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THE UTTAR PRADESH STATE LEGAL SERVICES AUTHORITY RULES, 1996[1]

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In exercise of the powers conferred by section 28 of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987) and in consultation with the Chief Justice, the Governor is pleased to make the following rules:

1. Short title and commencement

(1) These rules may be called the Uttar Pradesh State Legal Services Authority Rules, 1996.

(2) They shall come into force with effect from the date of their publication in the official Gazette.

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

(a) 'Act' means the Legal Services Authorities Act, 1987 (Act No. 39 of 1987):

(b) 'Chief Justice' means Chief Justice of the High Court;

(c) 'Executive Chairman' means Executive Chairman of the State Authority;

(d) 'Governor' means the Governor of Uttar Pradesh;

(e) 'Government' means the State Government of Uttar Pradesh;

(f) 'High Court' means the High Court of Judicature at Allahabad;

(g) 'Member' means member of the State Authority or member of the High Court Legal Services Committee or

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1- Vide Noti. No 123/vII-Nyay-7-96-45-90 dated 12 March 1996, Published in the U.P. Gazette, Part 1-A Dated April 20 1996

member of a District Authority or member of a Tehsil Legal Services Committee, as the case may be;

(h) 'Member-Secretary' means Member-Secretary of the State Authority;

(i) 'Section' means section of the Act;

(j) 'Tehsil Legal Services Committee' means Taluk Legal Services Committee as defined in clause (k) of section 2.

3. **Number, experience and qualifications of other members of the State Authority**

[1]**[** (1)Besides the Patron-in-Chief and the Executive Chairman, the State Authority shall have not more than twenty two members including Member-Secretary.**]**

[1]**[** (2)In addition to members nominated under sub-rule (3). the State Authority shall consist of the following other members-

(a) Advocate General, Uttar Pradesh;

(b) Secretary, Board of Revenue, Uttar Pradesh;

(c) Principal Secretary or Secretary as the case may be, to the Government in the Finance Department;

(d) Principal Secretary or Secretary, as the case may be, to the Government in the Judicial Department;

(e) Director General of Police, Uttar Pradesh;

(f) Chairman, Uttar Pradesh Commission for the Scheduled Castes and Scheduled Tribes;

(g) Two District Judges nominated by the Government in consultation with the Chief Justice;

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(h) Chairman, Bar Council, Uttar Pradesh;

(i) Registrar General, High Court, Allahabad;

(j) Director General of Police (Prosecution);

(k) Director, Social Welfare Department, Uttar Pradesh;

(l) Principal Secretary or Secretary as the case may be, to the Government in the Information and public Relations Department;

(m) Director, Women Welfare Department, Uttar Pradesh;**]**

(3) The Government may, in consultation with the Chief Justice, nominate seven other members of the State Authority from amongst the persons possessing the experience and qualifications specified in sub-rule (4).

(4) A person shall not be qualified to be nominated as 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 society, including Scheduled Castes, Scheduled Tribes, women, children rural and urban 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.

4. Powers and functions of the Member-Secretary--

The powers and functions of the Members-Secretary shall be--

(a) to provide legal services to a person entitled to legal services under the Act;

(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 matters as Head of the Department in the 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 periodical checking and auditing in respect thereof;

(f) to prepare Annual Income and Expenditure Account and Balance Sheet of the State Authority;

(g) to liaise with the Social Action Groups and District Authority and Tehsil Legal Services Committee.

(h) to maintain uptodate and complete statistical information including progress made in the implementation of various Legal Services Programmes from time to time;

(i) to process proposal for financial assistance and issue Utilisation Certificates thereof;

(j) to organise various Legal Services programmes approved by the State Authority and to convene

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Meetings/Seminars and Workshops connected with Legal Services Programmes and to prepare reports of such Meetings/Seminars/Workshops and to ensure 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 and to take extra measure 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 framed under clause (b) of section 4;

(n) to exercise effective control over the functioning of the High Court Legal Services Committee, the District authority and the Tehsil Legal Services Committee and to provide them guidance and necessary assistance in carrying out the programmes and schemes framed under the Act;

(o) to exercise such power and perform such functions and duties as may be assigned to him by the Executive Chairman; and

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(p) to perform such other functions as may be expedient for efficient discharge of the functions of the State Authority.

5. Service conditions of the Executive Chairman----

The Service conditions of the Executive Chairman in case of his being a retired Judge of the High Court shall be such as may be determined by the Government, from time to time, in consultation with the Chief Justice.

6. Terms of office and other conditions of Members and Member-Secretary of the State Authority---

[1]**[** (1) The terms of office of members of the State Authority nominated under sub-rule (3) of rule 3 shall be two years and such members shall be eligible for re-nomination.

Provided that a nominated members shall continue to be the member of the State Authority after the expiry of his term till his successor is nominated under sub-rule (3) of the rule 3.**]**

(2) A member of the State Authority nominated under sub-rule (3) of rule 3 may be removed by the Government, if in the opinion of the Government, it is not desirable to continue him as member.

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(3) If any vacancy occurs due to death or otherwise in the office of member of the State Authority, it shall be filled in the manner provided for in these rules for the residue of the term of his predecessor.

(4) All members shall be entitled to payment of travelling allowance and daily allowance in respect of journey performed in connection with the work of the State Authority and shall be paid by the State Authority in accordance with the regulations made under scetion 29-A *Explanation*--If a member is a Government employee, he shall be entitled to only one set of travelling allowance and daily allowance from his parent department or from the State Authority.

(5) The Member Secretary shall be the whole time employee and shall hold office for a term not exceeding five year, which may be extended for a further period not exceeding one year by the Government in consultation with Chief Justice.

(6) In all matters, like age of retirement, pay and allowances, benefits and entitlements, disciplinary matters and other conditions of service, the Member-Secretary shall be governed by the rules applicable to the members of the Uttar Pradesh Higher Judicial Service. The Member-Secretary shall be on deputation to the State Authority.

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7. Number of officers and others employees of the State Authority--

(1) The number of officers and other employees including Secretary II, Officer-on Special Duty and Deputy Secretary of the State Authority shall be such as may be determined by the Government, from time to time, in consultation with the Chief Justice.

(2) The Number of officers and other employees including Secretary II, Officer-on-Special Duty and Deputy Secretary of the State Authority shall, until orders varying the same are passed under sub-rule (1), be as given in appendix A.

(3) All the Officers and other employees including Secretary II, Officer-on Special duty and deputy Secretary working immediately before the commencement of these rules, in the Uttar Pradesh Legal Aid and Advice Board shall, on such commencement be the officers and other employees of the State Authority.

8. Conditions of service, pay and allowances of the Officers and other employees of the State Authority--

(1) The Officers and other employees of the State Authority other than Secretary II, Officer-on Special Duty and Deputy secretary shall be entitled to such pay and allowances as may be determined by the Government, from time to time, in consultation with the Chief Justice.

(2) The scales of pay at the time of the commencement of these rules are as given in the Appendix A.

(3) The officers and other employees of the State Authority shall be entitled to such other facilities, allowances and benefits as may be determined by the Government, from time to time, in consultation with the Chief Justice.

(4) Secretary II and Officer on Special Duty shall be appointed, in consultation with the Chief Justice, from amongst persons belonging to the Uttar Pradesh Higher Judicial Service for a term not exceeding five years.

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(5) Deputy Secretary shall be appointed, in consultation with the Chief Justice, from amongst persons belonging to the Uttar Pradesh Nyayik Sewa not below the Rank of Civil Judge (Senior Division).

(6) In all matters, like age of retirement pay and allowances, benefits and entitlements disciplinary matters and other conditions of services Secretary II, Officer-on-Special Duty and Deputy Secretary shall be governed by the rules applicable to the service to which they belong. The Secretary II, Officer-on-Special Duty and Deputy Secretary shall be on deputation to the State Authority.

(7) Until the terms and conditions of service of officers and other employees of the State Authority other than the Secretary II, Officer-on-Special Duty and Deputy Secretary are prescribed, their qualifications, procedure

for recruitment and other conditions of service including disciplinary matters, leave provident fund and other matters shall be the same as that of the officers and employees of similar category in the Government and rules relating thereto shall mutatis mutandis apply.

9. Experience and qualifications of the Secretary to the High Court Legal Services Committee--

A person shall not be qualified for appointment as Secretary to the High Court Legal Services Committee unless he is an officer of the High Court not below the Rank of Joint Registrar, belonging to the Uttar Pradesh Higher Judicial Service.

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10. Numbers of Officers and other employees of the High Court Legal Services Committee and their conditions of service, pay and allowances—

(1) The number of officers and other employees of the High Court Legal Services Committee shall be such as may be determined by the Government, from time to time, in consultation with the Chief Justice.

(2) The number of officers and other employees of the High Court Legal Services Committee shall, until orders varying the same are passed under sub-rule (1), be as given in Appendix B.

(3) All the officers and other employees other than the Secretary, working immediately before the commencement of these rules, in the High Court Legal Aid and Advice Committee, shall on such commencement be the officers and employees of the High Court Legal Services Committee.

(4) The Officers and other employees of the High Court Legal Services Committee shall be entitled to such pay and allowances as may be determined by the Government, from time to time, in consultation with the Chief Justice.

(5) The scales of pay at the time of commencement of these rules are as given in the Appendix B.

(6) Until the terms and conditions of service of officers and other employees of the High Court Legal Services Committee are prescribed, their qualifications, procedure for recruitment and other conditions of service including disciplinary matters, leave, Provident Fund and other matters shall be the same as that of the officers and employees of similar category in the Government and rules relating thereto shall *Mutatis Mutandis* apply.

(7) The officers and other employees of the High Court Legal Services Committee shall be entitled to such other facilities, allowances and benefits as may be determined by the Government, from time to time, in consultation with the Chief Justice.

11 . Number, experience and qualifications of other members of of District Authority----

[1]**[(1)** A District Authority shall have not more than sixteen other members.**]**

[1]**[(2)** In addition to members nominated under sub-rule (3), a District Authority shall consist of the following other Members—

1- Substituted by Uttar Pradesh State Legal Services Authority (First Amendment) Rules, 2003

(a) District Magistrate;

(b) Senior Superintendent of Police or Superintendent of Police, as the case may be;

(c) Chief Judicial Magistrate;

(d) District Government Counsel (Civil);

(e) District Government Counsel (Criminal);

(f) District Government Counsel (Revenue);

(g) Chief Medical Officer;

(h) District Social Welfare Officer;

(i) District Information Officer;

(j) District Senior Prosecution Officer.**]**

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[1]**[** (3) The Government may, in consultation with the Chief Justice, nominate six other members of a District Authority from amongst the persons possessing the experience and qualification specified in sub-rule(4).
The term of office of members shall continue after 2 Years till successor is nominated.**]**

1- Substituted by Uttar PradeshState Legal Services Authority (First Amendment) Rules, 2003

(4) A person shall not be qualified to be nominated as member of a District Authority, unless he is—

(a) an eminent social worker who is engaged in the upliftment of the weaker sections of the society including Scheduled Castes, Scheduled Tribes, women, children, rural and urban 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.

12. Number of Officers and other employees of District Authority---

(1) The number of officers and other employees of a District Authority shall be such as may be determined by the Government, from time to time, in consultation with the Chief Justice.

(2) The number of officers and other employees of a District Authority shall, until orders varying the same are passed under sub-rule (1) be as given in appendix C.

(3) All the officers and other employees working,immediately before the Commencement of these rules, in a District Legal Aid and Advice Committee, shall on such commencement, be the officers and employees of the District Authority.

13. Conditions of service, pay and allowances of the officers and other employees of district Authority---

(1) The officers and other employees of the District Authority shall be entitled to such pay and allowances as

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may be determined by the Government from time to time in consultation with the Chief Justice.

(2) The scales of pay at the time of the commencement of these rules are as given in Appendix C.

(3) The officer and other employees of the District Authority shall be entitled to such other facilities, allowances and benefits as may be determined by the Government from time to time, in consultation with the Chief Justice.

(4) Until terms and conditions of service of officers and other employees of the District Authority are prescribed, their qualifications, procedure for recruitment and other conditions of service including disciplinary matters, leave, Provident Fund and other matters shall be the same as that of the officers and employees of a similar category in the Government and rules relating thereto shall *mutatis mutandis* apply.

14. Number, experience and qualifications of other members of Tehsil Legal Services Committee—

(1) A Tehsil Legal Services Committee shall have not more than five members.

(2) In addition to members nominated under sub-rule (3) a Tehsil Legal Services Committee shall consist of the following other members—

(a) Sub-Divisional Officer of the Tehsil;

(b) Senior most Gazetted Police Officer posted within the local limits of the Thesil.

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[1][**(3)**The Government may, in consultation with the Chief Justice, nominate three other members of a Tehsil Legal Services Committee from amongst the persons possessing the qualifications and experience specified in sub-rule (4).

The term of office of members shall continue after 2 Years till successor is nominated.**]**

(4)A person shall not be qualified to be nominated as member of a Thesil Legal Services Committee, unless he is—

(a) an eminent social worker who permanently resides within the local limits of the Tehsil concerned and is engaged in the upliftment of the weaker sections of the society, including Scheduled Castes, Scheduled Tribes, Women, Children, rural and urban 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.

15. Number of officers and other employees of Tehsil Legal Services Committee—

(1) The number of officer and other employees of a Tehsil legal Services Committee shall be such as may be determined by the Government, from time to time, in consultation with the Chief Justice.

1- Substituted by Uttar Pradesh State Legal Services Authority (First Amendment) Rules, 2003

(2) The Officers and other employees of a Tehsil Legal Services Committee shall be entitled to such pay and allowances as may be determined by the Government from time to time, in consultation with the Chief Justice.

(3) The officers and other employees of a Tehsil Legal Services Committee shall be entitled to such other facilities, allowances and benefits as may be determined by the Government from time to time, in consultation with the Chief Justice.

(4) Until terms and condition of service of officers and other employees of Tehsil Legal Services Committee are prescribed, their qualifications, procedure for recruitment and other conditions of service including disciplinary matters, leave, Provident Fund and other matters shall be the Same as that of the officers and employees of similar category in the Government and rules relating thereto shall *mutatis mutandis* apply.

16. Upper-limit of annual income of a person entitling him to Legal Services if the case is before court, other than the Supreme court----

A person, whose annual income from all sources does not exceed rupees twelve thousand or such higher amount as may be determined by the Government, from time to time, if the case is before a Court other than the Supreme court, shall be entitled to Legal Services under the Act.

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[1][17.Experience and qualifications for other persons under sub-section (4) of section 19---

A person shall 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 society, including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour; 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; or

(d) Revenue Officer or other Adjudicatory Authority.**]**

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1- Substituted by Uttar Pradesh State Legal Services Authority (First Amendment) Rules, 2003

APPENDIX 'A'

[See Rules 7(2) and 8 (2)]

Sl. No.	Name of post	Number of post	Scales of pay
1	Secretary II	1	Scales of pay admissible to the members of the Uttar Pradesh Higher Judicial Service.
2	Officer on Special Duty	1	Ditto.
3	Deputy Secretary	2	Scale of pay admissible to Civil Judge (Senior Division)
4	Personnel Secretary	1	Rs. 2000-60-2300-E.B.-75-3200-100-3500.
5	Personnel Assistant	3	Rs.1640-60-2600-E.B.-75-2900.
6	Stenographer	2	Rs.1200-30-1560-E.B.-40-2040.
7	Administrative Officer	1	Rs. 1640-60-2600-E.B.-75-2900.
8	Upper Division Assistant	3	Rs. 1350-30-1440-40-1800-E.B.-50-2200
9	Accounts Clerk	1	Rs. 1200-30-1560-E.B.-40-2040.

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10	Senior Clerk	1	Rs. 1200-30-1560-E.B.-40-2040.
11	Typist	2	Rs. 950-20-1150-E.B.-25-1500.
12	Junior Clerk	3	Rs. 950-20-1150-E.B.-25-1500.
13	Library Clerk	1	Rs. 950-20-1150-E.B.-25-1500.
14	Orderly/Peon	10	Rs. 750-12-870-E.B.-14-940.
15	Daftary/Machine Operator	1	Rs. 775-12-955-E.B.-14-1025.
16	Driver	3	Rs. 950-20-1150-E.B.-25-1500.
17	Sewak	1	Rs 35.00 per day.
18	Sweeper-*cum*-Farrash	1	Rs. 500.00 per month fixed pay.

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APPENDIX 'B'

[See Rules 10 (2) and 10 (5)]

Sl. No.	Name of post	Number of post	Scales of pay
1	Clerk	2	Rs. 950-20-1150-E.B.-25-1500.
2	Orderly/Peon	2	Rs. 750-12-870-E.B.-14-940.

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APPENDIX 'C'

[See Rules 12(2) and 13 (2)]

Sl. No.	Name of post	Number of post	Scales of pay
1	Clerk	66	Rs. 950-20-1150-E.B.-25-1500.
2	Peon	66	Rs. 750-12-870-E.B.-14-940.