

## THE MIZORAM STATE LEGAL SERVICES AUTHORITIES RULES, 1996

Aizawl, the 30<sup>th</sup> October, 1996

No. F-11015/1/93 – LAC/369 : 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 Authorities (Amendment) Act, 1994 (No. 59 of 1994), the Governor of Mizoram makes the following rules, namely :-

### 1. Short title and commencement

- (1) These rules may be called the Mizoram State Legal Services Authorities Rules, 1996.
- (2) They shall come into force on the date of their publication in the Official Gazette.

### 2. Definition : In these Rules unless the context otherwise requires -

- (a) "Act" means the Legal Services Authorities Act, 1987 (No. 39 of 1987) as amended by Legal Services Authorities Act, 1994 (No. 59 of 1994)
- (b) "Chairman" means the Executive Chairman of the State Authority, or, as the case may be the Chairman of the District Authorities, or, as the case may be the Chairman of the Taluk Legal Services Committee;
- (c) "District Authorities" means the District Legal Services Authority constituted under section 9 of the Act;
- (d) "High Court Legal Services Committee" means a High Court Legal Services Committee constituted under section 8A of the Act;
- (e) "Member" means the Member of the State Authority appointed under clause (c) of sub-section (2) of section 6 of the Act, as the case may be;
- (f) "Secretary" means the Member Secretary of the State Legal Services Authority constituted under section 6 of the Act, or as the case may be, the Secretary of the High Court Legal Services Committee constituted under Section 8A of the Act, or the Secretary of the District Legal Services Authority constituted under section 9 of the Act;
- (g) "State Authority" means the State Legal Services Authority constituted under section 6 of the Act;
- (h) "Taluk Legal Services Committee" means a Taluk Legal Services Committee constituted under section 11A of the Act;
- (i) all other words and expressions used these Rules but not defined shall have the meaning respectively assigned to them in the Act.

### 3. The number, experience and qualifications of other members of the State Authority under clause (c) of subsection (2) of section 6.

- (1) The State Authority shall have not more than fifteen members
- (2) The following shall be ex-officio members of the State Authority.
  - (i) Advocate General of the State; or in his absence the Assistant Advocate General.
  - (ii) The Secretary in the Department of Law and Judicial;
  - (iii) The Secretary in the Department of Finance;
  - (iv) The Director General of Police of the State;
  - (v) Chairman, State Social Welfare Advisory Board;
  - (vi) Two Chairman of the District Authority, as may be nominated by the State Government, in consultation with the Chief Justice of the High Court.
- (3) The State Government may nominate other members from amongst those possessing 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 State Authority 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 an eminent person in the field of law; or a person of repute who is specially interested in the implementation of the Legal Services Schemes

### 4. The powers and functions of the Member- Secretary of the State Authority under sub-section (3) of section 6.

- The powers 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 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 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 liaise with the Social Action Groups and District and Taluk Legal Services Authorities;
- (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 Utilisation Certificates 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 materials literature and publications to inform general public about the various aspects of the Legal Services Programme;
- (l) to lay stress on the resolution of Rule Disputes and to take extra measures to draw schemes for effective and meaningful legal services for settling Rural Disputes at the doorsteps of the rural people;
- (m) to perform such of the functions as are assigned to him under the Schemes formulated under Section 4(b) of the Act, and
- (n) to perform 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.**

- (1) The Members of the State Authority nominated under sub-rule (3) of rule 3 by the State Government shall continue for a term of two years and shall be eligible for renomination.
- (2) A member of the State Authority nominated under sub-rule (3) 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.
- (3) If any member nominated under sub-rule (3) 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.
- (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 State Authority and shall be paid-by the State Authority in accordance with the rules as are applicable to the Grade 'A' Officers, as amended from time to time.
- (5) If the 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 State Authority.
- (6) The Member-Secretary of the State Authority shall be the whole time employee and shall hold office for a term not exceeding five years.
- (7) In all matters like age of retirement; pay and allowances; 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 staff 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 services and the salary and allowances of officers and other employees of the State Authority under subsection (6) of section 6**

- (1) 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;
- (2) 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 Rule as are applicable to persons holding equivalent posts.
- (3) The Officers and 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 8A**

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 8A and the conditions of service and the salary and allowances payable to them under sub-section(6) of that section.**

- (1) The High Court 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.
- (2) The officers and other employees of the High Court Legal Services Committee 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.
- (3) 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 governed by the State Government Rule as are applicable to persons holding equivalent posts.
- (4) 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.**

- (1) The District Authority shall have not more than eight members.
- (2) The following shall be ex-officio members of the District Authority :-
  - (i) District Magistrate;
  - (ii) Superintendent of Police;
  - (iii) Chief Judicial Magistrate, and
  - (iv) District Government Pleader.
- (3) 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, including Scheduled Castes, Scheduled Tribes, Women, children and rural labour;
  - (b) an eminent person in the field of law; or 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 service and the salary and allowances of the officers and other employees of the District Authority under sub-section (6) of section 9.**

- (1) The officers and other employees of the District Authority shall be entitled to draw pay and allowances in the scale of pay indicated each against post in the Schedule to these Rules or at par with the State Government employees holding equivalent post.
- (2) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the officers and other employees of the District Authority shall be governed by the State Government Rule as are applicable to persons holding equivalent posts.
- (3) The officers and other employees of the District Authority shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government from time to time.

**13. The number, experience and qualifications of members of the Taluk Legal Services Committee under clause(b) of sub-section(2) of section 11A**

- (1) The Taluk Legal Services Committee shall have not more than five members.
- (2) The following shall be ex-officio members of the Taluk Legal Services Committee :-
  - (i) Sub-Divisional Officer,
  - (ii) Sub-Divisional Police Officer;
- (3) 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(4) of this rule.
- (4) A person shall not be qualified for nomination as a member of the Taluk 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 Castes, Scheduled Tribes, Women, children and rural labour, and
  - (b) an eminent person in the field of law; or a person of repute who is specially interested in the implementation of the Legal Services Schemes

**14. The number of officers and other employees of the Taluk Legal Services Committee under sub-section (3) of section 11A**

The Taluk Legal Services Committee shall have such number of officers and other employees for rendering

secretarial assistance and for its day-to-day Junctions 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 Taluk Legal Services Committee under sub-section (4) of section 11A**

- (1) The officers and other employees of the Taluk Legal Services Committee 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.
- (2) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the officers and other employees of the Taluk Legal Services Committee shall be governed by the State Government Rule as are applicable to persons holding equivalent posts.
- (3) The officers and other employees of the Taluk Legal Services Committee shall be entitled to such other facilities and benefits as may be notified by the State Government from time to time.

**16. The upper limit of annual income of a person entitling him to legal services under clause(b) of section 12, if the case is before a court, other than the Supreme Court.**

Any citizen of India whose annual income from all sources does not exceed Rs. 15,000/-(Rupees fifteen thousand) only or such higher amount as may be notified by the State Government from time to time, shall 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 Adalat other than referred to in 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 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 Schemes and Programmes.

**AMENDMENTS INCORPORATED**

1. Vide the Mizoram State Legal Services Authority (Amendment) Rules, 1997 under Notification No.F. 1 10 I 5/1/97-LACV Dt. 30.7.1997.
2. Vide the Mizoram State Legal Services Authority (2nd Amendment) Rules, 1999 under Notification No.J. 11013/2/98-LJL757, Dt. 30.8.1999.