

District Legal Services Authority Constitution

Section 9 :

(1) The State Government shall in consultation with the Chief Justice of the High Court, constitute a body to be called the District Legal Services Authority for every District in the State to exercise the powers and perform the functions conferred on, or assigned to, the District Authority under this Act.

(2) A District Authority shall consist of -

(a) the District Judge who shall be its Chairman; and

(b) such number of other members, possessing such experience and qualifications as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.

(3) The State Authority shall, in consultation with the Chairman of the District Authority, appoint a person belonging to the State Judicial Service not lower in rank than that of a Subordinate Judge or Civil Judge posted at the seat of the District Judiciary as Secretary of the District Authority to exercise such powers and perform such duties under the Chairman of that Committee as may be assigned to him by such Chairman.

(4) The terms of office and other conditions relating thereto, of the members and Secretary of the District Authority shall be such as may be determined by regulations, made by the State Authority in consultation with the Chief Justice of the High Court.

(5) The District Authority may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.

(6) The officers and other employees of the District Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(7) The administrative expenses of every District Authority, including the salaries, allowances and pensions payable to the Secretary, officers and other employees of the District Authority shall be defrayed out of the Consolidated fund of the State.

(8) All orders and decisions of the District Authority shall be authenticated by the Secretary or by any other Officer of the District Authority duly authorised by the Chairman of that Authority.

(9) No act or proceeding of a District Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of the District Authority.

Functions of District Authority.

(1) It shall be the duty of every District Authority to perform such of the functions of the State Authority in the District as may be delegated to it from time to time by the State Authority.

(2) Without prejudice to the generality of the functions referred to in sub-section (1), the District Authority may perform all or any of the following functions, namely :-

(a) co-ordinate the activities of the Taluk Legal Services Committee and other legal services in the District;

(b) organise Lok Adalats within the District; and

(c) perform such other functions as the State Authority may fix by regulations.

District Authority to act in co-ordination with other agencies and be subject to directions given by the Central Authority, etc.

In the discharge of its functions under this Act, the District Authority shall, wherever appropriate, act in co-ordination with other Governmental and Non-Governmental Institutions, Universities and others engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority or the State Authority may give to it in writing.

The Tamil Nadu District Legal Services Authority Rules, 1997

In exercise of the powers conferred by section 28 of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987), the Governor of Tamil Nadu, in consultation with the Chief Justice, High Court, Madras* hereby makes the following rules:-

Rules

1. Short title and commencement.- These rules may be called the Tamil Nadu District Legal Services Authority Rules, 1997.

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

- (a) "Act" means the Legal Services Authorities Act, 1987 (Central Act 39 of 1987);
- (b) "Chairman" means the Chairman of the District Legal Authority;
- (c) "District Authority" means the District Legal Services Authority constituted under section 9 of the Act for every District;
- (d) "Government" means the State Government;
- (e) "Member" means the members of the District Authority nominated under clause (b) of sub-section (2) of section 9 of the Act;
- (f) "Secretary" means the Secretary of the District Authority appointed under sub-section (3) of section 9 of the Act;
- (g) all other words and expressions used in these rules, but not defined shall have the meanings respectively assigned to them in the Act.

3. Qualification and experience of members of the District Authority:- A person shall not be qualified for nomination 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 and in particular, of the scheduled castes, Scheduled Tribes, Women, Children, rural and urban labour; or
- b. an eminent person in the field of law by name or ex-officio; or
- c. a person of standing who is professionally experienced or specially interested in the implementation of the legal services schemes.

4. Composition of the District Authority:-

- (1) Every District Authority shall consist of the principal District Judge or the District Judge as the case may be, as the Chairman and not more than twelve persons as members, in addition to the Chairman.
- (2) The State Government, in consultation with the Hon'ble the Chief Justice, High Court, Madras* shall, out of the twelve members referred to in sub-rule (1), nominate the following persons as ex-officio members of the District Authority:-

- (i) Collector of the District;
 - (ii) Superintendent of police of the District;
 - (iii) Chief Judicial Magistrate of the District;
 - (iv) Government pleader of the District;
 - (v) Member of the State Social Welfare Board of the District;
 - (vi) president of the District Bar Association;
 - (vii) One of the serving judicial officers of the District not below the rank of the Subordinate Judge as Secretary of the District Authority appointed under rule 9;
- (3) The State Government, in consultation with the Hon'ble the Chief Justice, High Court, Madras, nominate not more than four persons as non-official members from amongst those possessing qualifications and experience prescribed in rule 3.

5. Term of office of the members of the District Authority-

- (1) The term of office of the members of the District Authority nominated under sub-rule (3) of rule 4 by the Government in consultation with the Hon'ble the Chief Justice shall be for a period of three years and shall be eligible for re-nomination for one more term.
- (2) If any member nominated under rule 4 ceases to be a member of the District Authority for any reason, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall hold office as a member for the remaining term of the member in whose place he is nominated.

6. Removal of members from office in certain circumstances.-

- (1) The Government may, in consultation with the Hon'ble the Chief Justice, remove any member from the District Authority nominated under sub-rule (3) of rule 4 if he, fails, without sufficient cause, to attend three consecutive meetings of the District Authority; or has been adjudged as an insolvent;
- (a) has been convicted of an offence which involves moral turpitude; or
 - (b) has become physically or mentally incapable of acting as a member; or
 - (c) has so abused his position as to render his continuance in the District Authority prejudicial to the public interest.
- (2) Notwithstanding anything contained in sub-rule (1), no member shall be removed from the District Authority on the ground specified in clause (c) or (e) of that sub-rule unless the Hon'ble the Chief Justice of the High Court, on a reference being made to him in this behalf by the Government, has, on an inquiry held by him or under his direction in accordance with such procedure as he may specify in this behalf, recommends that the member shall, on such ground, be removed.

(3) A member may by writing under his hand addressed to the Government, resign from the District Authority and such resignation shall take effect from the date on which it is accepted by the Government or on the expiry of thirty days from the date of tendering resignation, whichever is earlier.

7. Terms and conditions of the Chairman and members of the District Authority:- The terms and conditions of service of the Chairman and members of the District Authority, shall be as follows namely :

(a) all members excepting Chairman and the Secretary of the District Authority shall function in an honorary capacity;

(b) the Chairman and the Secretary of the District Authority shall be entitled to traveling allowance and daily allowance, as per their entitlement, in respect of the journeys performed in connection with the work of the District Authority and paid by the said Authority;

(c) all members nominated under sub rule (3) of rule 4 shall be entitled to the payment of traveling allowance and daily allowance in respect of journeys performed in connection with the work of the District Authority and paid by the said Authority as may be admissible to Grade-A Officers of the Government.

provided that any member, who is a Government employee shall be entitled to the payment of traveling allowance in respect of the journeys performed in connection with the work of the District Authority in accordance with the provisions of the rules applicable to them and paid by the offices where the concerned members draw their pay and allowances and expenditure on this account shall be debited to the Budget Head to which their pay and allowances are debited.

8. Special provisions for the Chairman of the District Authority:-

(1) The Chairman of the District Authority shall be entitled to an honorarium of a sum of Rupees Seven hundred and fifty per month, in addition to the usual pay and allowances.

(2) The ceiling for the petrol consumption for the use of the official car by the Chairman of the District Authority for the work connected with the said Authority shall be as admissible to the District Judges per month.

9. Appointment of the Secretary of the District Authority and his conditions of service:-

(1) The State Authority shall, in consultation with the Chairman of the District Authority, appoint a person belonging to the State Judicial Service not lower in rank than that of a Subordinate Judge or Civil Judge posted at the seat of the District Judiciary as Secretary of the District Authority to exercise such powers and perform such duties under the Chairman of that Authority as may be assigned to him by the Chairman.

(2) The Secretary shall draw his pay and other allowances as admissible to the serving Sub Judges who shall also be entitled for an honorarium of Rupees Four hundred per month as allowances for the work done by him, in this behalf.

10. Meetings of the District Authority:-

- (1) District Authority shall meet at least once in three months.
- (2) The Secretary may, or when so directed by the Chairman, convene a meeting of the District Authority at the place date and time to be fixed in consultation with the Chairman of the District Authority.
- (3) Any three members of the District Authority may send their requisition addressed to the Secretary of the District Authority for convening a meeting of the District Authority for consideration of the subjects or matters specified in the requisition.
- (4) On receipt of the requisition, the Secretary, shall, in consultation with the Chairman, convene a meeting of the District Authority for consideration of the subjects or matters specified in the requisition.

provided that in case, the meeting of the District Authority is going to be held within a month from the date of receipt of the requisition, then the subjects or matters mentioned in the requisition shall be included for consideration in the agenda of such meeting.

- (5) Any member desiring consideration of any matter or subject at any meeting of the District Authority may intimate in writing such subjects or matters to the Secretary and if such intimation is received before notice for the meeting is issued, it shall be included in the agenda of the meeting, but if, however, such intimation is not received before the issue of the notice of the meeting, then, the subject matters mentioned in the notice may be considered at the meeting with the permission of the Chairman of the District Authority or in his absence his nominee who presides over the meeting.

- (6) The Secretary shall give seven days notice to the members for the meeting.
- (7) The Chairman or, in his absence any other member nominated by him shall preside at the meetings of the District Authority.
- (8) All questions at the meetings of the District Authority shall be determined by a majority vote of the members present and voting. The Chairman or his nominee who may be presiding at the meeting, shall have a casting vote, in case of equality of votes.
- (9) The quorum for the meeting shall be one-third of the total members of the District Authority.

11. Headquarters of the District Authority:- The Headquarters of the District Authority shall be the seat of the District Judiciary.

12. Officers and other employees of the District Authority:- The District Authority shall have such class and number of officers and other employees for rendering secretarial assistance and for its day-to-day function, as may be sanctioned by the Government, in consultation with the Hon'ble the Chief justice, High Court.

13. Conditions of service and the salary and allowances of the officers and other employees of the District Authority:-

- (1) The Officers and other employees of the District Authority shall be entitled to draw pay and other allowances in the scale of pay at par with the Government employees holding similar posts.
- (2) The officers and other employees of the District Authority shall be governed by the rules and regulations of the Tamil Nadu Judicial Ministerial Service Rules. They shall be entitled to such other facilities, allowances and benefits as may be sanctioned by the Government from time to time.
- (3) Retired persons appointed as officers of the District Legal Service Authority, shall be eligible only to the payment of traveling allowance and daily allowance in respect of journeys performed in connection with the work of the District Authority and paid by the said Authority as may be admissible to Grade-A Officers of the Government. They are also entitled to an honorarium per month fixed by the Government, in consultation with the District Authority and the same shall also be paid by the District Authority.

14. The experience and qualification of persons of the Lok Adalat, referred to sub-section(4) of 19 of the Act organised by the District Legal Services Authority :-

A person shall not be qualified to be included in the Lok Adalat organised by the District Legal Services Authority unless he is :-

- a. a Senior Counsel or a Lawyer of standing;
- b. a Senior Officer of the Government;
- c. a person of repute who is specially interested in the implementation of Legal services schemes & programmes;
- d. an eminent social worker who is engaged in the upliftment of the weaker sections of the society; or
- e. a Medical or any other expert as deemed fit, by the District Authority