

*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 setting 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

(b) SEBC, Women, Sports persons, Ex-Serviceman and Person with Disabilities shall be made in accordance with the provisions made under such rules, orders, instructions or Resolution issued in this behalf by the Government from time to time.

7. The condition of service and the salary and allowances of officers and other employees of State Authority — (1) The scale of pay, number of posts, method of appointment, qualification and condition of service of the officers and employees of the State Authority shall be as indicated against each post is specified in the SCHEDULE-A appended to these rules:

Provided that where the candidates secured same marks, the candidate who is older in age shall be placed above the other.

(2) In all the matters relating to service conditions like promotion, age of retirement, allowances, leave, medical facility, discipline and conduct, provident fund, relaxation of age and other concession, if any of the officers and other employees of the State Authority shall be governed by the rules, regulations, notifications and circulars of the State Government as are applicable to persons holding equivalent posts in the service of the State Government.

(3) Gradation list of the officers and other employees borne in the cadre of the State Authority shall be prepared on the basis of their position in the merit list in case of direct recruits and on the basis of select list prepared by the Departmental Promotion Committee in case of the promotees as approved by the Appointing Authority.

(4) In case of direct recruitment relating to the posts as specified in the SCHEDULE-A appended to these rules, application shall be invited by the Member Secretary, Odisha State Legal Services Authority in the specific format to be decided by him and a merit list of candidates shall be prepared after conducting written test, computer test, wherever, required and Viva Voce test for different categories of posts.

(5) The syllabus and standard of examination as may be decided by the Member Secretary.]

1[7A. Eligibility for appointment.— No person shall be eligible for appointment to any post under the Permanent Lok Adalat, District Authority and Taluk Legal Service Committee,—

(a) unless he or she is a citizen of India;

(b) if he or she has been convicted of an offence involving moral turpitude;

(c) if he or she has entered into or contracted a marriage with a person having a spouse living;

(d) if he or she 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.

7B. Officers and other employees of the Permanent Lok Adalat.— (1) The Officers and other employees of the Permanent Lok Adalat shall render assistance in day to day works and perform such other functions as may be assigned to them by the Chairman of the Permanent Lok Adalat.

(2) The Scale of Pay, number of posts, method of appointment, qualification and conditions of Service of the Officers and employees of the Permanent Lok Adalat shall be as specified in the Schedule-D to these rules.

(3) In the matter relating to leave, medical facility, disciplinary matters, conduct rules, provident fund, relaxation of age, concession (in appropriate cases,) age of retirement and pension and other retiral benefits and other conditions of service of the officers and other employees of the Permanent Lok Adalat shall be governed by Rules, Regulation, Resolution and Order as are applicable to the officers and employees holding equivalent post in the service of the State Government.

(4) Notwithstanding anything contained in these rules, the Member-Secretary of the State Authority shall consider for promotion of Junior Clerk-cum-Typists of the Taluk Legal Services Committees and Junior Clerks of the District Authorities appointed prior to the commencement of these rules to the posts of Senior Clerk (Accounts) in the Permanent Lok Adalat subject to their suitability.]

8. The experience and qualification of Secretary of the High Court Legal Services Committee under Sub-sec. (3) of Section 8-A.

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 Registrar.

9. The number of officers and other employees of the High Court Legal Services Committee under Sub-sec. (5) of Section 8-A and the conditions of service and the salary and allowances payable to them under Sub-sec. (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 are set out in Schedule-B to these rules;

(2) the officers and other employees of the High Court Legal Services Committee shall be entitled to draw pay and allowances in the scale of pay indicated against each post in Scheduled to these rules;

(3) in all matters like age of retirement, allowances, benefits and entitlements and in disciplinary matters, the officers and other employees of the High Court Legal Services Committee shall be governed by the State Government Rules as are applicable to persons holding equivalent posts.

10. The number, experience and qualification of members of the District Authority under Clause (b) of Sub-sec. (2) of Section 9 -

(1) the District Authority shall have not more than eight members;

(2) the following shall be the *ex-officio* members of the District Authority -

- (i) District Magistrate;
- (ii) Superintendent of Police of the district;
- (iii) Chief Judicial Magistrate of the district; 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 provided in Sub-rule (4);

(4) a person shall not be qualified for nominations as a member of the District Authority, unless he is, -

- (a) an eminent Social Worker who is engaged in the upliftment of the weaker sections of the people, including Schedule Castes, Scheduled Tribes, women, children and rural labourers; 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.

11. ¹[xxx]

12. ¹[xxx]

13. The number, experience and qualification of members of the Taluk Legal Services Committee under Clause (b) of Sub-sec. (2) of Section 11-A, -

(1) The Taluk Legal Service Committee shall have not more than five members.

(2) The following shall be the *ex officio* members of the Taluk Legal Services Committee -

- (i) Sub-Collector; and
- ²[(ii) Sub-divisional Police Officer or where the post of Sub-divisional Police Officer does not exist in any Sub-division, the Circle Inspector of Police or the Inspector of Police as the case may be posted in the Sub-divisional headquarters.]

1. Omitted vide OGE No.874, Dt.05.05.2017

2. Substituted vide Orissa Gazette Ext. No. 100 dt. 21.1.2000.

(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 provided in Sub-rule (4).

(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 sections of the people including Scheduled Castes, Scheduled Tribes, women, children and rural labourers; 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. Officers and other employees of District Authority and Taluk Legal Service Committee:— (1) The scale of pay, number of posts, method of appointment, qualification and conditions of service of the officers and other employees of the District Authority and Taluk Legal Services Committee shall be as specified in the Schedule-C to these rules.

(2) In the matter relating to leave, medical facility, disciplinary matters, conduct rules, provident fund, relaxation of age, concession (in appropriate cases,) age of retirement and pension and other retiral benefits and other conditions of service of the officers and other employees of the District Authority and Taluk Legal Service Committee shall be governed by Rules, Regulation, Resolution and order as are applicable to the officers and employees holding equivalent post in the service of the State Government.

(3) A gradation list of Junior Clerk of the District Authority and Junior Clerk-cum-Typists of the Taluk Legal Services Committees under the concerned District Authority shall be prepared on the basis of their position in the merit list:

Provided that where the candidates secured same marks, the candidate who is older in age shall be placed above the other:

Provided further that the gradation list of Junior Clerk-cum-Typist and Junior Clerks, if any, appointed prior to the commencement of the Odisha State Legal Services Authority (Amendment) Rules, 2016 shall be drawn in order of merit list in any Taluk.

. Legal Services Committee and District Authority and shall, subject to their suitability, accordingly be considered for promotion to the posts of Senior Clerk (Account) in a District Authority by the Member Secretary till the said list is exhausted.

15. Transfer of Officers and other employees:— (1) The Chairman of the District Authority may make intra-district transfer if required on promotion to the post of Senior Clerk as specified in the Schedule-C.

(2) Notwithstanding anything contained in these rules, the State Authority may, in the larger interest of the State Authority, effect transfer of officers and other employees of the District Authority and Taluk Legal Services Committee and Permanent Lok Adalat to any District Authority, Taluk Legal Services Committee or to Permanent Lok Adalat:

Provided that the seniority of the officers and other employees of respective establishment where they initially joined shall be maintained.

15A. Reservation:— Notwithstanding anything contained in these rules, reservation of vacancies for,—

(a) Schedule Castes and Scheduled 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

(b) SEBC, Women, Sports persons, Ex-Serviceman and Person with Disabilities shall be made in accordance with the provisions made under such rules, orders, instructions or Resolution issued in this behalf by the Government from time to time.]

¹[16.(1) Every person whose annual income from all sources does not exceed three lakh rupees shall be entitled to legal services under clause (h) of Section 12, if the case is before a Court, other than the Supreme Court.

(2) The ceiling of annual income as mentioned under sub-rule (1) shall not be applicable to —

- (a) transgenders and persons living with HIV or AIDS; and
- (b) senior citizens (persons above sixty years of age).]

17. The experience and qualifications of other persons of Lok Adalats under Sub-sec. (4) of Section 19, -

A person shall not be qualified to be included in the Bench of a Lok Adalat, 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; or
- (b) a lawyer of standing; or
- (c) a person of repute who is specially interested in the implementation of the Legal Services Schemes and Programmes.

²[18. **Relaxation—** Where the State Government are of the opinion that it is necessary or expedient to do so in the public interest, it may, by order, for reasons to be recorded in the writing, relax any of the provisions relating to condition of service of the officers and other employees of the State Authority, District Authority and Taluk Legal Services Committee in consultation with the Chief Justice of the Orissa High Court.]

1. Substituted vide OGE No.849, Dt.10.05.2019

2. Inserted vide OGE No.874, Dt.05.05.2017