no. 59 of 1995), the government of Rajasthan after consultation with the Chief Justice of the High Court hereby makes the following rules, namely:-

1. Short title and commencement.

(1)These rules may be called "The Rajasthan State Legal Services Authority Rules, 1995".(2)They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.

- In these Rules unless the context otherwise requires,-(a)"Act" means the Legal Services Authorities Act, 1987 (No. 39 of 1987) as amended from time to time;(b)"Chairman" means the executive Chairman of the State Authority, or, as the case may be, the Chairman of the Taluk Legal Services Committee;(c)"District Authority" means the District Legal Services Authority constituted under Section 9 of the Act;(d)"High Court Legal Services Committee" means a High Court Legal Services Committee constituted under Section 8A of the Act;(e)"Member" means the member of the State Authority appointed under clause (c) of Sub-section (2) of Section 6 of the Act, or as the case may be;(f)"Secretary" means the Member-Secretary of the State Legal Services Authority constituted under Section 6 of the Act or, as the case may be, the Secretary of the High Court Legal Services Committee constituted under Section 8A of the Act, or as the case may be, the Secretary of the District Legal Services Authority constituted under Section 9 of the Act;(g)"State Authority" means

the State Legal Services Authority constituted under Section 6 of the Act:(h)"Taluk Legal Services Committee' means a Taluk Legal Services Committee constituted under Section 11A of the Act;(i)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 eighteen members.(2)The following shall be ex-officio members of the State Authority;-(i)Advocate General of the State;(ii)the Secretary in the Department of Finance;(iii)the Secretary in the Department of Law and Legal Affairs;(iv)the Director General of Police of the State;(v)Director, Social Welfare Rajasthan;(vi)Chairman State Commission for Other Back-ward Classes;(vii)Chairman State Bar Council;(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.(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 labour; 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.

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; Housekeeping, Finance and Budget matters as Head of the Department in the State Government;(d)to 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 Legal Services Authorities;(h)to maintain up-to-date and complete statistical information including progress made in the implementation of various Legal Services programmes 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/Seminars and workshops connected with Legal Services Programmes and preparation of Reports and follow-up action thereon;(k)to produce video/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 doorsteps of the rural people;(m)to perform such of the functions as are assigned to him under the Schemes

formulated under Section 4(b) of the Act; and(n)to perform such other functions as may be expedient for 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 Subsection (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) may be removed by the State Government if in the opinion of the 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 person so nominated shall continue to be a member for the remaining 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 Grade 'A' officers, 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 hold office for a term not exceeding five years.(7)In all matters like age of retirement; pay and allowances; benefits and entitlements; and disciplinary matters, the Member-Secretary shall be governed by the State Government Rules and he shall be on deputation to the State Authority.

6. 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 to these rules or as may be notified by the State Government from time to time.

7. The conditions of service and the salary and allowances of officers and other employees of the State Authority under Subsection (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 the Schedule to these rules of at par with the State Government employees holding equivalent posts;(2)In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the officers and other employees of the State Authority shall be governed by the State Government Rules as per applicable to persons holding equivalent posts.(3)The officers and other employees of the State Authority shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government from time to time.

8. The experience and qualifications of Secretary of the High Court Legal Services Committee under Sub-section (3) of Section 8A.

- 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 Deputy Registrar.

9. The number of officers and other employees of the High Court Legal Services Committee under Sub-section (5) of Section 8A 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 to these rules or as may be notified by the State Government from time to time.(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 the Schedule to these Rules or at par with the State Government employees holding equivalent posts.(3)In all matters like age of retirement, pay and allowances, benefits and entitlements and 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.(4)The officers and other employees of the High Court Legal Services Committee shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government from time to time.Explanation.
- Separate High Court Legal Services Committee may also be constituted for Rajasthan High Court, Jaipur Bench, Jaipur.

10. 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 eleven members .(2)The following shall be ex-officio members of the District Authority:-(i)District Magistrate:(ii)Superintendent of Police;(iii)Judge, Family Court, if any,(iv)Judge, Motor Accidents Claims Tribunal, if any;(v)Judge, Labour court/Judge Industrial, Tribunal, if any;(vi)Chief Judicial Magistrate;(vii)President, District Bar Association; and(viii)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 prescribed in sub- rule (4) of this rule.(4)A person shall not be qualified for nomination 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 labour;(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-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 to these Rules or as may be notified by the State Government from time to time.

12. 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 each against post in the Schedule to these Rules or at par with the State Government employees holding equivalent posts.(2)In all matters like age of retirement, pay and allowances, benefits and entitlements and 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.(3)The officers and other employees of the District Authority shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government from time to time.

13. The number, experience and qualifications of members of the Taluk Legal Services Committees under clause (b) of Sub-section (2) of Section 11 A.

(1)The Taluk Legal Services Committee shall have not more than seven members.(2)The following shall be [ex-officio] members of the Taluk Legal Services Committee:-(i)Sub-Divisional Officer;(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 prescribed in sub-rule (4) this rule.(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 labour; 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 Services Committee under Sub-section (3) of section 11A.

- 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 to those rules or as may be notified by the State Government from time to time.

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

(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 i he Schedule to these rules or at par with the State Government employees holding equivalent posts.(2)In all matters like age of retirement, pay and allowances, benefits and entitlements and 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.(3)The officers and other employees of the Taluk Legal Services Committee shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government from time to time.

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 [Rs. 1,50,000/- (Rupees One Lakh & Fifty thousand)] [Substituted 'Rs. 1.25 lakh (Rupees One lakh & Twenty Five thousand)' by Rajasthan Notification No. F. 8(1) Law/Gr. 2/2017, dated 28.7.2017-Rajasthan Gazette extraordinary, Part I(B), dated 28.7.2017.] or such higher amount as may be notified by the State Government from time to time, shall be entitled to legal services under clause (h) of section 12 of the Act.

17. The experience and qualifications of other persons of the Lok Adalats other than referred to in Sub-section (4) of Section 19.

- A person shall not be qualified to be included in the Bench of 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 labour; 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.

18. Transfer of assets of Legal Aid Board.

(1)Upon the constitution of the State Legal Services Authority-(i)the Rajasthan Legal Aid Board shall stand dissolved;(ii)all property,movable or immovable, belonging to the said Board shall vest in the State Legal Services Authority and shall be applied by the Authority to the objects and purposes of the Legal Services Act, 1987 and the rules framed thereunder;(iii)all the debts and liabilities of the Board shall be transferred to the State Legal Services Authority and shall thereafter be discharged and satisfied by.it out of the aforesaid property.(2)Upon the constitution of Legal Services Authorities/ Committees at high Court, District and Taluk Level, all properties and assets of the

Legal Aid Committees constituted under the repealed rules shall stand transferred and vested in the corresponding Legal Services Authorities/Committees constituted under these rules.

19. Transitory Provisions.

(1) Notwithstanding anything contained in these rules, the existing Legal Aid Board and Committees constituted under the Rajasthan Legal Aid Rules, 1984 shall continue to function till the State Legal Services Authority, the High Court Legal Services Committee, the district Legal Services Authorities and the Taluk Legal Services Committees are constituted under these rules. (2) Anything done or any action taken (including applications admitted or legal aid granted) by the Rajasthan Legal Aid Board or any of the Legal Aid Committees, immediately before the commencement of these rules in the exercise or purported exercise of its powers and authority conferred by or under the rules repealed under sub-rule (1) of rule 21 shall be deemed to have been validly done or taken as if the provisions of these rules, had been in force at all material times and, accordingly, anything done or any action taken by the said Rajasthan Legal Aid Board or any of the Legal Aid Committee shall be deemed to have been done or taken by the State Legal Services Authority/Committee.

20. Transfer of Services.

- Every officer or other employee of the Rajasthan Legal Aid Board or its Committee, in the employment of the said Board/Committee, immediately before the commencement of these rules, shall on and from the date on which, these rules come into force, become the Officer or other employee of the State Legal Services Authority, in the case of State Legal Aid Board, and of the Corresponding Legal Services Authority /Committee in the case of Legal Aid Committees; and their Services shall be liable to be transferred to any Legal Services Authority/Legal Services Committee by the State Legal Services Authority in view of the requirement of the staff under the Schedule to these rules or any other administrative exigency.

21. Repeal and savings.

(1) Subject to the provisions of rules 19 and 20, the Rajasthan Legal Aid Rules, 1984 are hereby repealed. (2) Notwithstanding anything contained in sub-rule (1), anything done or any action taken or orders or direction issued under the repealed rules shall be deemed to have been done or taken or issued under these rules as if these rules were in force on the day on which such thing was done or action was taken or such order or direction was issued.

Schedule

[Please refer to rules 6, 7, 9 (1) & (2), 11, 12(1), 14 & 15(1)] A - State Legal Service Authority

S. No.	Nomenclature of the Post	Scale of Pay	Numbers of posts required	Job description
1	2	3	4	5

District Judge Pay Scale				
1.	Secretary	5100-6300 or 5900 to 6700 Pay Scale No. 26 or 27	1	Statutory
2.	Dy. Secretary	Scale of the Chief Judicial Magistrate/ Addl. Chief Judicial Magistrate of Pay Scale 3000-4500/ 3700-5000	2	1. Office of the Dy. Secretary to the State Legal Services Authority at Jodhpur shall need Steno-1, UDC-1, LDC-2, IV Class- 2
3.	Private Secretary to Executive Chairman	2500-4250	1	2. One Private Secretary shall be needed for the Executive Chairman
4.	P.A./ Steno	1400-2600	3	3. Rest of the staff shall be needed for the office of the Member Secretary at Jaipur
5.	Office Assistant	1400/2600	1	
6.	Jr. Accountant	1400/2600	1	
7.	U.D.C.	1200-2050	3	4. Except one Private Secretary and one Office Assistant rest of the staff is already existing with this office.
8.	L.D.C.	950-1680	7	
9.	Driver	950-1680	2	
10.	Machineman	800-1250	1	
11.	Cycle Rider	750-940	1	
12.	IV Class	750-940	8	

Schedule 2

[Please refer to rules 6,7,9(1) & (2), 11,12(1), 14 & 15(1)]B - District Legal Service Authority

S. No.	Nomenclature of the Post	Scale of Pay	Numbers of posts required	Job description
1	2	3	4	5
1.	Upper Divisional Clerk	1200-2050	33	

1. Jaipur City is having 43 Judicial Courts at the Head Quarter. It shall need U.D.C. 2, L.D.C. 6, Process Server-6, IV Class-4.
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|----|------------------------|----------|----|
| 2. | Lower Divisional Clerk | 950-1680 | 84 |
| 3. | Process Server | 750-940 | 84 |
| 4. | IVth Class | 750-940 | 51 |
2. Ajmer, Alwar, Bikaner, Bharatpur, Jodhpur, Jaipur District, Kota, Udaipur Judgeship are having more than 10 to 20 Judicial Courts at the Head Quarter. These district shall need U.D.C.-1, L.D.C.-4, Process Server-4, IV Class-3.
3. Rest of the 23 district Head Quarter having upto 10 Judicial Courts, shall need U.D.C.-1, L.D.C.-2, Process Server-2, IV Class-1.

Schedule 3

[Please refer to rules 6,7,9(1) & (2), 11, 12,(1), 14 & 15(1)]C - High Court Legal Service Committee

S. No.	Nomenclature of the Post	Scale of Pay	Numbers of posts required	Job description
1.	Upper Divisional Clerk	1200-2050	2	Under Rule 9 Office of the High Court Legal Services Committee shall be at the Rajasthan High Court at Jodhpur as well as at Jaipur Bench, Jaipur. Each office shall have U.D.C.-1, L.D.C.-2, Process Server-1, IV Class- 1.
2.	Lower Divisional Clerk	950-1680	4	
3.	Process Server	750-940	2	
4.	IVth Class	750-940	2	

Schedule 4

[Please refer to rules 6,7,9(1) & (2), 11,12,(1), 14 & 15(1)]D - Taluka Court Legal Service Committee

S.No.	Nomenclature of the Post	Scale of Pay	Numbers of posts required	Job description
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1	2	3	4	5
1.	Lower Divisional Clerk	950-1680	120	For 60 Sub-Divisional Head Quarters, each shall need L.D.C.-2, Process Server-2, IV Class-2. This staff shall also work for those places of the Sub-Division outside Head Quarter Having Courts.
2.	Process Server	750-940	120	
3.	IVth Class	750-940	120	