

THE BIHAR STATE LEGAL SERVICES AUTHORITY RULES, 1996

No. C/LA-38/94/2747, dated the 2nd August, 1996 - In exercise of the powers conferred by Section 28 of the Legal Services Authorities Act, 1987 (Act 39 of 1987) the Governor of Bihar in consultation with the Chief Justice of the High Court of Judicature at Patna is pleased to make the following rules namely

1. Short title and commencement.- (1) These Rules may be called the Bihar State Legal Services Authority Rules, 1996.

(2) It shall come into force on such date as the State Government may, by notification, published in Official Gazette, appoint.

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

- (a) "Act" means the Legal Services Authorities Act, 1987;
- (b) "Chairman" means the Executive Chairman of the State Authority or as the case may be, of the High Court Legal Services Committee, District Legal Services Authority and the Sub-Divisional Legal Services Committee;
- (c) "High Court" means the High Court of Judicature at Patna;
- (d) "High Court Committee" means a High Court Legal Services Committee;
- (e) "Member" means the Member of the State Legal Services Authority, or as the case may be, member of the High Court Legal Services Authority, or, as the case may be, member of the District Legal Services Authority, as the case may be, member of the Sub-divisional Legal Services Authority;
- (f) "Secretary" means the Member Secretary of the State Legal Services Authority or, as the case may be, Secretary of the High Court Legal Services Committee, or as the case may be, Secretary of the District Legal Services Authority;
- (g) "State Government" means the State Government of Bihar;
- (h) "Sub-divisional Authority" means the Sub-divisional Legal Services Authority;
- (i) All words and expressions used in these Rules but not defined shall have the same meaning as assigned to them in the Act.

3. Constitution of the State Legal Services Authority.- (1) The State Legal Services Authority shall consist of_

- | | | |
|-----|---|--------------------|
| (a) | The Chief Justice of the High Court | Patron -in-Chief |
| (b) | A serving or retired Judge of the High Court to be nominated by the Governor in consultation with the Chief Justice of the High Court | Executive Chairman |
| (c) | Advocate-General, Bihar | Ex-Officio Member |
| (d) | President, State Bar Council | Ex- Officio Member |
| (e) | Secretary, Finance Department | Ex-Officio Member |

- | | | |
|-----|---|-------------------|
| (f) | Secretary, Law Department | Ex-Officio Member |
| (g) | Chairman, Scheduled Caste and Scheduled Tribes Commission | Ex-Officio Member |
| (h) | Chairman Backward Classes Commission | Ex-Officio Member |
| (i) | Two Chairmen of the District Authority, as may be nominated by the State Government in consultation with the Chief Justice of the High Court. | Member |
| (j) | One woman member of the Bar to be nominated by the State Government in consultation with the Chief Justice of the High Court. | Member |
| (k) | One Lady Social Worker to be nominated by The State Government in consultation with the Chief Justice of the High Court. | Member |
| (l) | One representative of the Industrial Workers to be nominated by the State Government in Consultation with the Chief Justice of the High Court. | Member |
| (m) | One member of the High Court Bar Association to be nominated by the State Government in consultation with the Chief Justice of the High Court. | Member |
| (n) | An Officer of the State Higher Judicial Service not lower in rank than that of a District in super time scale to be appointed by the State government in consultation with the Chief Justice of the High Court. | Member |

4. Powers and Functions of the Member Secretary- (1) The Secretary shall be the Chief Executive Officer of the State Authority and shall under the control of the State Authority exercise all the administrative and financial powers in respect of the affairs of the State Authority as are vested in the Head of office under the Bihar Service Code, the Bihar Financial Rules and other rules, Codes, Circulars or resolutions of the State Government.

(2) Without prejudice to the generality of the foregoing provisions, the powers and functions of the Secretary inter-alia, shall be-

- (a) to be custodian of, and to manage the properties, records and funds of the State Authority;
- (b) to maintain or cause to be maintained, proper accounts of the State Authority;
- (c) shall get the accounts of the State Authority to be audited annually by proper Authority;
- (d) to prepare annual Budget of the State Authority and shall send it to the State Government for approval;
- (d) to work out modalities of the Legal Services Schemes and programmes approved by the State Authority and ensure their effective monitoring and implementation;

- (f) to inform the general public about the various aspects of the Legal Services Schemes and Programmes;
- (g) to lay stress on the resolution of rural dispute and to take measures to draw up schemes for legal services for settling rural disputes;
- (h) to liaise with Social Action Groups and District Authority and Sub-divisional Authority;
- (i) to maintain up-to-date and complete statistical information including progress made in the implementation of various legal services programmes from time-to-time;
- (j) to process proposals for financial assistance and issue utilization certificates thereof;
- (k) to perform such other functions as the Member Secretary may deem fit and proper the advancements of the objects of the Act or as may be assigned to him under the Scheme by the State Authority.

5. Terms and conditions of Office Members and Member Secretary-

(1) The Secretary shall be an officer of the State Higher Judicial Service, not lower in rank than that of District Judge in super time scale who shall be appointed by the State Government in consultation with the Chief Justice of the High Court.

(2) The Secretary shall be a whole time Officer and shall hold office for a period of three years.

(3) The Secretary shall be entitled to such salary, allowances and other benefits as are admissible to a District Judge and shall also be governed by the Bihar Superior Judicial Service Rules.

(4) The term of the member of the State Authority, High Court Legal Services Committee, District Legal Services Authority and sub-divisional Legal Services Committee shall be for a period of two years and shall be eligible for renomination.

(5) A nominated member of the State Authority may be removed by the State Government on the advice of the Chief Justice of the High Court, if his continuance as a Member is not desirable.

(6) Any nominated member of the State Authority may resign his membership by communication in writing signed by him and addressed to the Chief Justice of the High Court.

(7) Any vacancy caused by any Member resigning or being removed or otherwise shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be member for the remaining term of the member in whose place he is nominated.

(8) A member shall be entitled to draw traveling allowance and daily allowance for attending the meeting of the State Authority in accordance with rules as are applicable to Class I Officers of the State Government.

(9) Whenever a retired Judge of the High Court is nominated to perform the functions of the Executive Chairman, he shall be entitled to all the emoluments and other benefits admissible to a sitting Judge of the High Court.

6. Staff of the State Authority.- The State Authority shall have such number of officers and other employees for its day to day functions as are set out in the Schedule of these rules. The Schedule shall, however, be amended by the State Government on the advice of the Chief Justice.

7. Pay, allowances, and other facilities to the Officers and employees of the State Authority- (1) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the Member Secretary shall be governed by the Bihar Superior Judicial Service Rules and other Judicial Officers below the rank of Additional District & Sessions Judge shall be governed by the Bihar Judicial Service Rules and the Officers on deputation shall be governed by the rules of their parent departments and they shall be on deputation to the State Authority.

(2) The other employees of the State Authority shall be governed by Bihar Service Code and the rules and circulars applicable to the State Government employees. However such employees who are on deputation to the State Authority shall be governed by the respective rules and circulars applicable to them of their parent department.

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

8. Appointment of the Secretary of the High Court Legal Services Committee.- 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. Staff of the High Court Legal Services Committee and their salary and allowances.- (1) The High Court Legal Services Committee shall have such number of officers and employees for its day-to-day functions as are set out in Schedule of these rules. The schedule shall, however, be liable to be modified on the advice of the Chief Justice.

(2) Such pay and allowances to the staff of the High Court Legal Services Committee admissible shall be as may be determined by the State Government from time to time.

(3) The Officers and other employees of the High Court Legal Services Committee shall be governed by Bihar Service Code and rules and circulars applicable to the State Government employees, or, as the case may be, by the Staff Rules of the Patna High Court.

10. Constitution of District Authority.- The District Authority shall consist of—

- (a) District Judge- Chairman,
 - (b) District Magistrate- Vice-Chairman,
- Members**
- (c) Superintendent of Police
 - (d) District Government Pleader,
 - (e) District Public Prosecutor,
 - (f) President, District Bar Association.
 - (g) One social worker, who is engaged in upliftment of the weaker sections shall be nominated by the State Government in consultation with the Chief Justice of High Court.
 - (h) One S.C./ S.T. member of the District Bar to be nominated by the State Government in consultation with the Chief Justice of the High Court.

- (i) An officer belonging to the State Judicial Service not lower in rank than that of a Sub-ordinate Judge of the District to be appointed by the State Authority in consultation with the Chief Justice – *Secretary*.

11. Staff of the District Authority.— The District Authority shall have such number of staff for its day-to-day functions as are set out in the schedule of these rules or as may be notified by the State Government from time to time in consultation with the Chief Justice.

12. Allowance to the Staff of the District Authority—(1) The staff of the District Authority shall be appointed by the Chairman from amongst the Civil Court employees of the District on deputation.

13. Constitution of Sub-divisional Legal Services Committee.—The Sub-divisional Legal Services Committee shall consist of—

- (a) Senior-most Judicial officer of the sub-division –Chairman
- (b) Sub-divisional Magistrate --Vice Chairman,

Members.

- (c) One Asstt. Government Pleader.
- (d) One member of the local Bar Association to be nominated by the State Government in consultation with the Chief Justice of the High Court.
- (e) One member of the Scheduled Castes/Scheduled Tribes to be nominated by the State Government in consultation with the Chief Justice of the High Court
- (f) Sub-divisional Judicial Magistrate or in case the Cadre S.D.J.M. is Chairman the next senior Judicial officer posted at the Station—Secretary.

14. Staff of the Sub-divisional Committee.— The Sub-divisional Legal Services Committee shall have such number of staff for its day-to-day functions as are set out in the Schedule of these rules or as may be notified by the State Government from time to time.

15. Allowance to the Staff of the Sub-divisional Committee— The staff of the sub-divisional legal services committee shall be appointed by the Chairman of the District Authority from amongst the staff of the civil court on deputation.

16. Persons eligible for legal services.— Persons who are bonafide residents of Bihar having income of not more than Rs. 12,000 per annum under section 12 (h) of the Act shall be eligible for legal services under the Act.

17. Constitution of Lok Adalat.— A person shall not be qualified to be included in the Bench of Lok Adalat unless he is—

- (a) A serving or retired Judicial Officer.
- (b) A distinguished social worker who is engaged in the upliftment of the weaker sections of the people including Scheduled Castes/Schedule Tribes, Women, Children, Rural and Urban Labour.
- (c) A lawyer of standing.
- (d) A person of repute who is specially interested in the implementation of the legal services schemes and programmes.

SCHEDULE

State Authority

Sl. No.	Post	Post of No.	Scale
01	Joint Registrar	01	3,700-5000/- (Bihar Superior Judicial Service)
02	Assistant Registrar	01	3,000-4500/- (Bihar Judicial Service)
03	Senior P.A.	02	2,000-3500/-
04	P.A.	01	1,500-2750/-
05	Section Officer	02	2,000-3500/-
06	Assistant	08	1,500-2750/-
07	Typist	02	1,320-2040/-
08	Routine Clerk	02	975-1540/-
09	Treasury Sarkar	01	825-1200/-
10	Driver	02	950-1500/-
11	Night Guard	01	775-1,025/-
12	Peon	08	775-1,025/-
13	Sweeper	01	775-1,025/-

High Court Legal Services Committee

01	Joint Registrar	01	3,700-5000/-
02	Section Officer	01	2,000-3500/-
03	P.A.	01	1,500-2750/-
04	Assistant	04	1,500-2750/-
05	Typist	01	1,320-2040/-
06	Routine Clerk	01	975-1540/-
07	Treasury Sarkar	01	825-1200/-
08	Peon	02	775-1025/-
09	Sweeper	01	775-1025/-

District Legal Services Authority

01	Clerk	01	1,200-1,800/-
02	Typist	01	1,200-1,800/-
03	Peon	01	775-1,025/-
04	Sweeper	01	775-1,025/-

Sub-divisional Legal Service Committee

01	Clerk-cum-Typist	01	1,200-1,800/-
02	Peon	01	775-1,025/-
03	Sweeper	01	775-1,025/-