

The M.P. Nyay Seva Sadan Rules, 2006

MADHYA PRADESH

India

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Rule THE-M-P-NYAY-SEVA-SADAN-RULES-2006 of 2006

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The M.P. Nyay Seva Sadan Rules, 2006 Published vide Notification F. No 6-6-06-21-B (2), dated 2-9-2006, published in M.P. Rajpatra (Asadharan), dated 4-9-2006 at pp. 448 (1-3) In exercise of the powers conferred by Section 28 read with Section 6 of the Legal Services Authorities Act, 1987 (No. 39 of 1987), the State Government, in consultation with the Chief Justice of the High Court of Madhya Pradesh, hereby makes the following rules, namely :-

1. Short Title and Commencement.

(1) These rules may be called the Madhya Pradesh Nyay Seva Sadan Rules, 2006. (2) They shall come into force on the date of their publication in the Madhya Pradesh Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Act" means the Legal Services Authorities Act, 1987 (39 of 1987); (b) "Chief Justice" means the Chief Justice of the High Court of Madhya Pradesh; (c) "Executive Chairman" means the Executive Chairman of the State Legal Services Authority constituted under Section 6 of the Act; (d) "State Authority" means State Legal Services Authority constituted under Section 6 of the Act; (e) "Chairman" means the Chairman of the District Authority, or as the case may be the Chairman of the Taluk/Tehsil Services Committee; (f) "Pakshakar" means a person, whose case is pending before the Court/ Tribunal or one who wants to settle his dispute/case as pre-litigation matter; (g) "Legal Services" includes the rendering of any service in the conduct of any case or other legal proceeding before any Court or other authority or Tribunal and the giving of advice on any legal matter; (h) "Lok Adalat" means a Lok Adalat organized under Chapter VI of the Act; (i) "Nyay Seva Sadan" means the Nyay Seva Sadan established in the Civil District of State of Madhya Pradesh; (j) "Officer-in-charge of Nyay Seva Sadan" means Chairman of the concerned District Legal Services Authority.

3. Object.

- Nyay Seva Sadan have been established in the Civil Districts with a view to provide Legal Aid and Advice, to hold Lok Adalat, to organize Legal Literacy Camps and to provide accommodation for the Pakshakar belonging to poor and weaker sections of the society and coming from remote areas.

4. Management and Control.

- Management and Control over the Nyay Seva Sadan shall be of the District Judge/Chairman, District Legal Services Authority (Officer-in-Charge).

5. Use of Nyay Seva Sadan.

(1)With prior permission of the Chairman of the District Legal Services Authority, the Nyay Seva Sadan will be available for providing Legal Aid and Advice, holding Lok Adalat and organizing Legal Literacy Camps etc. and it will also be available for stay of the Pakshakar, poor and belonging to weaker Sections of the society and coming from remote areas of the State.(2)No person shall ordinarily be permitted to stay in Nyay Seva Sadan during the night except with the written permission of the Chairman, District Legal Services Authority.(3)Accommodation in Nyay Seva Sadan will be made available to Pakshakar on the basis of first come first served.

6. Arrangement for Staying Pakshakar in Nyay Seva Sadan.

(1)Only the pakshakar, poor and belonging to weaker sections of the society and coming from remote areas of the State will be allowed to stay in Nyay Seva Sadan. Apart from them, no other person/officer/employee shall be allowed to stay in it.(2)The Pakshakar shall not be required to pay any charge for stay in the Nyay Seva Sadan. However, minimum water and electricity charges towards reimbursement, as may be filed by the District Judge/Chairman. District Legal Services Authority, shall be leviable which may be less than Rupees 5/- and more than Rs. 7/- per day. A receipt of payment, shall be given to the Pakshakar.

7. Maintenance and upkeep of the Nyay Seva Sadan.

(1)The Officer-in-Charge (District Judge/Chairman, District Legal Services Authority) shall ensure proper maintenance and up keep of the Nyay Seva Sadan all the time for which he will be assisted by an Assistant Grade-III (Care Taker) and a Class IV employee.(2)Any loss or damage caused to the property of the Nyay Seva Sadan, shall be intimated by the Care Taker (Assistant Grade-III) in writing to the Officer-in-Charge and the value of such loss or damage to the property shall be recovered from the concerned occupant, failure in the discharge of official duties, Assistant Grade-III (Care Taker) shall be liable for the loss or damage.

8. Maintenance of Record.

- Record relating to Nyay Seva Sadan shall be maintained in the Nyay Seva Sadan itself. Apart this, an occupancy register shall have to be maintained separately which shall contain information regarding name and address of the Pakshakar, date and time of arrival and departure, purpose of visit and the details of amount of occupancy charges alongwith amount of loss, breakage etc. paid therefor. Signature of the Pakshakar shall also be obtained in the occupancy register.

9. Maintenance and Repairs of Nyay Seva Sadan.

- The expenses likely to be incurred in the maintenance and repairs etc. of the Nyay Seva Sadan shall be made available by the State Government in Law and Legislative Affairs Department.

10. Nyay Seva Sadan Nidhi.

- Every District Legal Services Authority shall establish a Nidhi to be called the "Nyay Seva Sadan Nidhi" and there shall be credited thereto ;-(a)All sums of money paid or any grant made by the Madhya Pradesh State Legal Services Authority to the District Legal Service Authority for the purpose of Nyay Seva Sadan;(b)All such grants or donations that may be made to the District Legal Service Authority by any person or institution, with prior approval of the State Authority for the purpose of Nyay Seva Sadan;(c)The charges received from the Pakshakar towards use of water and electricity etc.,(d)Any other amount received from any other source;(e)Any other amount provided by the State Government for the purpose of Nyay Seva Sadan.

11. Accounts and Audit.

- Each District Legal Services Authority shall maintain proper accounts and relevant records of the Nyay Seva Sadan and prepare an annual statement of account including receipts and expenditure and all such record; be made available from, time-to-time to the audit party visiting, the office of the District Legal Services Authority.

12. Arrangement of Contingency Fund.

- For the purpose to meet the day to day incidental expenditure a permanent advance of Rs. 1000/- (Rs One Thousand) shall be at the disposal of the Secretary of the District Legal Services Authority.

13. Power to Remove Difficulties.

- If any difficulty arises as to interpretation of the above rules and maintenance and uses etc. of the Nyay Seva Sadan, the decision of Hon'ble the Chief Justice of the High Court of Madhya Pradesh/Patron-in-Chief of Madhya Pradesh State Legal Services Authority shall be final.