

THE ANDHRA PRADESH STATE LEGAL SERVICES
AUTHORITIES RULES, 1995.

In exercise of the powers conferred by Section 28 of the Legal Services Authorities Act, 1987 (No. 39 of 1987), as amended by the Legal Services Authority (Amendment) Act, 1994 (No. 59 of 1994), and in consultation with the Chief Justice of the High Court of Andhra Pradesh, the Government of Andhra Pradesh hereby makes the following rules :-

RULES

1. Short title and commencement :-

- (i) These rules may be called the Andhra Pradesh State Legal Services Authority Rules, 1995.
- (ii) They shall come into force on and from the date of the publication of these rules in the Andhra Pradesh Gazette.

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, the Chairman of the High Court Legal Services Committee, or, as the case may be the Chairman of the District Legal Services Authority, or, as the case may e, the Chairman of the Mandal Legal Services Committee;
- (c) "Member" means the member appointed under clause (c) Sub-section (2) of Section 6 clause (b) of sub-section (2) of section 8-A, clause (b) of sub-section (2) of sec. 11-A of the Act;
- (d) "Secretary" means the Member-Secretary of the State Legal Services Authority constituted under sub-section (3) of section 6 of the Act, or, as the case may be, the constituted under sub-section (3) of Sec. 8-A of the Act, or as the case may, be the Secretary of the District Legal Services Authority constituted under sub-section (3 0 of Section 9 of the Act;
- (e) "Mandal Legal Service Committee" means a Mandal Legal Services Committee constituted under Section 11-A of the Act;

- (f) All other words and expressions used in these Rules but not defined shall have the meaning respectively assigned to them in the Act.

3. Establishment and Constitution of the State Authority:

- (i) (a) The State Authority shall have Chief Justice of the High Court as Patron-in-chief;
- (b) A serving / retired Judge of the High Court as Executive Chairman;
- (c) A District Judge from State Higher Judicial Service as Member-Secretary.
- (ii) The following shall be Ex-officio Members of the State Authority:
- (a) Advocates General of the State;
- (b) The Principal Secretary in the Department of Finance;
- (c) The Secretary in the Department of Law;
- (d) The Secretary in the Department of Home;
- (e) Chairman, State Scheduled Castes and Scheduled Tribes Commission.
- (f) Two Chairmen of the District Authority, as may be nominated by the State Government, in consultation with the Chief Justice of the High Court;
- (iii) The State Government may nominate, in consultation with the Chief Justice of the High Court, other member from amongst those possessing the experience and qualifications prescribed in sub-rule (iv) or Rule 3. (The State Authority shall have not more than 15 members including 7 ex-officio Members);
- (iv) 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 up liftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labor; 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 scheme.

4. The Power 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 Programs 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 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 liason with the social action groups and district and mandal legal services authority
- (h) to maintain up-to-date and complete statistical information including progress made in the implementation of various Legal Services Programmes, from time to time;
- (i) to process proposals for financial assistance and issue utilization certificate thereof;
- (j) to organise various legal Services Programmes as approved by the State Authority and convene meetings / Seminars and Workshops connected with Legal Services Programmes and preparation of Reports and 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 Dispute and to take extra measures to draw schemes for effective and meaningful legal services to draw schemes for effective and meaningful legal services for setting rural dispute at the doorsteps 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.

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:-

- (a) (I) The members of the State authority nominated under sub rule (iii) of rule 3 by the State Government shall continue for a term of two years and shall be eligible for re-nomination.
- (b) A member of the State Authority nominated under sub-rule (iii) of rule 3 may be removed by the State Government if in the opinion of the State Government, he is not desirable to continue as a member.
- (c) If any member nominated under sub-rule (iii) 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 person so nominated shall continue to be a member for the remaining term of the member in whose place he is nominated.
- (d) All members nominated under sub-rule (iii) of rule 3 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 area applicable to be Grade 'A' Officers, as amended from time to time.
- (e) If the nominated member is a government employees, 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 Sate Authority.
- (f) The member Secretary of the State Authority shall be she whole time employee and shall hold office for a term of not exceeding five years.
- (g) In all matters like age of retirement, pay and allowance, 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.

6. 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 to these rules or as may be notified by the State Government from time to time.

7. The conditions of service and the Salary and Allowances of Officers and other Employees of the State Authority under sub-section (6) of Section 6 :-

- (i) The officers and other employees of the State 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 State Government employees holding equivalent posts;]
- (ii) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the officers and other employees of the State authority shall be governed by the State Government rules as are applicable to persons holding equivalent posts.
- (iii) The officers and other employees of the State Authority shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government, from time to time.

8. The experience and qualifications 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 Joint Registrar.

9 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 service and the salary and allowances payable to them under sub-section (6) of that section:-

- (i) The High Court Legal Services Committee shall have such number of Offices 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 State Government from time to time.

- (ii) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, 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 notified by the State Government from time to time.

10. The Number, Experience and qualifications of Members of the District Authority under clause (b) of Sub-section (2) of section 9:-

- (i) The District Authority shall not have more than EIGHT members.
- (ii) The following shall be ex-officio members of the District Authority:-
 - (a) District Magistrate;
 - (b) Superintendent of Police;
 - (c) Chief Judicial magistrate; and
 - (d) District Government Pleader;
- iii) The State Government may nominate, in consultation with Chief Justice of the High Court, other members from amongst those possessing the qualifications and experience prescribed in sub-rule (iv) of this Rule.
- (iv) A person shall not be qualified for nomination as a member of the District Authority, unless he is;
 - (a) and 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 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.

11. 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 functions as are set out in Schedule to these rules or as may be notified by the State Government from time to time.

12. The conditions of Services and the Salary and the Allowances of the Officers and other employees of the District Authority under sub-section (6) 9:-

- (i) 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 the Schedule to these rules or at par with the State Government employees holding equivalent posts.
- (ii) in all matters like age of retirement, pay and allowances, benefits and entitlement and disciplinary matters, the officers and other employees of the District Authority shall be governed by the State Government rules as are applicable to persons holding equivalent posts.

13. The number, Experience and qualifications of Members of the Mandal Legal Services committee under clause (b) of Sub-section (2) of Section 11-A:-

- (i) The Mandal Legal Services Committee shall have not more than five members.
- (ii) The following shall be ex-officio members of the Mandal Legal Services Committee:-
- (iii) Sub-Divisional Officer;
- (iv) Sub-Divisional Police Officer;
- (v) 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 prescribed in sub-rule (iv) of this Rule.
- (vi) A persons shall not be qualified for nomination as a member of the Mandal 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 Casts, Scheduled Tribes, Women, Children and Rural Labour; 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 Service Scheme.

14. The number of Officers and other Employees of the Mandal Legal Services Committee under Sub-section (3) of Section 11-A:-

The Mandal 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 to these rules or as may be notified by the State Government from time to time.

15. The Conditions of service and the Salary and Allowances of Officers and other Employees of the Mandal Legal Services Committee under Sub-section (4) of Section 11-A:-

- (i) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the officers and other employees of the mandal legal Services Committee shall be governed by the State Government rules as are applicable to persons holding equivalent posts.
- (ii) The Officers and other employees of the Mandal Legal Services Committee shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government.

16. 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 income from all sources does not exceed { Rs. 1,00,000/- (Rupees One Lakh only) } or such higher amount as may be notified by the State Government from time to time, be entitled to legal services under clause (h) of Section 12 of the Act.

17. The experience and qualifications of other persons of the Lok Adalats other than referred to in Sub-section (4) of Sec..19A:-

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 people, 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 Scheme and Programming.

18. Execution of a wards passed by the Lok Adalats in respect of pending cases and prelitigation cases:-

The awards passed by the Lok Adalats in respect of pending cases shall be executable by the courts in which those matters were pending prior to the passing by the Lok Adalats.

Provided that the awards passed by the Lok Adalats in respect of the matters at prelitigative stage shall be executable through the Court of District Judges of the District in Which the Lok Adalats is held.

- (i) Necessary certificate for refund of Court Fee will be issued by the Court which referred the case to the Lok Adalat to the person who is entitled for which refund of Court Fee.
- (ii) On production of such certificate, the District Collector or the competent Revenue Authority shall refund the amount of Court Fee in the manner provided in the Andhra Pradesh Court Fees and Suit Valuation Act., 1956".