

*The Orissa State Legal Aid and Advice Scheme, 1981

No. 8012-L.-The Orissa Legal Aid and Advice Scheme, 1981 as recommended by the State Level Committee constituted in Law Department Resolution No. 4615-L. dated the 9th March, 1981 and approved by the Government is hereby published for general information.

PART-I

Preliminary

1. Short title and commencement - (1) This Scheme may be called the Orissa State Legal Aid and Advice Scheme, 1981.

(2) It shall come into force on such date as the Board may, by notification in the *Official Gazette*, appoint.

2. Definitions-In this Scheme unless the context otherwise requires-

- (a) "aided person" means a person to whom legal aid is provided or legal advice is given in accordance with the provisions of this Scheme;
- (b) "Board" means the Orissa State Legal Aid and Advice Board;
- (c) "Committee" means the High Court, District, Sub-division or Tahsil Legal Aid and Advice Committee constituted in accordance with this Scheme;
- (d) "Court" includes any Tribunal or Authority in the State;
- (e) "Form" means a Form appended to this Scheme;
- (f) "High Court" means the High Court of Orissa;
- (g) "legal advice" means any oral or written legal advice as the nature of the case may require;
- (h) "legal aid" means legal aid in any or all of the modes provided in Clause 22 of this scheme;
- (i) "legal practitioner" shall have the meaning assigned to that expression in the Advocates Act, 1961;
- (j) "legal proceeding" means any proceeding in any Court, including any preparatory steps in connection with such proceeding.

PART-II

Constitution, powers and functions of Committees

3. Committees-For the purpose of administering and implementing the legal aid programme in the State, the Board shall constitute the following Committees, namely :

*. Published *vide* Law Deptt Notfn. No. 8012-L./5.5.1981.

- (1) The High Court Legal Aid and Advice Committee for the High Court, and for other Courts as may be specified by the Government from time to time in this behalf in relation to the provisions of legal services at the High Court or such other Courts.
- (2) The District Legal Aid and Advice Committee, for every district in relation to the provision of legal services at the Headquarters of the district, and for supervision of legal services in the district.
- (3) The Sub-division Legal Aid and Advice Committee for every Sub-division (except Sub-divisions whose Headquarters are located at the Headquarters of the district) in relation, to provisions of Legal Services at the Headquarters of Sub-division and for supervision of legal services in the Sub-division.
- (4) The Tahasil Legal Aid Advice Committee for every Tahasil (except, Tahasil whose Headquarters are located at the Headquarters of the Sub-division) in relation to provision of Legal Services in the Tahasil.

4. Composition of High Court Legal Aid and Advice Committee-

(1) The High Court Legal Aid and Advice Committee shall consist of the following members, namely :

- (1) Executive Chairman of the Board ... Chairman
- (2) The Advocate-General, Orissa ... Vice-Chairman
- (3) Three representatives of the Orissa High Court Bar Association ... Member
- (4) One person representing Scheduled Castes and Scheduled Tribes, to be nominated by the State Government ... Member
- (5) One person representing Women to be nominated by the State Government ... Member
- (6) One person engaged in Social Work to be nominated by the State Government ... Member
- (7) Revenue Divisional Commissioner, Central Division ... Member

(2) The Member-Secretary of the Board shall act as Member-Secretary of the Committee.

5. Composition of District Legal Aid and Advice Committee-

(1) The District Legal Aid and Advice Committee for each district shall consist of the following members, namely :

- (1) District Judge ... Chairman
- (2) The Collector ... Vice-Chairman
- (3) The District Government Pleader ... Member

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| (4) Public Prosecutor of the District | ... | Member |
| (5) Two representatives of the District Bar Association | ... | Member |
| (6) One person representing Women, to be nominated by the State Government | ... | Member |
| (7) One person representing Scheduled Castes and Scheduled Tribes to be nominated by the State Government | ... | Member |
| (8) One person engaged in Social Work to be nominated by the State Government | ... | Member : |

Provided that in the absence of the Collector, he can be represented by Additional District Magistrate nominated by him. He however will function as a member.

(2) The Registrar of the Civil Court shall act as Member-Secretary of the District Committee.

6. Composition of Sub-division Legal Aid and Advice Committee-

(1) The Sub-division Legal Aid and Advice Committee shall consist of the following members, namely :

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| (1) The Senior most Judicial Officer at the Sub-division Headquarters | ... | Chairman |
| (2) Sub-divisional Officer | ... | Vice-Chairman |
| (3) President of the Sub-divisional Bar Association | ... | Member |
| (4) One State Counsel to be nominated by the State Government | ... | Member |
| (5) One person representing Women, to be nominated by the State Government | ... | Member |
| (6) One person representing Scheduled Castes and Scheduled Tribes, to be nominated by the State Government | ... | Member |
| (7) One person engaged in Social Work to be nominated by the State Government | ... | Member. |

(2) A Judicial Magistrate in the Sub-division to be nominated by the State Government shall be the Member-Secretary of the Subdivision Committee.

7. Composition of Tahasil Legal Aid and Advice Committee-

(1) The Tahasil Legal Aid and Advice Committee shall consist of the following members, namely :

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| (1) Senior Most Judicial Officer at the Tahasil Headquarters | ... | Chairman |
| (2) Tahasildar | ... | Vice-Chairman |

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| (3) Two Legal Practitioners, preferably of the Tahasil to be nominated by the State Government, in consultation with the Chairman | ... | Members |
| (4) One person representing Women, to be nominated by the State Government | ... | Member |
| (5) One person representing Scheduled Castes and Scheduled Tribes, to be nominated by the State Government | ... | Member |
| (6) One person engaged in Social Work to be nominated by the State Government | ... | Member |

Provided that in the absence of a Judicial Officer at the Tahasil Headquarters the Tahasildar may function as the Chairman.

(2) A Revenue Officer nominated by State Government shall act as Member-Secretary of the Committee.

8. Term of Office of Members of Committees, etc.-(1) The term of Office of a Member of the Committee, other than *ex-officio* Members, shall be two years.

(2) Whenever any person is nominated as a Member of the Committee by virtue of the post or office held by him, he shall forthwith cease to be a Member of the Committee if he ceases to hold such post or office.

(3) A non-official Member of the Committee may at any time resign his office by submitting his resignation signed and addressed to the Chairman of the Committee. No such resignation shall take effect until it is accepted by the Chairman of the Committee.

(4) Any vacancy in the Office of a Member of a Committee shall be filled up as early as may be practicable, in the same manner as the original appointment and the person so nominated shall continue to be a member for the duration of the term of Office of the Member in whose place he is nominated. Constitution of any Committee shall not be deemed to be illegal on account of any vacancy in the Office of any member thereof.

(5) On the expiry of the term of Office of a Member, other than *ex-officio* Member, he shall be eligible for re-nomination.

9. Cell for Conciliation-(1) Every Committee shall have a Conciliation Cell consisting of such number of members of the Committee and other respectable members of the community, as the Committee may appoint. The Committee, while selecting non-members on such Cell shall have due regard to the fact whether such persons enjoy the confidence of the community and will be able to discharge the functions of bringing about conciliation in a proper and satisfactory manner.

(2) Whenever any person seeking legal aid approaches the Committee and the Committee is of the opinion that he is deserving of legal aid, it shall refer the matter to the Conciliation Cell and the Conciliation

