अण्डमान तथा निकोबार राजपत्र

ANDAMAN AND NICOBAR GAZETTE

सत्यमेव जयते

असाधारण

EXTRAORDINARY

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 106, पोर्ट ब्लेयर, सोमवार, 18 अगस्त, 1997.

No. 106, PORT BLAIR, MONDAY, AUGUST 18, 1997.

ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT

NOTIFICATION

Port Blair, dated the 18th August, 1997.

THE ANDAMAN AND NICOBAR ISLANDS LEGAL SERVICES AUTHORITY RULES, 1997

No. 101/97/F. No. 4-3/97-Legal Aid.—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), read with clause (i) of sub-section (1) of section 2 of the said Act and in consultation with the Chief Justice of High Court of Calcutta the Lieutenant Governor (Administrator), Andaman & Nicobar Islands hereby makes the following rules, namely:—

1. Short title and commencement :—(1) These rules may be called "The Andaman and Nicobar Islands Legal Services Authority Rules, 1997".

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

2. Defination :—In these Rule unless the context otherwise requires,—

(a) "Act" means the Legal Services Authorities Act, 1987 (No. 39 of 1987) as amended by the Legal Services Authorities Act, 1994 (No. 59 of 1994);

(b) "Administration" means the Andaman and Nicobar Administration;

(c) "Administrator" means the Lieutenant Governor, Andaman and Nicobar Islands;

(d) "Chairman" means the Executive Chairman of the State Authority or, as the case may be, the Chairman of the District Authority, or, as the case may be, the Chairman of the Sub-division Legal Services Committee;

(e) "District Authority" means the District Legal Services Authority constituted under Section 9 of the Act;

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

(g) "Member" means the member of the State Authority appointed under clause (c) of sub-section (2) of section 6 of the Act, or as the case may be;

(h) "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 as the case may be, the Secretary of the District Legal Services Authority constituted under Section 9 of the Act;

(i) "State Authority" means the State Legal Services Authority constituted under Section 6 of the Act;

(j) "Sub-division Legal Services Committee" means a Sub-division Legal Services Committee constituted under Section 11A of the Act;

(k) All other works and expressions used in 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 sub-section (2) or 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) the Secretary in the De artment of Finance;

(ii) the Secretary in the Department of Law;

(iii) the Inspector General of Police, Andaman and Nicobar Islands;

(iv) the Secretary in the Department of Tribal Welfare;
(v) Chairman of the District Authority.

(3) The Administrator may nominate, in consultation with the Chief Justice of the High Court, Calcutta other members from amongst those possessing the 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/she is—

(a) an eminent Social Worker, preferably a woman, 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) 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.

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 uptodate 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 acton 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 ;
(l) 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 Rural Disputes at the door-steps 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 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 section 6.—(1) The members of the State Authority nominated under sub-rule (3) of rule 3 by the Administrator 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 Administrator if in the opinion of the Administrator, 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 Administration 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 other employees for rendering secretarial assistance and for its day-to-day functions as considered necessary by the Administrator from time to time, subject to creation of such posts by the appropriate authority empowered to create equivalent posts.

7. **The conditions of service and the salary and allowances of officers and other employees of the State Authority under sub-section (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 at par with the Administration 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 Administration Rules as are applicable to persons 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 Administrator from time to time.

8. **The experience and qualifications of Secretary of the High Court Legal Services Committee under sub-section (3) of section 8 A.**—A person shall not be qualified for appointment as Secretary of the High Court Legal Service 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 considered necessary by the Administrator from time to time, subject to creation of such posts by the appropriate authority empowered to create equivalent posts.

(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 at par with the Administration 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 Administration Rules 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 Administrator 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) Chairman, Zilla Parishad;
(ii) District Magistrate;
(iii) Superintendent of Police;
(iv) Chief Judicial Magistrate; and
(v) Goverment Pleader.

(3) The Administrator may nominate, in consultation with the Chief Justice of the High Court, Calcutta 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/she is—

(a) an eminent Social Worker, preferably a woman, 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 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 considered necessary by the Administrator from time to time, subject to creation of such posts by the appropriate authority empowered to create equivalent posts.

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 at par with the Administration 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 District Authority shall be governed by the Administration Rules 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 Administrator from time to time.

13. The number, experience and qualifications of members of the Sub-division Legal Services Committee under Clause (b) of sub-section (2) of section 11A.— (1) The Sub-division Legal Services Committee shall have not more than five members.

(2) The following shall be ex-officio members of the Sub-division Legal Services Committee:—

(i) Pramukh, Panchayat Samiti;
(ii) Sub-Divisional Officer;
(iii) Deputy Superintendent of Police.

(3) The Administrator may nominate, in consultation with the Chief Justice of the High Court, Calcutta, 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 Sub-division Lega Services Committee unless he/she is—

(a) an eminent Social Worker, preferably a woman, who is engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, women, children and rural labour; or
(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.

14. The number of officers and other employees of the Sub-division Legal Services Committee under sub-section (3) of section 11A.— The Sub-division Legal Services Committee shall have such number of officers and other employees for rendering secretarial assistance and for its day-to-day functions as considered necessary by the Administrator from time to time, subject to creation of such posts by the appropriate authority empowered to create equivalent posts.

15. The conditions of service and the salary and allowances of officers and other employees of the Sub-division Legal Services Committee under sub-section (4) of section 11A.— (1) The officers and other employees of the sub- division Legal Services Committee shall be entitled to draw pay and allowances in the scale of pay at par with the Administration 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 Sub-division Legal Services Committee shall be governed by the Administration Rules as are applicable to persons holding equivalent posts.

(3) The officers and other employees of the Sub-division Legal Services Committee shall be entitled to such other facilities, allowances and benefits as may be notified by the Administrator from time to time.

16. The upper limit of annual Income of a person entitling him to legal services under clause (h) 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. 10,000/- (Rupees ten thousand) or such higher amount as may be notified by the Administrator 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 Adalats 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 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 Lega Services Schemes and Programmes.

18. Repeal and Savings :— (1) The Andaman and Nicobar Islands Legal Aid and Advice Scheme, 1986 is hereby repealed.

(2) Notwithstanding anything contained in sub-rule (1), anything done, or any action taken or orders or directions issued under the repealed Scheme, shall be deemed to have been done or taken or issued under these rules as if these rules were in force on the day on which such thing was done or action was taken or such order or direction was issued.

Sd/-
(ISHWARI PRASAD GUPTA)
LIEUTENANT GOVERNOR.

By order and in the name of the Lieutenant Governor,

Sd/-
(Abdul Waseem),
Assistant Secretary (Law).

MGPPB—106 Gazette/97—400 Copies.