

# **ASSAM STATE LEGAL SERVICES AUTHORITY RULES, 1996**

## **1. Short title and commencement :-**

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

## **2. Definitions**

- (1) In these Rules, unless the context otherwise require,-
  - (a) "Act" means the Legal Service Authorities Act, 1994 (No. 59 of 1994),-
  - (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 Services Committee;
  - (c) "District authority" means the District Legal Services Authority constituted under Section 9 of the Act;
  - (d) "High Court Legal Service Committee" means High Court Legal Service Committee constituted under Section 8 A of the Act;
  - (e) "Member" means the member of the State Authority appointed under clause (c) of sub-section (2) of the Section 6 of the Act,
  - (f) "Secretary" means the Member- Secretary of the State Legal Service 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 Act;
  - (g) "State Authority" means the State legal Service Authority constituted under Section 6 of Act;
  - (h) "Sub-Divisional, Legal Services Committee" means a Sub-divisional legal Services Committee constituted under Section 11 A" of the Act;
  - (i) "Taluk or Mandal" means Civil Sub- Division and includes a Sadar Sub-Division"

## **3. The number, experience and qualifications of the 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 ex-officio member 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 legislative,

(iv) The Director General of Police of the State;

(v) Chairman, State Scheduled Castes and Scheduled Tribes Commission, and in case there is no such chairman, one person of repute who is Specially interested in the upliftment Scheduled Casts and Scheduled Tribes of the State to be nominated by the State Government.

(vi) Two Chairman of the District Authority, as may be nominated 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) of the Rule.

(4) A person shall not be qualified for nomination as a member of the State Authority unless he is-

- (a) an eminent person Social Worker who is engaged in the upliftment of the weaker section of the people, including Scheduled Casts, 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 Legal Services Schemes.

**4. The powers and functions of the Member-Secretary of the State under sub-section (3) of Section 6.-** The power 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 section;
- (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; House-keeping, Finance and Budget matter 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 Accounts and Balance-Sheet of the said Authority;
- (g) To liaise with the Social Action Groups and District and Taluk Legal Services Authority;
- (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 finance assistance and issue Utilization Certificate thereof;
- (j) To organize various Legal Services Programmes as approved by the State Authority and Convene Meeting/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 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 Section 4(b) of the Act; and
- (n) To perform such other function 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 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 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 person so nominated shall continue to be a member for the remaining term of the member in whose place he is nominated.
4. All member 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 to the class I officers, as amended from time to time.
5. If the nominated member is a Government employee he shall be entitled to only one of set 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; and disciplinary matters, the Member-Secretary shall be on deputation to the State Authority.

**6. The number of officer 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 may be notified by the State Government from time to time for discharging of efficient functioning of the State Authority in consultation with the Chief Justice of Gauhati High Court in accordance with the provision of the Act.

**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 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 are 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 qualification 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 Joint Registrar.

**9. 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 services 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 may be notified by the State Government from time to time for discharging of efficient

functioning of the High Court Legal Services Committee in consultation with the Chief Justice of the Gauhati High Court in accordance with the provisions of the Act.

(2) The Officers and other employees of the High Court Legal Services committee Shall be entitled to draw pay and allowances, benefits and entitlements and disciplinary matters of the officers and other employees of the High Court legal Services Committee shall be governed by the State Government rules as are applicable to person holding equivalent posts.

(4) The Officers and other employees of the High Court Legal Services Committee I shall be entitled to such facilities, allowances and benefits as may be notified, by the State Government from time to time.

**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 eight members.

(2) The following shall be ex-office members of the District Authority-

- (i) District Magistrate;
- (ii) Superintendent of Police;
- (iii) Chief Judicial Magistrate; 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 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 section 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 function as may be notified by the State Government from time to time for discharging of efficient function of the District Authority in consultation with the chief Justice of Gauhati High Court in accordance with the provisions of the Act.

**12. The condition of Services and the salary and allowances of the officers and other employees of the District 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 at par with the State Government employees holding equivalent posts.
- (2) In the 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 person 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 Service Committee under clause (b) of sub-section (2) of Section II A.**

- (1) The Taluk Legal Service committee shall have not more than five members.
- (2) The following shall be ex-officio members of the Taluk Legal Services Committee :-
  - (a) Sub-Divisional Officer
  - (b) Sub-Divisional Police Officer;
- (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 Taluk Legal Services Committee unless he is
  - (a) An eminent Social worker who is engaged in the upliftment of the weaker section of the people including Scheduled Casts, 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 officer and other employees of the Sub-divisional Legal Services Committee under sub-section (3) of section II A-** the sub-divisional Legal Services Committee shall have such number of officers and other employees for rendering secretarial assistance and for its day-to-day functions as may be notified by the State Government from time to time for discharging of efficient functioning of the Sub-divisional Legal Services committee in consultation with the Chief Justice of Gauhati High Court in accordance with the provisions of the Act,

**15.** In the matters like of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the officers and other employees of the Sub-divisional 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 Rs. 25,000/- (Rupees twenty five) thousand) 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 Bench of Lok Adalat unless he is-

- (1) 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
- (2) A lawyer of standing; or
- (3) A person of repute who is specially interested in the implementation of the Legal Service Schemes and programmes.