

*Orissa State Legal Services Authority Rules, 1996

The 11th April, 1996

S.R.O. No. 267/96 - In exercise of the powers conferred by Section 28 of the Legal Service Authorities Act, 1987 (39 of 1987), as amended by the Legal Services Authorities (Amendment) Act, 1994 (No. 59 of 1994), the State Government, in consultation with the Chief Justice of the Orissa High Court, do hereby make the following rules, namely :

1. Short title and commencement - (1) These rules may be called the Orissa State Legal Services Authority Rules, 1996.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

2. Definitions - In these rules, unless the context otherwise requires,

- (a) **"Act"** means the Legal Service Authorities Act, 1987;
- (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 Service Committee;
- (c) **"District Authority"** means a District Legal Services Authority constituted under Section 9;
- (d) **"High Court Legal Services Committee"** means the High Court Legal Services committee constituted under Section 8-A;
- (e) **"Member"** means a member of the State Authority nominated under Clause (c) of Sub-sec. (2) of Section 6 or, as the case may be, the District Authority nominated under Clause (b) of Sub-sec. (2) of Section 9;
- 1[(e-i) **"Permanent Lok Adalat"** means Permanent Lok Adalat under Section 22B]
- (f) **"Secretary"** means the Member-Secretary of the State Legal Services Authority constituted under Section 6, or, as the case may be, the Secretary of the High Court Legal Services Committee constituted under Section 8-A, or, as the case may be, the Secretary of the District Legal Service Authority constituted under Section 9;
- (g) **"Section"** means a section of the Act;
- (h) **"State Authority"** means the State Legal Authority constituted under Section 6;
- (i) **"Taluk Legal Services Committee"** means an Taluk Legal Services Committee constituted under Section 11-A;

*. Published *vide* Orissa Gazette Extraordinary No. 394, dated 15.4.1996.

1. Inserted *vide* OGE No. 268, Dt. 16.02.2013

- (j) 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 fifteen members.
(2) The following shall be the *ex officio* members of the State Authority:

- (i) Advocate-General, Orissa;
- (ii) the Secretary to Government, Finance Department;
- (iii) the Secretary to Government, Law Department;
- (iv) the Director General and Inspector-General of Police, Orissa;
- (v) Chairman, Orissa State Commission for Backward Classes;
- (vi) two Chairmen of District Authorities, as may be nominated from time to time 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).

(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 labourers;
- (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, Finance and Budget matters as Heads of 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 Account and Balance-Sheet of the said Authority;
- (g) to liaise with the Social Action Groups and District Authorities and Taluk Legal Services Committees;
- (h) to maintain up-to-date and complete statistical information including progress made in the implementation of various Legal Services programme 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 or seminars and workshops connected with Legal Services Programmes and preparation of reports and follow-up action thereon;
- (k) to produce video or 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 door-steps of the rural people;
- (m) to perform such of the functions as are assigned to him under the Schemes formulated under Clause (b) of Section 4; and
- (n) to perform such other functions as may be expedient for the 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 at any time 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 persons so nominated shall continue to be a member for the remaining period of the 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 1st Grades Officers of the State, 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 employees and shall hold office for a term of three years;

(7) In all matters relating to service conditions like age of retirement, pay and allowances, benefits and entitlements and in disciplinary matters, the Member-Secretary shall be governed by the State Government Rules and he shall be on deputation to the State Authority. He shall be entitled to the special pay as admissible to the deputations its belonging to that grade under the Government.

16. Appointment of officers and other employees of the State Authority and their eligibility—(1) The State Authority shall have such number of officers and employees to rendering secretarial assistance in day-to-day work and perform such functions as specified in the SCHEDULE-A appended to these rules.

(2) No person shall be eligible for appointment to any post under the State Authority,—

- (a) unless he or she is a citizen of India;
- (b) if he has been convicted of an offence involving moral turpitude;
- (c) if he has entered into or contracted a marriage with a person having a spouse living;
- (d) if he having a spouse living and has entered into or contracted marriage with any person:

Provided that if the Appointing Authority is satisfied that such marriage is permissible under the personal law applicable to such person or there are other grounds for doing so, exempt any person from the operation of the rules.

(3) Notwithstanding anything contained in these rules, Member Secretary of the State Authority shall consider for promotion of Sr. Gr. Typist of State Authority having minimum of three years of experience as such, to the post of Senior Assistant, if eligible Junior Assistants of the State Authority are not available.

6-A. Reservation— Notwithstanding anything contained in these rules, reservation of vacancies for,—

- (a) Schedule Castes and Schedule Tribes shall be made in accordance with the provisions of the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Schedules Tribes) Act, 1975 and the rules made thereunder ; and

