

# **Kerala State Legal Services Authorities Rules 1998**

## ***1. Short Title & Commencement :-***

1. These rules may be called the Kerala State Legal Services Authorities Rules, 1998.
2. They shall come into force at once.

## ***2. Definitions :-***

1. In these rules, unless the context otherwise requires,-
  - i. "Act " means the Legal Services Authorities Act, 1987 (Central Act 39 of 1987);
  - ii. "Chairman" means the Executive Chairman of the State Authority or the Chairman of the District Authority, or Chairman of the Taluk Legal Services Committee, as the case may be;
  - iii. "District Authority" means the District Legal Services Authority constituted under section 9 of the Act;
  - iv. "High Court Legal Service Committee" means the High Court Legal Services Committee constituted under Section 8A of the Act;
  - e. "Member " means a member of the State Authority or the High Court Legal Services Committee or the District Legal Services Authority or the Taluk Legal Services Committee, as the case may be;
  - f. "Secretary" means the Member-Secretary of the State Legal Services Authority or the Secretary of the High Court Legal Services Committee or the Secretary of the District Legal Services Authority as the case may be;
  - g. "State Authority" means the State Legal Services Authority constituted under Section 6 of the Act;
  - h. "Taluk Legal Services Committee" means the Taluk Legal Services Committee constituted under Section 11 A of the Act.
2. Words and expressions used in these rules but not defined and defined in the Act shall have the meanings, respectively, assigned to them in the Act.

### ***3. Members of the State Authority***

The members of the State Authority, to be nominated by the Government under Clause (c) of Sub-Section (2) of Section 6 of the Act shall be-

a) of persons holding in the State of Kerala the Offices of the Advocate General, the Director General of Public Prosecutions, the Secretary to Government, Law Department, the Secretary to Government, Finance Department, the Director General of Police, the Director of Health Services, the Chairman of the Bar Council of Kerala, the President of Kerala High Court Advocates, Association, the President, Kerala Bar Federation, the Chairperson, Kerala State Women's Commission, the Registrar of the High Court of Kerala, Chairman, High Court Legal Services Committee, Director Social Justice; and

b) of persons having special knowledge or practical experience in legal education, social service, women's welfare and Welfare of Scheduled Castes and Scheduled Tribes engaged in Legal Aid Schemes; and the total number of such other members shall not exceed eighteen:

Provided that out of the members under item (b) one shall be a teacher of law, two shall be women and one shall be a member belonging to a Schedules Caste or Scheduled Tribe.

### ***4. Headquarters***

The Headquarters of the State Authority shall be at Ernakulam.

### ***5. The Powers and functions of the Member Secretary of the State Authority***

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

- i. to give free legal services to the eligible and weaker sections;
- ii. to work out modalities of the legal services schemes and programmes approved by the State Authority and ensure that effective monitoring and implementation;
- iii. to exercise the powers in respect of administration, finance and budget matters as those of a Head of the Department in the State Government;
- iv. to manage the properties and funds of the State Authority;
- v. to maintain records and true and proper accounts of the State Authority including checking and auditing in respect thereof periodically;

- vi. to prepare annual income and expenditure accounts and balance sheet of the State Authority;
- vii. to liaison with the Social Action Groups and District Authorities and Taluk Legal Services Committees;
- viii. to maintain up-to-date and complete statistical information including progress made in the implementation of various legal services programmes, from time to time;
- ix. to process proposals for financial assistance and issue utilisation certificate thereof;
- x. to organize various legal services programmes as approved by the State Authority and convene meetings, seminars and workshops connected with legal services programmes and preparation of report and follow-up action thereon;
- xi. to produce video/documentary films publicity material literature and publications to inform general public about the various aspects of the legal services programmes;
- xii. to lay stress on the resolution of rural disputes and to take extra measures to draw schemes for effective and meaningful legal services for settling disputes at the door-steps of the rural people;
- xiii. to perform such of the functions as are assigned to him under the scheme framed under clause (b) of section 4 of the Act;
- xiv. to perform such duties as may be assigned by the Executive Chairman, from time to time; and
- xv. to perform such other functions as may be expedient for efficient functioning of the State Authority;

***6. Term of Office and other conditions of service of the members of the State Authority***

1. The nominated members of the State Authority other than those holding any of the offices specified in rule 3 shall hold office for a term of three years and shall be eligible for re-nomination for one more term.
2. A nominated member of the State Authority referred to in sub-rule (1) may be removed by the State Government, in consultation with the Chief Justice of the High Court of Kerala, if in the opinion of the State Government, he is unfit to continue as a member.
3. If any vacancy of a nominated member of the State Authority occurs for any reason, the vacancy shall be filled in the same manner in which the original nomination was made and the person so nominated shall hold office for the remaining term of office of the member in whose place he is nominated.
4. All members of the State Authority shall be entitled for payment of traveling 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 provisions of Kerala Service Rules, as applicable to Grade 1 Officers of the State Government.
5. The Member-Secretary of the State Authority shall be a full time officer and shall hold office for a term not exceeding 3 years.

Provided that the State Government may, in the exigencies of service and in consultation with the Chief Justice, extend the term of the Member-Secretary or may terminate his membership before the expiry of the full term.

#### ***7. Officers and employees of the State Authority***

1. All officers and employees of the State Legal Services Authority shall constitute the Kerala State Legal Service Authority Services.
2. The number of employees of the Kerala State Legal Services Authority, their qualifications, method of appointment and scale of pay shall be as specified in Schedule 1 to these rules or as may be notified by the State Government from time to time.
3. In all cases of direct recruitment, provisions in rules 14 to 17 of the General Rules in Part II of the Kerala State and Subordinate Services Rules, 1958 shall be followed.
4. Selection of candidates for appointment to selection categories or grades in the service shall be made by Departmental Promotion Committee Constituted by the State Authority.

5. The Officers and other employees of the State Authority shall be entitled to all allowances and benefits admissible to State Government employees with corresponding scales of pay.

6. In matters like age for appointment, probation, pay and allowances, disciplinary matters, benefits and entitlements and age of retirement, the officers and other employees of the State Authority shall be governed by the rules as are applicable to persons holding equivalent posts in the services of State Government.

### ***8. Constitution of High Court Legal Services Committee***

1. The State Authority shall constitute a committee to be called the Legal Services Committee for the High Court. The office of the High Court Legal Services Committee shall be at Ernakulam.

2. The qualification for appointment as Secretary of the High Court legal Services Committee shall be such as specified for the post in Schedule II to these rules.

3. The High Court Legal Services Committee may appoint such member of officers and other employees as specified in Schedule II to these rules and their scales of pay and qualifications shall be such as specified against each in the said Schedule or as may be notified by the State Government from time to time.

### ***9. Members of a District Authority***

1. The members of a District Authority to be nominated by the Government under Clause (b) of sub-section (2) of Section 9 of the Act, shall be –

a. persons holding the offices of President of the District Panchayat, the Collector, the Superintendent of Police, the Chief Judicial Magistrate, the District Government Pleader, the Deputy Director of Prosecution, the President of the Bar Association at the Judicial Headquarters of the District; and

b. persons having qualifications and experience in the field of Law, Social Service and Administration or who are engaged in the upliftment of the weaker sections of the people and engaged in the implementation of the Legal Service Schemes in that District and the total number of such members shall not exceed fifteen.

Provided that out of the members under item (b) one shall be a member of Legislative Assembly, one shall be a person belonging to a Scheduled Castes or a Scheduled Tribe and one shall be a woman from that district.

2. The office of a District Authority shall be at the place where the Court of the District Judge of that district is situated.
3. A District Authority may appoint such member of officers and other employees as may be notified by the state Government from time to time.

#### ***10. Members of a Taluk Legal Services Committee***

1. The members of a Taluk Legal Services Committee to be nominated by the Government under Clause (b) of subsection (2) of section II A of the Act, shall be –
  - a. persons holding the offices of the Block Panchayat President, Tahsildar, the President of the Bar Association at the Judicial headquarters, the Senior Most Police Officer, the Senior Most Assistant Public Prosecutor; and
  - b. persons having experience in the field of social service and administration and who are engaged in legal aid services, within the local area of jurisdiction of that committee and the total number of such members shall not exceed twelve;

Provided that out of the members under item (b) one shall be a person belonging to a Scheduled caste or a Scheduled Tribe, and one shall be a woman.

2. A Taluk Legal Services Committee may appoint such number of officers and other employees as may be notified by the State Government from time to time.

#### ***11. Conditions of Service of the employees on deputation***

The employees on deputation to the State Authority, the High Court Legal Services Committee, the District Legal Services Authority and the Taluk Legal Services committee shall be governed by the respective rules as are applicable to them in their parent department.

#### ***12. The maximum limit of annual income for entitlement to Legal Services***

Any person whose annual income from all sources does not exceed Rupees Three Lakhs shall be entitled to legal services under clause (h) of Section 12 of the Act.

#### ***13. Experience and qualifications of 'other persons' of Lok Adalats***

The experience and qualifications of 'other persons, of Lok Adalats shall be as follows -

- i. eminent social workers who are engaged in the upliftment of Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour and other weaker sections of the society;

ii. Advocates of standing; or

iii. Persons of repute who are specially interested in the implementation of the Legal Services Schemes and programmes;

**14. Transfer of assets of the Kerala State Legal Aid and Advice Board**

Upon constitution of the State Legal Services Authority :-

1. the Kerala State Legal Aid and Advice Board shall stand dissolved,

2. all properties both movable and immovable, belonging to the said Board shall vest in the State Legal Services Authority and shall be applied by the Authority to the objects and purposes of the Legal Services Act 1987, (Central Act 39 of 1987) as amended from time to time and the rules framed there under;

3. all debts and liabilities of the Board shall stand transferred to the State Legal Services Authority and shall thereafter be discharged and satisfied by that Authority out of the said property.

**Schedule I**

[See sub-rule (2) of rule 7]

Sl.No	Category of Posts	No. of Post	Method of Appointment
1	Memeber Secretary	1	By deputation from the category of District Judge from the Kerala State Higher Judicial Service.
2	Liaison Officer	1	By deputation from the category of Additional Secretary to Government, Law Department
3	Joint Secretary	1	By deputation from the category of Joint Secretary to Government, Law

			<b>Department.</b>
<b>4</b>	<b>Section Officer</b>	<b>1</b>	<b>By deputation from the category of Section Officer in the Law Department or similar category of officers from the Kerala High Court Service or from any other state services.</b>
<b>5</b>	<b>Accounts Officer</b>	<b>1</b>	<b>By deputation from the category of Finance Officer in the Finance Department.</b>
<b>6</b>	<b>Assistant Gr. I</b>	<b>4</b>	<b>By deputation from the category of Legal Assistant Gr. II of Law Department or similar category of officers from the Judicial Ministerial Service or from any other subordinate services of the Government.</b>
<b>7</b>	<b>Confidential Assistant Gr. I</b>	<b>1</b>	<b>By deputation from the category of Confidential Assistant Gr. I in the Law Department or from similar category of officers from any other subordinate services.</b>
<b>8</b>	<b>Typist Gr.II</b>	<b>1</b>	<b>By deputation from the category of Typist Gr. II in the Law</b>

			Department or from similar category of officers from any other subordinate services.
9	Driver	1	By deputation from the category of Driver in the Law Department or from similar category of officers from any other subordinate services.
10	Peons	3	By deputation from the category of Peons in the Law Department or from similar category of officers from any other subordinate services.
11	Watchman	1	By Direct Recruitment.
12	Part-time Sweeper	1	In the manner provided in the Kerala Part-time Contingent Service Rules.

## Schedule II

[See sub-rule (2) of rule 7]

Sl.No	Category of Posts	No. of Post	Method of Appointment
1	Secretary	1	By deputation from the category of Assistant Registrar in the Kerala High

			<b>Court Service or from the category of under Secretary in the Kerala Secretariat.</b>
<b>2</b>	<b>Assistant Gr. I</b>	<b>1</b>	<b>By deputation from the category of Assistant Gr. I in the Kerala High Court Subordinate Service or from similar category of officers from any other Subordinate Services of the Government.</b>
<b>3</b>	<b>Clerk - Typist</b>	<b>1</b>	<b>By deputation from the category of Clerk - Typist in the Kerala High Court Subordinate Service or from similar category of officers from any other subordinate services of the Government.</b>
<b>4</b>	<b>Peon</b>	<b>1</b>	<b>By deputation from the category of Peon in the Kerala High Court Subordinate Service or from similar category officers from any other Subordinate Services of the Government.</b>

### **Explanatory Note**

(This does not form part of the Notification, but is intended to indicate its general purport.)  
Section 28 of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987) empowers the State Government in consultation with the Chief Justice of the High Court of the State to make rules to carry out the provisions of the Act, especially those in Chapter III, which deal with the Constitution and Functions of the State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority and Taluk Legal Services Committee.