

THE CHHATTISGARH STATE LEGAL SERVICES AUTHORITY RULES, 2002

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SCHEDULES

THE CHHATTISGARH STATE
LEGAL SERVICES AUTHORITY RULES, 2002

[Notification F. No. 6776/5414/21-B/C.G./2002 dated 26-10-2002. published in C.G. Rajpatra Ext Ord. dated 28-10-2002, p 546 (11).]

And as amended by the C.G. Notifications subsequently by the following:-

1. Notfn. dated 30-11-2002, Pub. in C.G. Rajpatra (Asadharan) dated 30-11-2002, p 636
2. Notfn. dated 16-02-2004, Pub. in C.G. Rajpatra (Asadharan) dated 16-02-2004, p 62
3. Notfn. dated 04-12-2004, Pub in C.G. Rajpatra (Asadharan) dated 08-01-2005, p18
4. Notfn. dated 03-06-2005, Pub in C.G. Rajpatra (Asadharan) dated
5. Notfn. dated 29-10-2005, Pub in C.G. Rajpatra (Asadharan) dated
6. Notfn. dated 05-11-2005, Pub in C.G. Rajpatra (Asadharan) dated
7. Notfn. dated 14-02-2006, Pub in C.G. Rajpatra (Asadharan) dated
8. Notfn. dated 05-09-2007, Pub in C.G. Rajpatra (Asadharan) dated
9. Notfn. dated 25-09-2007, Pub in C.G. Rajpatra (Asadharan) dated
10. Notfn. dated 18-03-2008, Pub in C.G. Rajpatra (Asadharan) dated

Note:- In the footnotes appearing here in after the amending notifications have been referred to by serial No. as given to them above.

In exercise of the powers conferred by Section 28 of the Legal Services Authorities Act, 1987 (No. 39 of 1987), and in consultation with the Chief Justice of the Chhattisgarh high Court, the Government of Chhattisgarh makes the following rules, namely:-

1. Short title and Commencement:-

1. These rules may be called "**The Chhattisgarh State Legal Services Rules, 2002**"
2. They shall come into force on such date as the State Government may be notification. *appoint*¹

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

- (a) "**Act** " means the Legal Services Authorities Act, 1987 (No. 39 of 1987)
- (b) "**Chairman**" means the Executive Chairman of the State Authority, or as the case may be, Chairman, High Court Legal Services Committee or the Chairman of the District Authority or the Chairman of the Taluk Legal Services Committee.
- (c) "**District Authority**" means a District Legal Services Authority constituted under Section 9 of the Act.
- (d) "**High Court Legal Services Committee**" means the High Court Legal Services Committee constituted under Section 8-A of the Act.
- (e) "**Legal Practitioner**" shall have the same meaning as assigned to in the Advocates Act, 1961 (No.25 of 1961)
- (f) "**Member**" means the member of the State Authority nominated under clause (c) of sub-section (2) of Section 6 or, as the case may be a member of the District Authority nominated under clause (b) of sub-section (2) of Section 9 of the Act.
- (g) "**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 Services Authority constituted under Section 9 of the Act.
- (h) "**Section**" means a section of the Act.
- (i) "**State Authority**" means the State Legal Services Authority constituted under Section 6 of the Act.
- (j) "**Taluk Legal Services Committee**" means a Taluk Legal Services Committee constituted under section 11-A of the Act.
- (k) 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 twenty members:-
 2. The following shall be the ex-officio members of the State Authority:-
- (a) Chairman, High Court Legal Services Committee. *appoint*²

1 Date 28-10-2002 appointed vide notifin. dated 12-11-2002, Pub. in C.G. Rajpatra, Ext. Ord., dated 13-11-2002. P.621

2. Date 29-10-2005 appointed vide notifin dated 29-10-2002 Pub. in C.G. Rajpatra, Ext. Ord., dated 29-10-2005

- (b) Advocate General of the State.
- (c) The Chief Secretary, Government of Chhattisgarh.
- (d) The Secretary in Charge of the Department of Finance
- (e) The Secretary, in charge of the Department of Home.
- (f) The Secretary in charge of the Department of Law & legislative Affairs.
- (g) The Registrar General of C.G. High Court.
- (h) Chairman of Chhattisgarh Rajya Anusuchit Janjati Ayog and Chhattisgarh Rajya Anusuchit Jati Ayog.
- (i) Chairman, State Bar Council of Chhattisgarh.
- (j) Director General of Police, Chhattisgarh.
- (k) Director of Prosecution.
- (l) President, Chhattisgarh High Court Bar Association, Bilaspur; and
- (m) Chairman, District Legal Services Authority, Bilaspur and Baster. *appoint*¹
- (n) Member Secretary of the State Legal Services Authority appointed under sub Section (3) of Section 6 of the Act.

(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 qualifications prescribed in sub-rule(4) of this rule, at least one of who shall be a women.

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

- (a) an eminent Social Worker who is engaged in the uplift men 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. Special provisions for the Patron-in-Chief Executive Chairman of the State Legal Services Authority and Chairman, High Court Legal Services Committee.

(1) The Patron-in-Chief, Executive Chairman, in case he is a sitting Judge of the High Court and Chairman, High Court, Legal Services Committee shall be entitled to payment of traveling allowances and daily allowances in respect of journeys performed in connection with the work of the State Authority or the High Court Legal Services Committee, as the case may be, and be paid by the said Authority or the Committee, as the case may be, and be paid by the said Authority or the

¹ Date 05-11-2005 appointed vide notifin. dated 05-11-2005, Pub. in C.G. Rajpatra, Ext. Ord., dated

Committee as the case may be, in accordance with the provisions of the High Court Judge (Traveling Allowances) Rules, 1956.

- (2) The executive Chairman if a retired Judge, shall be provided with a staff car and driver by the State Authority and the expenditure on account of the pay and allowances of the staff car drive as well as the maintenance and repairs of the car shall be borne by the said Authority.
- (3) The ceiling for the petrol consumption for the car provided under sub-rule (2) shall be 200 Liters per month or actual consumption whichever is less. *appoint*¹
- (4) the Patron-in-Chief and Executive Chairman of the State Legal Services Authority and Chairman, High Court, Legal Services Committee each shall be provided with telephone with S.T.D. facility with telephone with S.T.D. facility with a maximum ceiling of Rs. 24,000/- per annum.

5. Term of office of the Executive Chairman.

The Executive Chairman of the State Authority, whether a serving or retired Judge of the High Court shall hold office during the pleasure of the Governor. *appoint*²

6. Conditions of services of the Executive Chairman in case of retired Judges of the High Court.

Where the Executive Chairman of the State Authority is a retired Judge of the High Court, during his term of office as Executive Chairman of the State Authority:-

- (i) His terms and conditions shall be such as are specified in the Government of India, Ministry of Finance, Department of Expenditure O.M. No. 19048/80-E-IV, dated 8th October, 1987 or such other relevant orders of the State Government as may be applicable to the retired Judges of the High Court appointed on Commissions/Committee.
- (ii) His shall be permitted to subscribe to the G.P.F.

7. 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 in *er* 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 approved of the executive Chairman, the powers in respect of Administrative, Finance and Budget matters as Head of the Department in the State Government.

¹ Date 14-02-2006 appointed vide notfin. dated 14-02-2006, Pub. in C.G. Rajpatra, Ext. Ord., dated

² Notfn. dated 04-12-2004, Pub in C.G. Rajpatra (Asadharan) dated 08-01-2005, p18

- (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 is res,
- (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 and Taluk/Tehsil/Sub-Division Legal Services Authorities.
- (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 Utilization Certificate hereof.
- (j) to organize various Legal Services Programmes as approved by the State Authority and convene meetings or seminars and workshops connected with the Legal Services Programmes and preparation of reports and follow-up action thereon.
- (k) to produce or prepare 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 of the Act, and
- (n) to perform such other functions as may be expedient for efficient functioning of the State Authority.

8. 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 terms of two years and shall be eligible for renomination.
- (2) A member of the State Authority nominated under sub-rule (3) of rule 3 may, after consultation with the Chief Justice, be removed by the State Government at any time if, in the opinion of State Government, it is not desirable to continue him 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 members in whose place he is nominated.

- (4) All members nominated under sub-rule (3) of rule 3 shall be entitled to payment to traveling 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 Grade 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 traveling 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 normally hold office for a term of three years on deputations basis.
- (7) In all matters relating to service conditions like age of retirement, pay and allowances, benefits and entitlements and 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 belonging to that grade under the Government.

9. The number of officers 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 are set out in Schedule-A to these rules.

10. the conditions of services 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 indicated against each in Schedule-A to these rules.
- (2) In all matters like age of retirement, Pensions, Pay and allowances, benefits and entitlement the officers and the other employees of the State Authority shall be governed by the Services Rules as are applicable to persons holding equivalent post in the Chhattisgarh High Court/State Government. *appoint¹*

(3)

11. The experience and qualification of Secretary of the High Court Legal Services Committee under sub-section (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 Additional Registrar, being a members of the Chhattisgarh Higher Judicial Service.

1. Subs by No. 2 dated 11-02-2004 [16-02-2004]

12. 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 are set out in Schedule-B to these rules.
- (2) The Officer 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 position in Schedule-B to these rules, or as fixed by the Chief Justice.
- (3) In all matters like age or retirement, [Pension] ¹ 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 Services Rules as are applicable to persons holding equivalent posts in the Chhattisgarh High Court/State Government, as the case may be.

13. 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-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 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 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 as are set out in Schedule -C

1. Ins. by No. 2 dated 11-02-2004 [16-02-2004]

to these rules.

15. The conditions of service and the salary and allowances of the officers and other employees of the District Authority 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 indicated against each post in Schedule-C to these rules.
- (2) In all matters like age or retirement, [Pension] ¹ allowances, benefits and entitlements and in disciplinary matters, the officers and other employees of the district Authority shall be governed by the Services Rules as are applicable to ministerial staff of the sub-ordinate Courts.

16. The number experience and qualification of members of the Taluk Legal Services Committee under clause (b) of sub-section (2) of Section 11-A

- (1) The Taluk Legal Services Committee shall have not more than five members.
- (2) The following shall be ex-officio members of the Taluk Legal Services Committee:-
 - (i) Sub-collector,
 - (ii) Sub-divisional Police officer,
 - (iii) President of the Local Bar Association.
- (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.

17. The number of officers and other employees of the Taluk Legal Services Committee under sub-section (3) of Section 11-A.

The Taluk 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-D to these rules.

¹.Ins,by No. 2 dated 11-02-2004 [16-02-2004]

18. The conditions of service and the salary and allowances of officers and other employees of the Taluk Legal Services Committee under sub-section 94) of Section 11-A

- (1) The officers and other employees of the Taluk Legal Services Committee shall be entitled to draw pay and allowances in the scale of pay indicated against each post in Schedule-D to these rules.
- (2) In all matters relating to services conditions like age of retirement, [Pension] ¹, allowances, benefits and entitlements and in disciplinary matters, the officers and other employees of the Taluk Legal Services Committee shall be governed by the Services Rules as are applicable to ministerial staff of the Sub-ordinate Courts.

19. 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.50,000 (Rupees Fifty Thousand only) shall be entitled to legal services under clause (h) of Section 12. *appoint* ¹

20. The experience and qualifications of other persons of Lok Adalats under Sub-section (4) of Section 19.

A person not be qualified to be included in the Bench of 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.

21. Matters on which legal services is admissible.

In addition to the case covered under Section 12 read with Section 13 of the Act, legal service may also be provided in all matters where such service shall be aimed at:-

- (a) amicable settlement of the disputes by bringing about conciliation between the parties to the disputes, and
- (b) rendering assistance in complying with various legal requirements in order to secure the benefits under various schemes sponsored by or on behalf of the Central Government or the Governemnt of Chhattisgarh or any other public authority for the welfare of the general public or any section thereof.

1. Notfn. dated 03-06-2005, Pub in C.G. Rajpatra (Asadharan) dated

22. Mode of providing legal service.

Legal service may be given in all or any one or more of the following modes, namely:-

- (a) by payment of Court fee, process fee, expense of witnesses and paper book, lawyers fee and all other charges payable in connection with any legal proceedings,
- (b) through representation by a legal practitioner in legal proceedings,
- (c) by supplying certified copies of judgments, orders, notes of evidence and other documents in legal proceedings.
- (d) by preparation of paper book, including printing, typing and translation of documents in legal proceedings.
- (e) by drafting of legal documents; and
- (f) by giving legal advice on any legal matter.

23. Headquarters and office of the State Authority:-

Headquarters and office of the State Authority shall be located at Bilaspur, which is the main seat of the High Court of Chhattisgarh.

24. Removal of difficulty in respect of on going Legal Aid Programmes:-

The Patron-in-Chief may authorize expenditure and approve Legal Aid Programmes in respect of cases in which Legal Aid has already been given and Legal Aid Programmes have already been planned prior to the constitution of State Legal Services Authority.

25. The manner of recruitment and appointment of officers/Staff of.

(A) Shall be such as the Executive Chairman after consultation with the Patron-in-Chief may subject to the approval of the State Government determine.

(B) The transfer and posting of officers and staff of the Authority will be made by the Executive Chairman after consultation with the Patron in Chief. *appoint*¹

26. Repeal and Saving.

[The Chhattisgarh State Legal Services Authority Rules, 1996 are hereby repealed:] *appoint*²

Provided that anything done or any action taken under the rules so repealed shall unless such thing done or action taken is inconsistent with any of the provisions of these rules, be deemed to have been or taken under the corresponding provisions of these rules.

1. Subs by no 1 dated 30-11-2002 [30-11-2002]

2. Subs by No. 1 dated 30-11-2002 [30-11-2002]

SCHEDULE- A

(See Rules 9)

A. STATE LEGAL SERVICES AUTHORITY

No	Name of the Post	Scales of Pay	No. of Posts	Remarks
1	Secretary Belonging to the Chhattisgarh Higher Judicial Service in the cadre of District Judge	Own scale of Pay	01	--
2	Deputy Secretary ¹ Belonging to the Chhattisgarh Lower Judicial Service in the cadre of Chief Judicial Magistrate.	Own scale of Pay	01	--
3	Under Secretary Belonging to the Chhattisgarh Lower Judicial Service in the cadre of Civil Judge Class-I	Own scale of Pay	01	--
4.	Account Officer	8000-13500	01	--
5	Private Secretary to Executive Chairman	6500-10500	01	--
6	Legal Aid Officer	6500-10500	17	--
7	Audit-Officer	6500-10500	01	--
8	Superintendent	5500-9000	01	--
9	Personal Assistant or Stenographer to Secretary	4500-7000	01	--
10	Assistant Auditor	4500-7000	01	--
11	Accountant	4000-6000	01	--
12	Assistant Protocol Officer	4000-6000	01	--
13	Assistant Grade-2	4000-6000	04	--
14	Assistant Grade-3	3050-4590	15	--
15	Computer Operator	3050-4590	02	--
16	Diver	3050-4590	02	--
17	Daftari	2610-3540	01	--
18	Peon	2550-3200	12	--
19	Farrash	2550-3200	01	--
20	Waterman	2550-3200	01	--
21	Watchman	2550-3200	01	--
22	Sweeper	2550-3200	01	--
23	Process Server	2550-3200	06	--

1. Subs. by No. 1 dated 30-11-2002 [30-11-2002]

SCHEDULE- B

(See Rules 11)

B. HIGH COURT LEGAL SERVICES COMMITTEE

No	Name of the Post	Scales of Pay	No. of Posts	Remarks
1	Secretary ¹ Belonging to the Chhattisgarh Lower Judicial Service in Senior Civil Judge Promotion Cadre appointed by the State Authority.	16750-20500 ²	01	--
2	Stenographer	5000-8000	01	--
3	Accountant (Trained)	4500-7000	01	--
4	Assistant Grade-2	4000-6000	01	--
5	Assistant Grade-3	3050-4590	06	--
6	Peon	2550-3200	04	--
7	Process Server	2550-3200	05	--

1. Notfn. dated 5-09-2007, Pub in C.G. Rajpatra (Asadharan) dated

2. Notfn. dated 25-09-2007, Pub in C.G. Rajpatra (Asadharan) dated

3. Notfn. dated 18-03-2008, Pub in C.G. Rajpatra (Asadharan) dated

SCHEDULE-C

(See Rules 13)

C. DISTRICT LEGAL SERVICES AUTHORITY

No	Name of the Post	Scales of Pay	No. of Posts	Remarks
1	Secretary (Ex-officio) Who shall be one of the existing officer of the Chhattisgarh Higher Judicial Service at the station shall be appointed by the State Authority in consultation with Chairman of the District Authority.		01	--
2	Assistant Grade-2	4000-6000	10	--
3	Assistant Grade-3	3050-4590	14	--
4	Process Server	2550-3200 + 75/- Additional allowance	14	--
5	Peon	2550-3200	07	--

SCHEDULE-D

(See Rules 16)

D. TALUK LEGAL SERVICES COMMITTEE

No	Name of the Post	Scales of Pay	No. of Posts	Remarks
1	Assistant Grade-3	3050-4590	31	--
2	Peon	2550-3200	31	--