THE NATIONAL LEGAL SERVICES AUTHORITY RULES, 1995

In exercise of the powers conferred by section 27 of the Legal Services Authorities Act, 1987(39 of 1987), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement - (1) These rules may be called the National Legal Services Authority Rules, 1995.

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

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

(a) "Act" means the Legal Services Authorities Act,1987;

(b) "Central Authority" means the National Legal Services Authority constituted under section 3 of the Act;

(c) "member" means the Members of the Central Authority nominated under clause (c) of sub-section (2) of Section 3 of the Act;

(d) "Member-Secretary" means the Member-Secretary of the Central Authority appointed under sub-section (3) of Section 3 of the Act;

(e) all other words and expressions used in these rules but not defined shall have the same meaning assigned to them in the Act.

3. The number, experience and qualifications of other Members of the Central Authority - (1) The Central Authority shall consist of not more than twelve Members.

(2) The following shall be the ex-officio Members of the Central Authority, namely :-

[(i) Secretary, Department of Justice, Ministry of Law and Justice , Government of India or any of his nominee;]

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(ii) Secretary,Department of Expenditure, Ministry of Finance, Government of India or any of his nominee; and

(iii) two Chairmen of the State Legal Services Authorities as may be nominated by the Central Government in consultation with the Chief Justice of India:

Provided that the Patron-in-Chief of the Central Authority may nominate until the constitution of State Authorities under the Act, Chairman of any two of the State Legal Aid and Advice Boards or Committees, by whatever name called, existing prior to such constitution.

(3) The Central Government may nominate, in consultation with the Chief Justice of India, other Members from amongst those possessing the experience and qualifications prescribed in sub-rule (4) of this rule.

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

(a) an eminent person in the field of law; or

(b) a person of repute who is specially interested in the implementation of the Legal Services Schemes; or

(c) 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 labour.

4. Appointment of Member-Secretary - The Central Government shall, in consultation with the Chief Justice of India, appoint a person to be the Member-Secretary of the Central Authority, possessing experience and qualifications as prescribed in rule 5.

5. The experience and qualifications of the Member-Secretary of the Central Authority and his powers and functions. A person shall not be qualified for appointment as Member-Secretary unless he is-

(a) an officer of the Indian Legal Services who has held a post not below the rank of Additional Secretary to the Government of India; or

(b) a member of the State Higher Judicial service who has held the post of District Judge atleast for three years; or

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(c) an officer of other organised Central Services who has held a post of Joint Secretary to the Government of India or equivalent for a minimum period of three years; or

(d) an officer of the organised State Services who has held a post equivalent to the Joint Secretary to the Govt. of India for a minimum period of five years.

Preference will be given to persons possessing administrative, financial and legal aid experience.

6. Powers and Functions of the Member-Secretary :- The powers and functions of the Member-Secretary, inter alia shall be -

(a) to work out modalities of the Legal Services Schemes and Programmes approved by the Central Authority and ensure their effective monitoring and implementation throughout the country;

(b) to exercise the powers in respect of administrative, finance and budget matters as that of the Head of the Department in a Central Government;

(c) to manage the properties, records and funds of the Central Authority;

(d) to maintain true and proper accounts of the Central Authority including checking and auditing in respect thereof periodically;

(e) to prepare Annual Income and Expenditure Accounts and Balance Sheet of the Central Authority;

(f) to liaise with the Social Action Groups and the State Legal Services Authorities;

(g) to maintain up-to-date and complete statistical information, including progress made in the implementation of various Legal Services Programmes from time to time;

(h) to process project proposals for financial assistance and issue Utilisation Certificates thereof;

(i) to convene meetings/seminars and workshops connected with Legal Services Programmes and preparation of Reports and follow-up action thereon;

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(j) to produce video/documentary films, publicity material, literature and publications to inform general public about the various aspects of the Legal Services Programmes; and

(k) to perform such other functions as may be expedient for efficient functioning of the Central Authority.

7. The terms of office and other conditions relating thereto, of members and Member-Secretary of the Central Authority- (1) The Members of the Central Authority nominated by the Central Government under sub-rule(3) of rule 3, shall hold office for a term of two years and a retiring Member shall be eligible for renomination for not more than one term.

(2) A member of the Central Authority nominated by the Central Government under sub-rule(3) of rule 3 may be removed by the Central Government if, in the opinion of the Central 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 Central Authority, for any reason such as resignation or death, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be a member for the remaining 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 Central Authority and shall be paid by the Central Authority in accordance with the rules as are applicable to Grade "A" officers, as amended from time to time.

(5) If a 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 Central Authority.

(6) The Member-Secretary shall hold office for a term not exceeding five years or till the age of 62 years, whichever is earlier.

(7) In all matters like pay, allowances, benefits and entitlements, the Member-Secretary shall be governed by rules as are applicable to the persons holding equivalent posts in the Central Government.

(8) If an officer of the State Higher Judicial Service, or, as the case may be, of other organised Central/State Services, is appointed as Member-Secretary, he shall be governed by the service conditions of his parent cadre, in so far as disciplinary matters are concerned.

(9) The appointment of the Member-Secretary may be on deputation basis.

8. The number of officers and other employees of the Central Authority- The Central 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 to these rules or as may be notified by the Central Government from time to time.

9. The conditions of service and the salary and allowances of officers and other employees of the Central Authority under sub-section (6) of section 3- (1) The officers and other employees of the Central Authority shall be entitled to draw pay and allowances in the scale of pay indicated against each post in the Schedule to these rules or at par with the Central Government employees holding equivalent posts.

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(2) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the officers and other employees of the Central Authority shall be governed by the Central Government as are applicable to persons holding equivalent posts.

(3) The officers and other employees of the Central Authority shall be entitled to such other facilities and benefits as may be notified by the Central Government from time to time.

10. The number, experience and qualifications of Members of the Supreme Court Legal Services Committee under clause (b) of sub-section (2) of section 3-A. -(1) The Supreme Court Legal Services Committee shall consist of not more than nine Members.

(2) The following shall be the ex officio Members of the Supreme Court Legal Services Committee:-

(i) Attorney General of India.

(ii) Joint Secretary, Department of Justice, Ministry of Law and Justice, Government of India;]

(iii) Additional Secretary in the Department of Expenditure, Ministry of Finance, Government of India or his nominee; and

(iv) Registrar General of the Supreme Court of India.

(3) The Central Government may nominate, in consultation with the Chief Justice of India, other members from amongst those possessing the qualification and experience prescribed in sub-rule(4) of this rule.

(4) A person shall not be qualified for nomination as a Member unless he is -

(a) an eminent person in the field of law; or

(b) a person of repute who is specially interested in the implementation of the Legal Services Schemes; or

(c) 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 labour.

11. The experience and qualifications of Secretary of the Supreme Court Legal Services Committee under sub-section (3) of section 3-A.- A person shall not be qualified for appointment as Secretary unless he is-

(i) an officer of the Supreme Court Registry not below the rank of Joint Registrar; or

(ii) officer of the rank of Director from the Central Government, possessing a degree of Law.

12. 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 the Supreme Court.- Any citizen of India whose annual income from all sources does not exceed Rs.50,000/-(Rupees Fifty Thousand) shall be entitled to legal services under clause (h) of section 12 of the Act.

[12-A. The Central Authority, State Authorities and the District Authorities, shall maintain their accounts and prepare their annual statement of accounts in the forms appended to these rules.]

13. The experience and qualifications of other persons of the Lok Adalats organised by the Supreme Court Legal Services Committee specified in sub-section(3) of section 19.- A person shall not be qualified to be included in the Lok Adalat unless he is-

(a) a member of the legal profession; or

(b) a person of repute who is specially interested in the implementation of the Legal Services Schemes and Programmes; or

(c) 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 labour.

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