

The Maharashtra State Door-Step Justice Programme Rules, 1989

MAHARASHTRA

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Rule

THE-MAHARASHTRA-STATE-DOOR-STEP-JUSTICE-PROGRAMME-RULES of 1989

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The Maharashtra State Door-Step Justice Programme Rules, 1989Published vide Notification No. LAB. 4889/(29)-14, dated the 9th May, 1989No. LAB. 4889/(29)-XIV, dated the 9th May, 1989. - Whereas, the question of formulating a programme for providing door-step justice to the weaker sections of the society was under consideration of the Board for some time past;Now, therefore, in pursuance of the provisions of clauses (c), (j), (n), (q) and (p) of subparagraph (2) of paragraph 4 read with sub-paragraph (1) and (2) of paragraph 16 of the Government Resolution, Law and Judiciary Department, No. LAB. 1080/ (208)-XIV, dated the 30th October, 1980, the Maharashtra State Legal Aid and Advice Board with the previous approval of the State Government hereby makes the following rules for the purposes of establishing and operating the Legal Services Programmes in the State effectively, namely:-

Chapter I Preliminary

1. Short title, commencement and application.

(1)These rules may be called the Maharashtra State Door-step Justice Programme Rules, 1989.(2)They shall come into force immediately.(3)In the first instance, they shall apply to the Phaltan Taluka Legal Aid and Advice Committee.(4)The Executive Committee of the Board by an order issued in this regard shall apply these rules to all or any of the Committees, whether generally or specially, as may be specified in the order.(5)The Executive Committee may by order direct that

the provisions of these rules shall cease to apply to such committee and from such date as may be specified in the order and thereupon on that date, the provisions of these rules shall cease to apply to that committee except as respects things done or omitted to be done before such date.

2. Definitions.

- In these rules, unless the context requires otherwise, -(i)'Administrative Assistant' means the Administrative Assistant provided to the office of a Committee and includes any Clerk, Typist or Field Officer or any member of the staff of a Committee authorised to attend the Door-step Justice Programme;(ii)'Board' means the Maharashtra State Legal Aid and Advice Board;(iii)'Board rules' means the Maharashtra State Legal Aid and Advice Board Rules, 1981;(iv)'Committee' means the Greater Bombay Legal Aid and Advice Committee or the Nagpur Legal Aid and Advice Committee or the Aurangabad Legal Aid and Advice Committee or the District Legal Aid and Advice Committees or the Taluka Aid and Advice Committees, or as the case may be, the Court-wise Legal Aid and Advice Committees constituted in accordance with the Maharashtra State Legal Aid and Advice Scheme, 1979;(v)'Legal Aid Scheme' means the Maharashtra State Legal Aid Scheme, 1979;(vi)'Member-Secretary' means the Member-Secretary of the Committee;(vii)'Office-bearers' means the Chairman, Vice-Chairman, Member-Secretary and Joint Secretary of the Committee;(viii)'Programme' means Door-Step Justice Programme designed to provide justice at the doorsteps of the people by redressing their grievances through the lawyers according to the provisions of the Legal Aid Scheme.(ix)'Village' means a revenue village and includes slum, colony, locality or wadi or any residential complex etc.

Chapter II

Working of the Door-Step Justice Programme

3. Organization of the Programme.

- The Administrative Assistant shall visit each village under the jurisdiction of the Committee on any day of the week for implementing the programme.

4. Tour programme of the Administrative Assistant.

- Before under taking the visits specified under rule 3, the Administrative Assistant shall chalk out monthly tour programme, indicating the names of villages with the dates on which he proposes to visit them, in consultation with the Member-Secretary and get it approved from the Chairman of the Committee:Provided that, the total visits shall not be less than 10 in a month.

5. Assessment of grievances of people in the villages.

- The Administrative Assistant shall visit every home in the village personally by going door to door and ask the inmates whether they have any complaints difficulties or grievances of any kind. If

anybody has any complaint or difficulty or grievance, the Administrative Assistant shall obtain application from that person in that connection. If a person is unable to write, the Administrative Assistant shall assist him in writing the application on his behalf and obtain his signature or thumb mark thereon. Then the Administrative Assistant may assure the person that the action taken in the matter will be communicated to him before his next visit to the said village.

6. Participation of social workers or students in the programme.

- If social workers or students are willing to participate in the implementation of the programme, the Administrative Assistant may take them along with him to the village. Such social workers or students may be entrusted with the functions of visiting every house in the village and collecting the applications in respect of the complaints, difficulties or grievances of the people.

7. Survey of conditions of the people.

- During his visits to the villages, the Administrative Assistant shall make a general survey of the conditions of the people mainly relating to the legal awareness and submit a report in that respect indicating the requirements of the people, to the Member-Secretary of the Committee.

8. Oral advice in simple matters.

(1) If any person wants oral advice in respect of simple matters, the Administrative Assistant may give the necessary information to such person. (2) During his visit, the Administrative Assistant shall make efforts to spread legal literacy among the villagers.

9. Organization of Legal Literacy Programme.

(1) If there are many persons in need of oral advice, the Administrative Assistant shall make efforts to organize Rural Entitlement Programme for that village through the Member-Secretary. (2) From the report of the Administrative Assistant submitted under rule (1), if it reveals that the large number of persons in a village are in need of legal awareness and legal aid, the Member-Secretary shall make arrangements to organize a Legal Aid Camp or other Legal Literacy Programmes in that village. (3) If it is proposed to organize any Legal Literacy Programme in that village, the Administrative Assistant shall make all the preliminary arrangements in consultation with the Member-Secretary.

10. Compliance of the Assurance.

- During his next visit to a village, the Administrative Assistant shall give the information about the action taken on the applications collected during his earlier visit to that village.

Chapter III

Actions After Visit

11. Submission of report.

- After the end of the tour the Administrative Assistant shall submit a report to the Chairman about the work done during the tour alongwith the report specified in rule 7.

12. Consideration of the report of the Administrative Assistance.

(1)The Chairman of the Committee shall cause the report of the Administrative Assistant to be placed before the monthly meeting of the Committee for consideration and decision.(2)The Committee shall assess the work of the Administrative Assistant every month and give suggestions or directions to the Administrative Assistant for improving the method and increasing the legal aid work and Legal Literacy Programmes in the areas.

13. Travelling expenses of the Administrative Assistant.

- The Administrative Assistant may travel by public conveyance from his headquarters to the proposed village, and he may be paid the actual travelling expenses which shall be of the lowest class by the ordinary mode of journey.

14. Daily Allowance.

- The Administrative Assistant may be paid an amount of Rs. 8 per day of tour to meet his incidental charges for undertaking the tours under these rules.

15. Remuneration to the students or social workers.

- If the social workers or students are participating in the implementation of the programme the concerned Committee shall make arrangements of their transport and refreshments:Provided that, the social workers or students shall not be paid any remuneration for the voluntary service rendered by them under these rules.

16. Disposing of applications.

(1)All the applications collected by the Administrative Assistant under rule 5 shall be handed over to the Member-Secretary for taking necessary action. For the purpose of fulfilling the assurances to the people under rule 10, the Administrative Assistant shall keep a close watch on such applications and the action taken on them. He may maintain a separate register for such applications.(2)The Member-Secretary shall give priority to the applications collected under the programme and process them immediately.

17. Report.

- The Member-Secretary shall send a report to the Board every month about the working of the programme.