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1. Short Title and Commencement

(1) These rules may be called the Delhi Legal Services Authorities Rules, 1996.

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

2. Definitions :

(1) 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 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;

(c) "District Authority" means the District Legal Services Authority, constituted under Sec. 9 of the Act;

(d) "Government" means the Government of the National Capital Territory of Delhi;

(e) "High Court" means the High Court of Delhi at New Delhi;

(f) "High Court Legal Services Committee" means a High Court Legal Services Committee constituted under Sec. 8-A of the Act;

(g) "Lt. Governor" means the Lt. Governor of the National Capital Territory of Delhi appointed by the President under Art. 239 read with Art. 239-AA of the Constitution;

(h) "Member" means the member of the State Authority appointed under Cl.(c) of sub-section (2) of Sec. 6 of the Act, as the case may be, the member of the High Court Legal Services Committee constituted under Cl. (b) of sub-section (e) of Sec.8-A of the Act, or as the case may be, the member of the District Authority appointed under Cl. (b) of sub-section (2) of Sec. 9 of the Act;

(i) "Patron-in-Chief" means the Chief Justice of the High Court of Delhi;

(j) "Secretary" means the Member-Secretary of the State Authority appointed under sub-section (3) of Sec.6 of the Act, or as the case may be the Secretary of the High Court Legal Services Committee appointed under sub-section (3) of Sec. 8-A of the Act, or as the case may be, the Secretary of the District Authority appointed under sub-section (3) of Sec. 9 of the Act;

(k) "State Authority" means the Delhi Legal Services Authority constituted under Sec. 6 the Act.

3. The number, experience and qualifications of other members of the State Authority under cl(c) of sub-section (2) of Sec. 6

(1) The State Authority shall, including Patron-in-Chief and the Executive Chairman, have not more than fifteen members.

(2) The following shall be ex-officio members of the State Authority :-

(i) the Secretary in the Department of Finance to the Government;

(ii) the Secretary in the Department of Law, Justice and Legislative Affairs to the Government;

(iii) the Commissioner of Police, Delhi;

(iv) Secretary in the Department of Welfare of Scheduled Castes and Scheduled Tribes to the Government;

(v) Secretary, Department of Social Welfare to the Government;

(vi) District Judge, Delhi;

(vii) Additional District & Sessions Judge Incharge, Patiala House, District Courts;

(viii) Additional District & Sessions Judge Incharge, Karkardooma, District Courts.

(3) The Government may nominate, in consultation with the Chief Justice of the High Court, other members, one of whom shall be a woman, from amongst those possessing the experience and qualifications prescribed in the sub-rule (4) of this rule.

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

(a) a graduate and an eminent social worker who is engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, Women, Backward classes, children, rural and urban labour; or

(b) an eminent advocate having interest in free legal services; or\

(c) an eminent person in the medical profession; or

(d) 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 Sec. 6

The powers and functions of the Member-Secretary of the State Authority, inter alia, shall be :

- (a) to provide free legal services to the eligible and weaker sections;
- (b) to work out modalities of the Legal Services Schemes and Programmes including preparation of panel of advocates and fees payable to them on the pattern of Government panel lawyers, approved by the State Authority and ensure their effective monitoring and implementation;
- (c) to exercise the powers in respect of administrative, financial and budgetary matters as Head of the Department in the Government;
- (d) to manage the properties, records and funds of the State Authority;
- (e) to maintain 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, Non-Governmental Organisations, District Authority, or any other social or educational organisation and National Legal Services Authority;
- (h) to maintain up-to-date and complete computerised statistical information including about pendency and disposal of cases seriously affecting weaker sections of the society and progress made in the implementation of various Legal Services Programmes from time to time;

(i) to process proposals for financial assistance to weaker sections of society specially children, women and persons belonging to Scheduled Castes and Scheduled Tribes 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 material, literature and publications to inform general public about the various aspects of the Legal Services Programmes and legal literacy for improving general awareness and preparation of reports and follow-up action thereon;

(l) to organise alternative dispute resolution programmes for resolving rural, local neighbourly and family civil and criminal disputes and to take all possible measures for effective and meaningful legal services for settling rural disputes, disputes in slum areas and if possible in various Mohalla localities at the door steps of the poor and weaker sections of the society;

(m) to perform such of the functions as are assigned to him under the schemes formulated under Cl.(b) of Sec. 4 of the Act;

(n) to forward to concerned departments authorities/ applications of aggrieved persons to seek their comments/ reports and summon parties for conciliation;

(o) to encourage and promote conciliation and settlement in legal proceedings;

(p) to prepare a panel of social workers for para-legal services including marriage counselling approved by the State Authority for taking all kinds of legal aid services and pay them honorarium and travelling allowance;

(q) to call for such records from any office or Authority as may be necessary and to procure the presence of any persons including any inmate of a jail;

(r) 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 Sec. 6

(1) The members of the State Authority nominated under subrule (3) of rule 3 by the Government shall continue for a term of two years and shall be eligible for re-nomination.

(2) A member of the State Authority nominated under subrule(3) of rule (3) may be removed by the Government in consultation with the Chief Justice of the High Court, if in the opinion of the Government it is not desirable to continue him or her as a member.

(3) If any member nominated under sub-rule (3) of rule 3 ceases to be a member for 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 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 Group '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 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 Delhi Higher Judicial Services Rules 1970 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 Sec. 6

The State Authority shall have such number of officers and other employees for rendering secretarial assistance and for its day-to-day function as are set out in Schedule to these rules or as may be notified by the 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 subsection (6) of Sec. 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 employees of the Government 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 rules as are applicable to employees of the Government holding equivalent posts.

(3) 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 Government from time to time.

8. The experience and qualifications of Secretary of the High Court Legal Services Committee under sub-section (3) of Sec. 8A.

A person shall not be qualified for the appointment as Secretary of the High Court Legal Services Committee unless he is a member of Delhi Higher Judicial Services.

9. The number of officers and other employees of the High Court Legal Services Committee under sub-section (5) of Sec. 8-A and the salary and allowances payable to them under subsection (5) of Sec. 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 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 employees of the Government 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 rules as are applicable to employees of the Government 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 Government from time to time.

10. The number, experience and qualifications of Members of District Authority under Cl.(b) of Sub-Section (2) of Sec. 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 and Sessions Judge, Delhi;

(ii) Addl. District and Sessions Judge, Delhi;

(iii) Deputy Commissioner of Police;

(iv) Chief Metropolitan Magistrate;

(v) Director of Prosecution.

(3) The 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 District Authority unless he is :

(a) a graduate and 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

(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 Sec.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 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 Sec. 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 against each post of the Schedule to these rules or at par with the employees of the Government holding equivalent posts.

(2) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the officer and other employees of the District Authority shall be governed by the rules as are applicable to employees of the Government 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 Government from time to time.