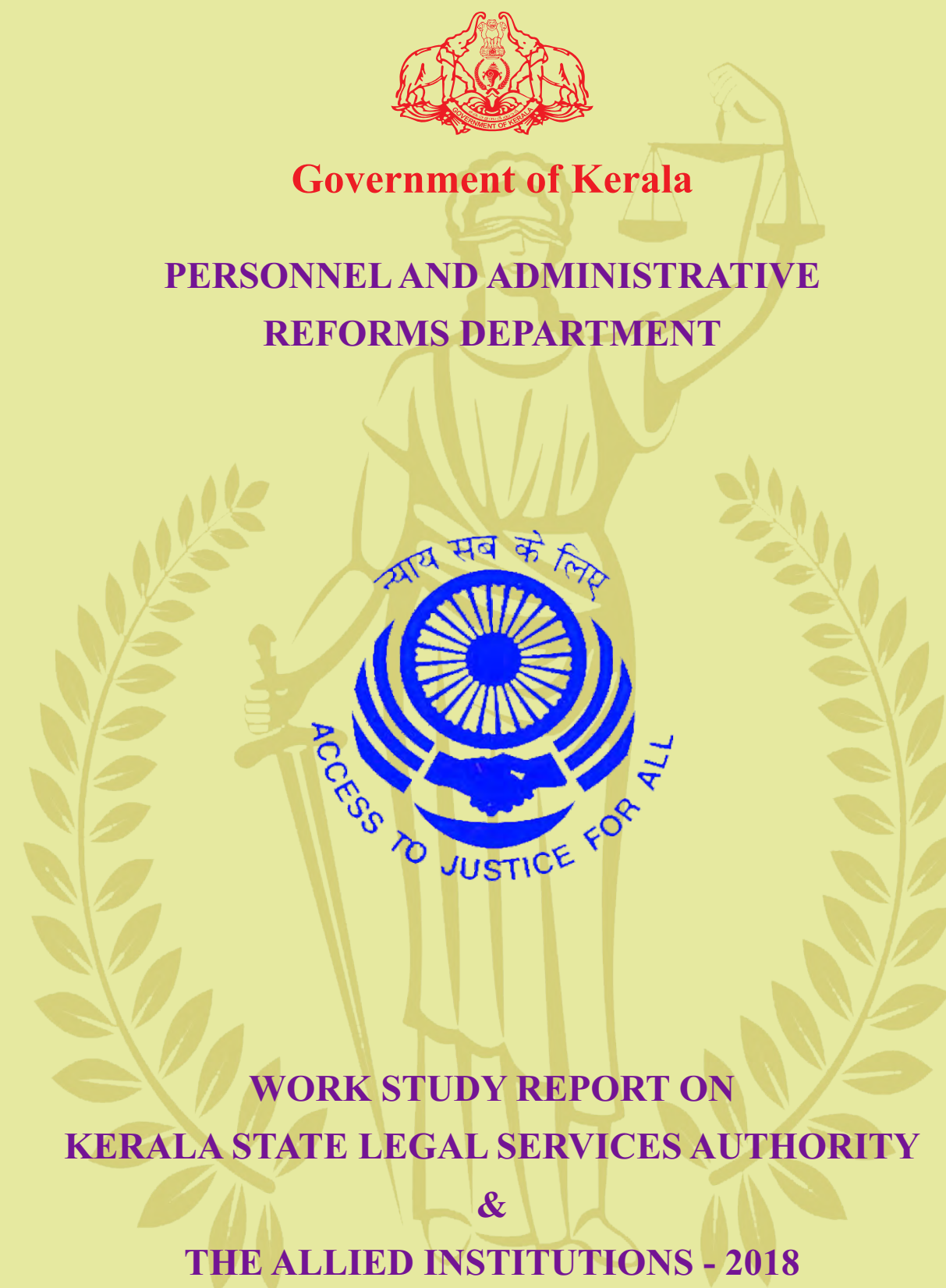




Government of Kerala

**PERSONNEL AND ADMINISTRATIVE
REFORMS DEPARTMENT**



**WORK STUDY REPORT ON
KERALA STATE LEGAL SERVICES AUTHORITY
&
THE ALLIED INSTITUTIONS - 2018**



GOVERNMENT OF KERALA

**PERSONNEL AND ADMINISTRATIVE
REFORMS DEPARTMENT**

WORK STUDY REPORT

2018

**KERALA STATE LEGAL SERVICES AUTHORITY
AND THE ALLIED INSTITUTIONS**

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KERALA STATE LEGAL SERVICES AUTHORITY
AND THE ALLIED INSTITUTIONS**

**PREPARED BY
PERSONNEL AND ADMINISTRATIVE
REFORMS (AR – 10) DEPARTMENT**

WORK STUDY TEAM

Sri. MANULAL. B. S	Section Officer
Sri. MOHAMED EJAS. T	Assistant Section Officer
Sri. UNNIKRISHNAN NAIR. B. S	Assistant Section Officer

GUIDED BY

Smt. PAZHANI AMMA. K. R	Deputy Secretary
Smt. SUSAN GOPI	Deputy Secretary
Smt. SHARMILA	Deputy Secretary
Sri. SANTHOSH KUMAR. R	Deputy Secretary

**FINALISED BY
Sri. BISHWANATH SINHA IAS
Principal Secretary**

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Chapter - I

INTRODUCTION

The Constitution of India treats all citizens as being equal and provides them equal protection under the law. Yet, the common people faces barriers to '**access to justice**'. The provision of legal aid to the poor and the disadvantaged exists in all civilised countries, often guided by charitable and philanthropic concerns. In a democratic set-up, the philosophy of legal aid has acquired a new meaning, with an emphasis on the concept of equality of all human beings, increasingly drawn from the universal principles of human rights. Free legal aid to the poor and marginalised members of society is now viewed as a tool to empower them to use the power of law to advance their rights and interests as citizens, and as economic actors. Such a paradigm shift in the concept of legal aid gains greater importance when India is viewed as a growing economic power.

1.2 Illiteracy, lack of financial resources and social backwardness are major factors that hinder the common person from accessing justice. There are other invisible barriers: lack of courage to exercise

legal rights, the proclivity to suffer silently the denial of rights, and geographical and spatial barriers are examples. Such barriers keep people disempowered and subjected to exploitation by powerful people.

1.3 Article 39-A of the Indian constitution provides that the State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. In the year 1987, **the Legal Services Authorities Act (Act 39 of 1987)** was enacted by the Parliament which came into force **on 9th November, 1995** to establish a nationwide uniform network for providing free and competent legal services to the weaker sections of the society on the basis of equal opportunity. **The National Legal Services Authority (NALSA)** has been constituted under the Legal Services Authorities Act, 1987 to monitor and evaluate implementation of legal aid programmes and to lay down policies and principles for making legal services available under the Act. In every State, a State Legal Services Authority (SLSA) and in every

High Court, a High Court Legal Services Committee (HCLSC) have been constituted. District Legal Services Authorities (DLSA), Taluk Legal Services Committees (TLSC) have been constituted in the Districts and in the Taluks to give effect to the policies and directions of the NALSA and to provide free legal services to the people and conduct Lok Adalats in the State.

1.4 Supreme Court Legal Services Committee (SCLSC) has been constituted to administer and implement the legal services programme in so far as it relates to the Supreme Court of India.

Origin of the Study

1.5 The 53rd Authority meeting of the Kerala State Legal Services Authority held on 23.07.2015 resolved to conduct a Work Study in Kerala State Legal Services Authority (KeLSA), High Court Legal Services Committee (HCLSC), District Legal Services Authorities (DLSA) and Taluk Legal Services Committees (TLSC) by the Personnel & Administrative Reforms Department (P&ARD). Accordingly, the Member Secretary, KeLSA sent the proposal for Work Study to the Law Department where the administrative control of KeLSA is vested with. Generally, Personnel & Administrative Reforms Department conducts work study only in Government

Departments. In order to conduct Work Study in such organisations like KeLSA, a statutory body established through a Central Act, special sanction from Chief Minister was necessary. As such, the Law Department, after obtaining orders from the Hon'ble Chief Minister, forwarded the proposal for work study in KeLSA to the Personnel & Administrative Reforms Department. The P&AR (AR-6) Department allotted the work study to this department in December 2016.

1.6 To begin with the study, the work study team of this department led by Smt. Pazhani Amma K.R., Deputy secretary to Government had a preliminary discussion with the Member Secretary, KeLSA on 16.01.2017. The terms and reference of the work study was elucidated after a detailed discussion regarding the scope of the study, its purposes and the areas which are to be brought under the purview of study. In accordance with the discussion, the Member Secretary, KeLSA with the concurrence of Registrar General, High Court of Kerala, furnished a detailed proposal for the creation of additional posts in KeLSA and its allied institutions.

Chapter II

METHODOLOGY

The work study team headed by the Deputy Secretary, Personnel & Administrative Reforms (AR – 10) Department held preliminary discussion with the Member Secretary and other higher officials of Kerala State Legal Services Authority regarding the scope and area of the work study. Extensive discussions were held with the functionaries at different levels.

2.2 For the collection of data on the duties performed by various functionaries, suitable forms were designed. The annual work load of the functionaries, both clerical and field level, were estimated for a period of one year. The base year chosen for collection of data on work related matters was **the calendar year 2016**.

2.3 The primary objective of the work study was to assess the work load of the staff in offices of KeLSA and its allied institutions as the proposal of the Member Secretary was to sanction 284 additional posts. During the course of Study, the Member Secretary, KeLSA, forwarded a revised proposal for the creation of

767 additional posts, instead of the earlier proposal, as the activities and programmes of the entire legal services institutions have increased manifold.

2.4 In order to assess the work load, the Study Team applied the fundamental techniques of work study such as Organisation Analysis, Time Study, Analytical Estimation and Method Study. The team has attempted to identify and suggest remedial measures for rectifying the organisational flaws with a view to improve the efficiency of the entire system.

2.5 For the measurement of the work load of various functionaries, the team used both primary and secondary data sources. For the collection of primary data, the team made use of the work study tools such as, self logging sheets, duty list, activity list, case study, direct observation technique, interviews etc. Since the nature of duties performed by the officials include field works, the study team accompanied the functionaries at selected sample offices during their field works and conducted time study to arrive at the standard time to perform various units of work. Various periodical reports and entries found in the registers maintained in different offices of KeLSA, Annual Administration Reports etc. were taken as

secondary data. Standard time for carrying out various items of work by the functionaries had been arrived at by conducting time study. In certain general areas such as works related to Establishment matters, Accounts etc. the use of synthetic data has also been made use of.

2.6 Personal and fatigue allowance @15% was added to the total time for the original and routine items of work. The time spent for non file works such as conduct of Lok Adalat, conduct of Programmes, discussions, meetings, conferences, attending to visitors, answering telephone calls, official tours etc. had also been taken in to consideration for making the study accurate. On the basis of the work load thus estimated, the man power requirement has been calculated on the norm that an official has to work 1700 man-hours in a year. While calculating man power requirement, every fraction above 0.3 has been rounded to the next higher integer and fraction below 0.3 has been omitted.

2.7 The work study team visited the offices of KeLSA, HCLSC, ADR Centre High Court, 14 District Legal Services Authorities, selected sample offices of Taluk Legal Services Committees, District ADR Centres, and Permanent Lok Adalats for the collection of data.

Chapter III

LEGAL SERVICES INSTITUTIONS IN INDIA

A. Evolution:

“To no one will we sell, to no one will we deny, or delay, right or justice” pledges the 40th paragraph of the **Magna Carta**, and herein lie the roots of modern legal aid jurisprudence.

3.2 Settlement of disputes through reference to a third party is a system practised in India since ancient times. It has undergone a phenomenal metamorphosis, growing from the stage of village elders sitting under banyan tree and resolving disputes to the stage of gaining statutory recognition. In 1976, the **42nd Constitutional Amendment** inserted **Article 39-A** obligating the State to **“provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disability”**. With the object of providing free legal aid, Government of India had, by a resolution dated, the 26th September, 1980, appointed the **“Committee for Implementing Legal Aid Schemes”** (CILAS), under the Chairmanship of Mr. Justice. P.N. Bhagwati to monitor and implement legal aid programmes on a uniform basis in

all the States and Union Territories. CILAS evolved a model scheme for legal aid programme applicable throughout the country by which several legal aid and advice boards have been set up in the States and Union Territories. Later, on review of the working of the CILAS, certain deficiencies have come to the fore. It is, therefore, felt that it will be desirable to constitute statutory legal service authorities at the National, State and District levels so as to provide for the effective monitoring of legal aid programmes. It is in this context that a comprehensive law namely, ***The Legal Services Authorities Act, 1987*** was enacted. This has led to the setting up of Legal Services Authorities at the National, State and District levels along with Legal Services Committees at the Supreme Court, High Court and Taluk levels. Since then much progress has been made in the field of legal aid provision in India. Lok Adalats have been set up and are now being used as examples world over.

B. Institutions constituted as per the Legal Services Authorities Act, 1987

3.3 A brief note on the Legal Services Institutions constituted as per the **Legal Services Authorities Act, 1987** is given below:

I. National Legal Services Authority (NALSA) :

3.4 A nationwide network has been envisaged under the Legal Services Authorities Act, 1987 for providing legal aid and assistance. **National Legal Services Authority (NALSA)** is the apex body constituted on **5th December 1995**, as per Section 3 of the Legal Services Authorities Act, 1987. It was constituted to lay down policies and principles for making legal services available under the provisions of the Act and to frame most effective and economical schemes for legal services. It also disburses funds and grants to State Legal Services Authorities for implementing legal aid schemes and programmes. **The Chief Justice of India is the Patron - in – Chief** and Senior most Hon'ble Judge, Supreme Court of India, is the Executive Chairman of the Authority. The Secretary, Department of Legal Affairs (Ministry of Law, Justice and Company Affairs), the Secretary, Department of Expenditure (Ministry of Finance), two Chairmen of the State Legal Services Authorities as may be nominated by the Central Government in consultation with Chief Justice of India are the ex-officio members of the Central Authority. In addition to the above, the other members of NALSA are nominated by the Central Government, in consultation with the

Chief Justice of India, from amongst those possessing prescribed experience and qualifications. In order to exercise the powers and to perform the duties under the Executive Chairman of NALSA, a Member Secretary is appointed by the Central Government in consultation with the Chief Justice of India. The Officers and other employees of NALSA are appointed by the Central Authority, as prescribed by the Central Government, in consultation with the Chief Justice of India.

II. Supreme Court Legal Services Committee (SCLSC) :

3.5 The Supreme Court Legal Services Committee has been constituted under Section 3 A of the Legal Services Authorities Act, 1987, for providing free and competent Legal Services to the weaker sections of the society in the cases which fall under the jurisdiction of Hon'ble Supreme Court of India. The Committee consists of a sitting Judge of Hon'ble Supreme Court, who is the Chairman and not more than 9 members nominated by Hon'ble Chief Justice of India.

III. State Legal Services Authority (SLSA):

3.6 As per Section 6 of the Legal Services Authorities Act,

1987, State level Legal Services Authorities have been constituted to give legal services to the people besides conducting Lok Adalat and to give effect to the policies and directions of NALSA. The Chief Justice of the High Court is the Patron - in - Chief and a Hon'ble Judge of the High Court, is the Executive Chairman of the Authority. The other members of the State Authority are nominated by the State Government, in consultation with Chief Justice of the High Court, from amongst those possessing prescribed experience and qualifications. In order to exercise the powers and to perform the duties under the Executive Chairman of the State Authority, a Judicial Officer not lower in rank than that of a District Judge is appointed as the Member Secretary by the State Government, in consultation with the Chief Justice of the High Court. The Officers and other employees are appointed by the State Authority, as prescribed by the State Government, in consultation with the Chief Justice of the High Court.

IV. High Court Legal Services Committee (HCLSC):

3.7 High Court Legal Services Committees have been constituted under Section 8A of the Legal Services Authorities Act, 1987. The function of the HCLSC is to give various Legal Aid

services, in respect of matters pending before the Hon'ble High Court or matters in which orders from the High Court are required. The Committee consists of a sitting Judge of Hon'ble High Court, who is the Chairman and such number of other members nominated by Hon'ble Chief Justice of the High Court.

V. Permanent Lok Adalat (PLA):

3.8 Permanent Lok Adalat is a kind of Lok Adalat, organised under Section 22 B of the Legal Services Authorities Act, 1987. It has been set up as permanent bodies with a Chairman and two members for providing compulsory pre-litigative mechanism for conciliation and settlement of cases relating to Public Utility Services like, transport, postal, telegraph etc. Here, even if the parties fail to reach to a settlement, the Permanent Lok Adalat gets jurisdiction to decide the dispute, provided, the dispute does not relate to any offence. Further, the award of PLA is final and binding on all the parties.

3.9 A person who is, or has been a District Judge or Additional District Judge or has held Judicial Office higher in rank than that of a District Judge shall be the Chairman of the Permanent Lok Adalat. It also consists of two other persons having adequate

experience in public utility service to be nominated by the Central Government or, as the case may be, the State Government on the recommendation of the Central Authority or, as the case may be, the State Authority. The Central Government or the State Government, as the case may be, shall provide such staff as may be necessary to assist the PLA in its day to day work and to perform other functions of PLA.

VI. District Legal Services Authority (DLSA) :

3.10 District Legal Services Authorities have been constituted under Section 9 of the Legal Services Authorities Act, 1987 to exercise the functions of the State Authority in the District, as may be delegated to it from time to time by the State Authority. It coordinates the activities of the Taluk Legal Services Committees and other legal services in the District and also organise Lok Adalats within the District. The District Judge is the Chairman of the District Legal Services Authority. The other members of the District Authority are nominated by the State Government, in consultation with Chief Justice of the High Court, from amongst those possessing prescribed experience and qualifications. A judicial officer not lower in rank than that of a Subordinate Judge is appointed as the

Secretary of the District Authority, by the State Authority, in consultation with the Chairman of the District Authority. The Officers and other employees are appointed by the District Authority, as prescribed by the State Government, in consultation with the Chief Justice of the High Court.

VII. Taluk Legal Services Committee (TLSC) :

3.11 Taluk Legal Services Committees have been constituted for each Taluk as per Section 11 A of the Legal Services Authorities Act, 1987 in order to co-ordinate the activities of legal services in the Taluk, organise Lok Adalat within the Taluk and also to perform such other functions as the District Authority may assign to it. The Senior most Judicial Officer operating within the jurisdiction of the Committee is the ex-officio Chairman of the Committee. The other members of the Committee are nominated by the State Government in consultation with Chief Justice of the High Court, from amongst those possessing prescribed experience and qualifications.

C. Alternate Dispute Resolution Centres (Mediation Centres)

3.12 Settlement of disputes in an amicable way is the hallmark of civilization. Mediation is an informal and flexible dispute

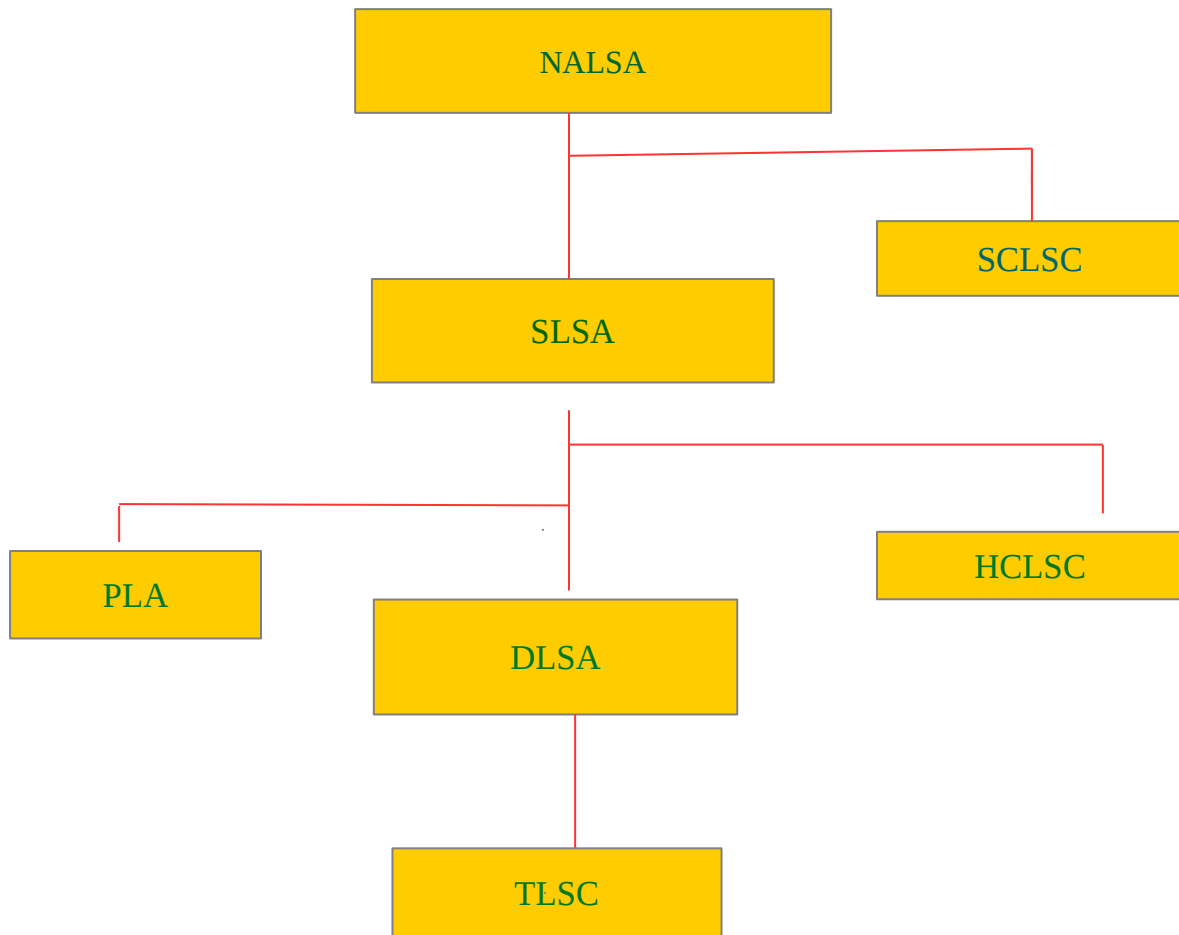
resolution process. In ancient India, mediation system has been prevalent in one form or the other. It has continued in our villages and has also been preserved in its customary form in our tribal areas. So far as formal litigation system is concerned, mediation, along with other methods of Alternative Disputes Resolution, has been statutorily recognized by the Civil Procedure Code (Amendment) Act, 1999 which introduced section 89 thereto. The mediation mechanism is implemented through various projects.

3.13 To give momentum to mediation mechanism, Hon. Mr. Justice R.C. Lahoti, the then Chief Justice of the India constituted a committee known as **‘Mediation and Conciliation Project Committee’ (MCPC)** on 9th May 2005 with an objective to implement uniform Mediation Rules applicable throughout India. The MCPC has prepared a training Manual and a uniform training curriculum to standardize and regulate the Mediation training methodology throughout India. Apart from the training programmes it conducts Awareness programmes, Training programmes for referral judges, Training for Trainers, and Orientation courses in Mediation.

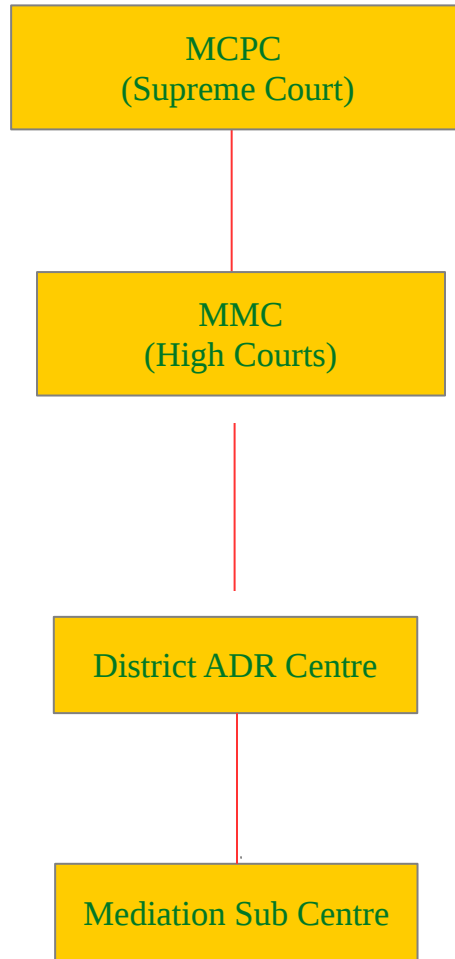
3.14 All the High Courts in India have constituted Mediation

Monitoring Committees. District Mediation Centres and Mediation Sub Centres are also functioning under the State level Mediation Monitoring Committee, for effective mediation process.

3.15 As per Letter No.J-11011/04/2009-10 Dated, 25/01/2011, the responsibility for setting up of ADR centres and training of mediators has been assigned to State Legal Services Authorities by the Ministry of Law & Justice, Government of India.

ORGANOGRAM OF LEGAL SERVICES INSTITUTIONS IN INDIA

NALSA	-	National Legal Services Authority
SCLSC	-	Supreme Court Legal Services Authority
SLSA	-	State Legal Services Authority
HCLSC	-	High Court Legal Services Committee
PLA	-	Permanent Lok Adalat
DLSA	-	Distict Legal Services Authority
TLSC	-	Taluk Legal Services Committee

ORGANOGRAM OF MEDIATION INSTITUTIONS IN INDIA

MCPC	-	Mediation and Conciliation Project Committee
MMC	-	Mediation Monitoring Committee
ADR	-	Alternate Dispute Resolution

Chapter IV

KERALA STATE LEGAL SERVICES AUTHORITY AND ALLIED INSTITUTIONS

A. Organisational Set Up:

I. Kerala State Legal Services Authority (KeLSA):

State Legal Services Authority in Kerala was established in the year 1995, as specified in Section 6 of the Legal Services Authorities Act, 1987 and is named as “**Kerala State Legal Services Authority (KeLSA)**”. Its headquarters is in the High Court Compound at Ernakulam. The Chief Justice of Kerala is the Patron - in - Chief and a Hon'ble Judge of the High Court is the Executive Chairman of the Authority. The following are the ex-officio members of KeLSA:

- i) Advocate General of Kerala
- ii) Director General of Public Prosecutions
- iii) Secretary to Government, Law Department
- iv) Secretary to Government, Finance Department
- v) Director General of Police
- vi) Director of Health Services

- vii) Chairman of the Bar Council of Kerala
- viii) President of Kerala High Court Advocates Association
- ix) President of Kerala Bar Federation
- x) Chairperson of Kerala State Womens Commission
- xi) Registrar of High Court of Kerala
- xii) Chairman of High Court Legal Services Committee
- xiii) Director of Social Justice.

4.2 In addition to the above, Government of Kerala nominate other members, not exceeding 18 in number, having prescribed qualifications, in consultation with the Chief Justice of Kerala. A Judicial Officer in the rank of a District Judge is the Member Secretary of KeLSA.

Staff Pattern:

4.3 There is no permanent staff in the office of the KeLSA and its allied institutions. All the employees are working either on deputation from Government Departments or on contract/daily wage basis. The Member Secretary is the Official head of KeLSA. The staff pattern of KeLSA (Head Office) as per the special rules is as follows:

Sl. No	Name of Post	No.of Post	Mode of appointment
1	Member 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 Department
4	Accounts Officer	1	By deputation from the category of Finance Officer in the Finance Department.
5	Section Officer	1	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.
6	Assistant Gr. I	4	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.

7	Confidential Assistant Gr.I	1	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.
8	Typist Gr.II	1	By deputation from the category of Typist Gr.II in the Law 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	Peon	3	By deputation from the category of Peon 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
TOTAL		17	

4.4 The posts of the Liaison Officer and the Joint Secretary in KeLSA are retained in Law Department and a post of Deputy Secretary was shifted from the Law Department to KeLSA.

II. High Court Legal Services Committee (HCLSC):

4.5 As envisaged in Section 8 A of Legal Services Authorities Act, 1987, KeLSA constituted “**High Court Legal Services Committee**” for Kerala High Court, at Ernakulam with a sitting Judge of the High Court as its Chairman. The Committee also includes:

- i) The Advocate General
- ii) The Director General of Prosecution
- iii) President of the High Court Advocates Association
- iv) President of the Indian Federation of Women Lawyers,
Kerala Branch
- v) President, Bar Association (Ernakulam District)

4.6 Besides, five other members from legal fraternity are also included as members in the Committee.

Staff Pattern:

4.7 The staff pattern of Kerala High Court Legal Services Committee is as follows:

Sl.No	Name of Post	No.of Post	Mode of appointment
1	Secretary	1	By deputation from the category of Deputy Registrar in the Kerala High Court Service or from the category of Deputy Secretary in the Kerala Secretariat Service.
2	Section Officer	1	By deputation from the category of Section Officer in the Kerala High Court Service or from similar category of officers from any other subordinate service of the Government.
3	Assistant	3	By deputation from the category of Assistant of any grade in the Kerala High Court Subordinate Service or from similar category of officers from any other Subordinate Services of the Government.
4	Typist	1	By deputation from the category of Typist in the Kerala High Court Subordinate Service or from similar category of officers from any other subordinate services of the Government.
TOTAL		6	

III. Permanent Lok Adalat (PLA):

4.8 As per Section 22 B of the Legal Services Authorities Act, 1987, KeLSA had established Permanent Lok Adalats in Thiruvananthapuram, Ernakulam and Kozhikode. The PLA consists of a sitting or retired District Judge as Chairman and two other persons having adequate experience in public utility services. The procedure followed in PLA is conciliation followed by adjudication, if required. Here, even if the parties fail to reach to a settlement, the Permanent Lok Adalat gets jurisdiction to decide the dispute, provided, the dispute does not relate to any offence. Further, the Award of the Permanent Lok Adalat is final and binding on all the parties.

Staff Pattern:

4.9 The staff pattern of Permanent Lok Adalat is as follows:

Sl.No .	Name of Post	No.of Posts	Mode of Appointment
1	Registrar	1	By Deputation from the category of Head Clerk from the State Subordinate Judicial Service or from the High Court Service

2	Bench Assistant	1	By Deputation from the category of U D Clerk from the State Subordinate Judicial Service or from the High Court Service
3	Clerical Assistant	1	By Deputation from the category of L D Clerk from the State Subordinate Judicial Service or from the High Court Service
4	Confidential Assistant	1	By Deputation from the category of Confidential Assistant from the State Subordinate Judicial Service or from the High Court Service
5	Peon	1	By Deputation from the category of Peon from the State Subordinate Judicial Service or from the High Court Service
TOTAL		5	

IV. District Legal Services Authority (DLSA):

4.10 As insisted in Section 9 of Legal Services Authorities Act, 1987, State Government have constituted “**District Legal Services Authorities**” in all the 14 Districts in Kerala, in consultation with the Chief Justice of Kerala. The District Judge is the Chairman of the DLSA. Persons holding the offices of President of the District Panchayat, the District 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 Head quarters of the District are the ex-officio members of the District Authority. In addition to the above, Government of Kerala nominate other members, not exceeding 15 in number, having prescribed qualifications. A person belonging to the State Judicial Service, not below the rank of a Subordinate Judge or Civil Judge is posted as Secretary of each District Legal Services Authority.

Staff Pattern:

4.11 The Staff Pattern of District Legal Services Authority is as follows:

Sl.No	Name of Post	No.of Post	Mode of appointment
1	Secretary	1	By deputation from the State Judicial Service, not below the rank of a Subordinate Judge or Civil Judge.
2	Section Officer	1	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 with LLB.

3	Typist Grade I	1	By deputation from the category of Typist Gr. I from any Government Department.
4	Peon	1	By deputation from the category of Peon from any Government Department.
TOTAL		4	

V. Taluk Legal Services Committee (TLSC):

4.12 KeLSA had constituted Taluk Legal Services Committees at Taluk Level all over Kerala (in 62 Taluks), as per Section 11A of Legal Services Act, 1987. The senior most Judicial Officer within the jurisdiction of the Committee is the ex-officio Chairman the Taluk Legal Services Committee. Persons holding the offices of the President, Block Panchayat, Tahsildar, the President of the Bar Association at the judicial headquarters, the senior most Police Officer and the senior most Assistant Public Prosecutor are the ex officio members of the Taluk Committee. In addition to the above, Government of Kerala nominate other members, not exceeding 12 in number, having prescribed qualifications.

Staff Pattern:

4.13 The Staff Pattern of TLSC is as follows:

Sl.No	Name of Post	No.of Post	Mode of Appointment
1	Secretary	1	By deputation from the category of Legal Assistant Gr.II of Law Department or similar category of officers from Judicial Ministerial Service or from any other Subordinate Services of the Government.
2	Typist Gr.I	1	By deputation from the category of Typist Gr.II from any Government Department.
TOTAL		2	

VI. Alternate Dispute Resolution Centre, High Court (Kerala State Mediation and Conciliation Centre):

4.14 Kerala State Mediation and Conciliation Centre (KSMCC) is an initiative of the High Court of Kerala. It has been conceived as a project for giving effect to Section 89 of the Code of Civil Procedure which provides for Mediation as an Alternative

Dispute Resolution mechanism. The project is implemented with the support and guidance of Mediation and Conciliation Project Committee of the Supreme Court of India. The Chief Justice of Kerala is the Chief Patron and a Judge of the High Court is the Patron of the project. There is a Board of Governors constituted from amongst the Judges of the High Court, presided over by a Senior Judge of the High Court. A judicial officer in the rank of a District & Sessions Judge is the Director of the Project.

4.15 The responsibility for setting up of ADR centres and training of mediators has been assigned to State Legal Services Authorities by the Ministry of Law & Justice, Government of India as per Letter No. J-11011/04/2009-10 Dated, 25/01/2011.

4.16 The main functions of Kerala State Mediation and Conciliation Centre are the following:

- to give effect to the policy and directions of Mediation and Conciliation Project Committee;
- to facilitate mediation and co-ordinate mediation activities at various District Mediation Centres and at Ernakulam Mediation Centre in accordance with the relevant rules;

- to conduct mediation sensitization programmes for the public and other stake holders throughout the State of Kerala;
- to conduct Refresher course for Judicial Officers and trained mediators throughout Kerala, under the guidance of Mediation and Conciliation Project Committee from time to time;
- to perform such other functions with regard to mediation as the Mediation and Conciliation Project Committee may fix;
- to act in co-ordination with other Government Agencies, Governmental Voluntary Social Services Institutions, Universities, and other bodies engaged in the work of promoting the cause of legal awareness on mediation to the students, rural folks and other stake holders.

Staff Pattern:

4.17 The Staff Pattern of ADR Centre, High Court as per G.O. (Ms) No.72/2012/Law dated, 23/02/2012 is as follows:

Sl.No	Name of Post	No.of Posts	Mode of appointment
1	Director	1	By Deputation from the Category of District Judge from the Kerala State Higher Judicial Service

2	Section Officer	1	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 having a degree in Law
3	Assistant Gr.I	2	By Deputation from the Category of Legal Assistant Gr.I in the Law Department or similar category of officers from the Kerala High Court Service or from any other State Subordinate Services having a degree in Law
4	Driver	1	By deputation from the category of Driver in the Law Department or similar category of officers from any other subordinate services.
5	Peon	1	By Deputation from the Category of Peon in the Law Department or from similar category of officers from any other Subordinate Services
TOTAL		6	

VII. District ADR Centres and ADR Sub Centres :

4.18 District ADR Centres (District Mediation Centres) were established in all the District Head quarters and also at North Paravur and Mavelikkara (Total 16). 48 Mediation Sub Centres are functioning at different places. High Court Mediation Centre and the District Mediation Centre, Ernakulam, were integrated in August, 2013 as Ernakulam Mediation Centre with mediation halls at the High Court and at ADR Centre, Kaloor.

4.19 There is a Core Committee for each District Mediation Centre. The object of Core Committee is to ensure prompt and timely action in the implementation of the mediation programme. The Principal District Judge is the District Co-ordinator and the Secretary of the DLSA concerned is the Co-ordinator of the District Mediation Centre. The Secretary DLSA is also the convenor of the Core Committee. In sub centres, convenor of the Core committee is the co-ordinator of the Mediation Centre. The District Co-ordinator can nominate a person from among the members of the staff or the clerk deputed to the ADR Centre as the Nodal Officer. The Nodal Officer is entrusted with various works such as receiving cases referred to mediation, Data entry works, maintenance of proper registers,

receipt and forwarding of mediators reports to the Courts concerned etc and assist the co-ordinator in the day -to-day functioning of the Mediation Centre. He should also ensure that the reports of the mediators are received in every case within the time stipulated by the court.

Staff Pattern of District ADR Centre:

4.20 The Staff Pattern of District ADR Centres as per G.O.(Ms) No.72/2012/Law dated, 23/02/2012 is as follows:

Sl.No	Name of Post	No.of Posts	Mode of appointment
1	Clerk	1	By deputation from the category of Legal Assistant Gr.II in the Law Department or similar category of officers, from the Judicial Ministerial Services or from any other Subordinate Service, having a degree in Law.
2	Peon	1	By deputation from the category of Peon in the Law Department or from similar category of officers from any other Subordinate Services.

Staff of ADR Sub Centres:

4.21 No post has been sanctioned for the working of ADR Sub Centres, The Sub Centres are now being run with the staff from the Subordinate Judicial Service, on working arrangement basis.

B. Functions:

I. Main Functions:

4.22 The main functions of Legal Service Institutions are the “3Ls” viz:

- a) Legal Awareness
- b) Legal Aid
- c) Lok Adalat

a) Legal Awareness:

4.23 Knowledge of Law is power and helps self realization. India, the largest democracy in the world has an emergent need for generating awareness of rights as knowledge so that people live in consonance with the true dictates of Democracy and Rule of Law. Legal awareness is commonly understood as knowing the primary level in Law. The success and failure of a nation depends on the vigilance and depth of civic sense of the people of the nation. The civic sense of the people and efficiency of the Government institutions would improve only when there is a proper understanding of the laws and regulations; as well as the duties and obligations. When citizens, particularly marginalised or under

privileged groups know what the Law has to offer them, they can recognise and challenge injustices much more forcefully. The first step towards that knowledge of Law which can transform people's lives is Legal Awareness.

4.24 Even the well educated people in India are unconcerned about the misdeeds happening in the country. Illiteracy and poverty among people are the major reasons for the public inertia. The low legal literacy is highlighted as one of the reasons for the violation of Law and regulations. Thus, legal literacy is one of the important needs which the people of the country deserve or require. Around 35% of India's population have no formal education. Most of them live in rural areas where social and economic barriers play an important role in keeping the lowest strata of society illiterate. Literacy is an indispensable reason for effective social and economic participation attributing to human development and poverty reduction.

4.25 Kerala State Legal Services Authority and its allied Legal Services Institutions undertakes various Legal Awareness activities in order to make people aware of their rights and about the role, activities and functioning of the Legal Services Institutions.

A variety of tools are used in order to achieve this goal like, conducting awareness camps, seminars, lectures; distribution of pamphlets, broadcasting programmes through visual media, live phone-in programmes etc.; street plays, short documentaries; cultural programmes on legal issues; various competitions like essay writing, debates and declamation, Quiz competitions etc. Specific issues are taken up for legal literacy programmes varying from place to place depending upon the needs of a locality and its people. Internship programmes are organised for Law students to promote the role and importance of legal services activities.

b) Legal Aid:

4.26 Legal Aid is not a charity or bounty, but it is an obligation of the State and right of the citizens. It implies giving free legal services to the poor and needy who cannot afford the services of a Lawyer for the conduct of a case or a legal proceeding in any court, tribunal or before an authority.

4.27 Provision of free legal aid includes:

- representation by an Advocate in legal proceedings
- preparation of pleadings, memo of appeal, paper book

including printing and translation of documents in legal proceedings;

- drafting of legal documents, special leave petition etc.
- rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and
- giving of advice on any legal matter

4.28 Free Legal Services also include provision of aid and advice to the beneficiaries to access the benefits under the welfare statutes and schemes framed by the Central Government or the State Government and to ensure access to justice in any other manner.

4.29 Every person who has to file or defend a case shall be entitled to legal services as per Section 12 of Legal services Authorities Act, 1987, if that person is:

- a member of a Scheduled Caste or Scheduled Tribe;
- a victim of trafficking in human beings or begar as referred to in Article 23 of the Constitution;
- a woman or a child;

- a person with disability as defined in clause (i) of Section 2 of the Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995.
- a person under circumstances of undeserved want such as being a victim of mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- an industrial workman; or
- in custody, including custody in a protective home within the meaning of clause (g) of Section 2 of the Immoral Traffic (Prevention) Act, 1956 (104 of 1956); or in a juvenile home within the meaning of clause (j) of Section 2 of the Juvenile Justice Act, 1986 (53 of 1986); or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of Section 2 of the Mental Health Act, 1987 (14 of 1987); or
- in receipt of annual income less than rupees One Lakh or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme court.

c) **Lok Adalat:**

4.30 The introduction of Lok Adalat added a new chapter to the justice dispensation system of this country and succeeded in providing a supplementary forum to the litigants or disputants for satisfactory settlement of their disputes. It is a major aspect of legal aid programme because it intends to provide equal protection of Law and equal access to Justice to all people, particularly the poor who lack means to knock at the door of Justice.

4.31 The literal meaning of term 'Lok Adalat' is "People's Court". The word 'Lok' stands for 'People' and 'Adalat' stands for 'Court'. The Lok Adalat is an institution which settles disputes by adopting the principles of justice, equity and fair play. The Lok Adalat is a mechanism which provides a quick, easy, accessible, non-technical, sympathetic and disputant friendly forum to the people for resolution of their disputes, and thereby reducing the work load of existing courts.

4.32 Section 19 of Legal Services Authorities Act, 1987 insists the State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may be, Taluk Legal Services Committee to organise

Lok Adalat at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit.

Composition of Lok Adalat:

4.33 At State Authority level and at High Court level, each bench of Lok Adalat shall be constituted with a sitting or retired Judge of the High Court or a serving or retired judicial officer and anyone or both of the following:

- a member from the legal profession
- a social worker of repute, who is engaged in the upliftment of the weaker sections of the people and interested in the implementation of legal services schemes or programmes.

4.34 At District and Taluk Levels, each bench of Lok Adalat shall be constituted with a sitting or retired judicial officer and anyone or both of the following:

- a member from the legal profession
- a social worker of repute and interested in the implementation of legal services schemes or programmes or a person engaged in para-legal activities of the area, preferably a woman.

Types of Lok Adalat:

4.35 Lok Adalats are being conducted at regular intervals at Taluk level, District level, High Court level and at State level. National Lok Adalats are held at regular intervals where on a single day Lok Adalats are held throughout the country, in all the courts right from the Supreme Court till the Taluk Levels wherein cases are disposed off in huge numbers. As part of imparting justice at the door steps to the poor and down trodden sections of the society, Mobile Lok Adalats are also organized by the DLSAs and TLSCs. The Permanent Lok Adalat is yet another type of Lok Adalat, organized under Section 22-B of the Legal Services Authorities Act, 1987. Apart from these, Mega Lok Adalats are conducted on holidays. Special Criminal Lok Adalats are also conducted during vacation for settlement of compoundable criminal cases. Further, continuous Adalats attached to Family Courts, Special Lok Adalats for senior citizens etc. are also being conducted.

4.36 Pre Litigation Petitions (PLP) and Cases referred from Courts (Post Litigation) are considered by the Lok Adalats. Pre Litigation Petitions are those in which the person in need of justice directly approaches the Legal Services Institutions without bringing

the matter before a court of law. Courts can also refer a pending case before it to the Lok Adalat as per section -20 of the Legal Services Authorities Act, 1987 for amicable settlement. Such cases are said to be Court referred cases (Post Litigation).

Award of Lok Adalat:

4.37 The Lok Adalat has jurisdiction in respect of any case or matter except, those relating to an offence not compoundable under any law. The award of Lok Adalat is deemed to be a decree of a civil court, or as the case may be, an order of any other court. **The award made by the Lok Adalat is final and binding on all the parties to the dispute and no appeal shall lie to any court against the award.**

4.38 However, Hon'ble Supreme Court, in Bhargavi Constructions & Another Vs Kothakapu Muthyam Reddy & Others (Judgement dated, 07.09.2017 in Civil Appeal No.11345/2017) made it clear that the parties have liberty to challenge the legality and correctness of the award passed by the Lok Adalat by filing writ petition under Article 226 or/and 227 of the Constitution in the High Court in accordance with Law.

II. Additional Functions entrusted by the Courts

4.39 The KELSA and its allied institutions are bound to perform certain additional functions entrusted by Hon'ble Supreme Court and High Court through their Judgements from time to time. Some of such functions being carried out at present are the following:

a) Constitution of Family Welfare Committees (FWC):

4.40 As per the directions of the Hon'ble Supreme Court of India in Rajesh Sharma and Others V. State of UP and another in Crl.A.1265/2017 arising out of SLP (Crl.) 2013/2017 Family Welfare Committees have been constituted in all the Districts with an aim to prevent the misuse of Sec. 498 A of Indian Penal Code. Hon'ble Supreme Court has directed to constitute one or more Family Welfare Committees in every District by the DLSAs. The Committees shall be constituted out of para legal volunteers/social workers/retired persons/wives of working officers/other citizens who may be found suitable and willing.

4.41 All information about the offences under Sec.498 A IPC, received by the Police or the complaint filed before the Magistrate

are being referred to the Family Welfare Committee. The Committee has to give its brief report about the factual aspects and its opinion in the matter within one month from the date of receipt of the complaint. The Supreme Court has laid down that no arrest should normally be effected till report of the committee is received.

b) Under Trial Review Committee (UTRC):

4.42 As per the directions of the Hon'ble Supreme Court in W.P.(C) No.406/2013, an Under Trial Review Committee has been constituted in all Districts by the DLSAs. The District & Sessions Judge is the Chairperson of the Committee with District Magistrate, Superintendent of Police, Secretary, District Legal Services Authority and the Superintendent of the concerned District Jail/Central Jail/Sub-Jail as members.

4.43 The Under Trial Review Committee should specifically look into aspects pertaining to effective implementation of Section 436 A of the Cr.P.C. so that undertrial prisoners are released at the earliest and those who cannot furnish bail bonds due to their poverty are not subject to incarceration only for that reason. The Under Trial Review Committee will also look into issue of implementation of the Probation of Offenders Act, 1958 particularly with regard to

first time offenders so that they have a chance of being restored and rehabilitated in the society. The Committee shall also review the cases of undertrials who are unable to furnish surety after being granted bail by the court and of those accused of compoundable offences.

c) Welfare of Senior Citizens (Dr. Ashwini Kumar Vs Union of India and Others):

4.44 As per the directions of the Hon'ble Supreme Court of India in W.P.(C) No.193/2016, periodical reports regarding the number of old age homes, number of legal services clinics at old age home, visit of the Panel Lawyers and PLVs to the legal services clinics, awareness programmes conducted for the senior citizens etc. have to be submitted to the Hon'ble Supreme Court through NALSA. Uploading of the collected data in the official website is also required. All the Legal Services Institutions have to conduct programmes to make the senior citizens aware of their rights and the legal services available to them. All the DLSAs and TLSCs have to establish separate legal services clinics for the senior citizens.

III. Other Major Activities, Schemes and Programmes:

4.45 NALSA introduces various schemes every year in order to fulfil the “3Ls” which are to be implemented by the Legal Services Institutions all over India. These schemes are being implemented by the Legal Services Institutions through various activities, schemes and programmes. The following are the major activities, schemes and programmes organised by KeLSA and its allied institutions.

a) Legal Literacy/Awareness Programmes:

4.46 Imparting Legal Awareness is one of the major functions of KELSA. Various programmes, as detailed below, are organised by KELSA and its allied institutions for achieving this goal.

Organising Classes/Camps/Seminars/Workshops/Campaigns etc:

4.47 In order to impart legal awareness to people under various sections like, Senior Citizens, Women, Tribals, Students, Teachers and Parents, Labourers (including Migrant Labourers), Student Police Cadets, etc., legal literacy classes/seminars/workshops/camps are organised regularly by KeLSA and its allied institutions. Classes are being conducted on

various Acts, such as, Juvenile Justice Act, POCSO Act, Domestic Violence Act, Motor Vehicles Act, NDPS Act, Abkari Act, National Trust Act, Wildlife Protection Act, Kerala Forest Act, Scheduled Caste & Scheduled Tribes Atrocities Act, etc. Campaigns are also being organised against ragging, consumption of alcohol and narcotic drugs, violation of traffic rules etc. Quiz competition for students, Suchitwa Campaign, Awareness camps for the Waste management are also conducted. Pavillions are also set up in various exhibition programmes.

Publishing Pamphlets, booklets, readers etc.

4.48 Pamphlets, booklets, readers etc. are published and circulated among the people with the aim of imparting awareness. KeLSA publishes and circulates the booklet “Niyamapadam” for the 9th standard students. It also publishes and circulates other booklets, like, “Lessons in Law”, “Sthreeyum Niyamavum”, Brochures of anti-ragging, “Ente Rajyam Ente Swargam” - a booklet on Fundamental Duties (under Print).

Utilising Audio/Visual Media:

4.49 Legal awareness is done through visual and other media also. “Kathayallithu Jeevitham” a top-rated programme being telecast by

'Amrita TV' is a prestigious venture initiated by the KeLSA. "Neethipoorvam" a compilation of the programme on 'Constitutional Values', aired by A.I.R., Kochi F.M. is a unique programme which was released by the Hon'ble Mr. Justice Mohan M. Shantanagoudar, Chief Justice, High Court of Kerala and the Patron-in Chief, Kerala State Legal Services Authority on 29.11.2016.

4.50 The DLSA Kozhikode had produced a short film "Katha Katha Kaaranam", which screens the issues relating to the rehabilitation of mentally ill persons and to sensitise the society on the need to rehabilitate mentally ill patients in their family. The Production work of "Pennoruthy", another short film by DLSA, Kozhikode is also going on.

4.51 Legal Awareness is also done through Phone - in Programmes and documentaries.

Observing important Days:

4.52 As per the direction of NALSA, the following important days are observed by KELSA as part of its legal awareness campaign:

- International Women's Day
- International Labour Day

- World Environment Day
- World Day against Child Labour,
- Women Empowerment Day
- Senior Citizen's Day
- Mental Health Day
- Protection of Public Property Day
- Legal Services Day
- Childrens Day
- Law Day
- HIV/AIDS Day
- Day of Disabled Persons
- Human Rights Protection Day

4.53 Apart from that, Seminars and Awareness programmes on recent and modern legislations, which are necessary to enlighten the people are also conducted.

b) Legal Aid Activities:

4.54 To provide free legal aid to the poor and needy sections of the society, several legal aid activities are being undertaken by KeLSA and its allied institutions. Some of the important activities are listed below:

Rendering Legal Advice:

4.55 KeLSA and its allied institutions have set up a front office system comprising of a legal professional and a Para Legal Volunteer, for rendering adequate and proper legal advice to the common people without any cost. Primarily, it understands the problems of the person before it and analyse whether a legal remedy is required to redress the problem. If so, it suggests either to file petition before the Legal Services Institution or to approach the court, as the case may be. If there is no legal issue in the matter, it advises the person where to approach and how to approach, in order to get his problems resolved.

Providing Legal Aid in conduct of case:

4.56 Legal Aid mainly implies giving free legal services to the poor and needy who cannot afford the services of a lawyer for the

conduct of a case or a legal proceeding in any court, tribunal or before an authority. Providing the services of a lawyer to the weaker sections of the society for prosecuting and defending cases is an important function of KeLSA and its allied institutions. It is envisaged in section 12 of the Legal Services Authorities Act, 1987. For this purpose, lawyers are empanelled in each office and they are paid remuneration from the funds of KeLSA in accordance with the KeLSA Regulations.

Remand Advocates:

4.57 It is a recent scheme introduced by KeLSA for providing legal assistance to the persons in custody. As per the scheme, panel lawyers are deputed as remand advocates in each of the Magisterial courts or in the Court of Sessions wherever required to safeguard the rights of the person in custody.

Visiting Jails/ Rehabilitation Centres, etc.:

4.58 A team consisting of legal professionals and Para Legal Volunteers from the DLSAs/TLSCs regularly visit the Jails, Police Stations, Rehabilitation Centres, Poor Homes etc. under their jurisdiction to ensure that the human rights/legal rights of the

inmates are protected and to provide legal assistance for the enforcement of the same, if required.

Legal Aid Clinics:

4.59 The system of Legal Aid Clinics are established across the State under DLSAs and TLSCs in association with courts, Local Self government institutions, jails, educational institutions, community centres, protection homes, juvenile justice boards, NGOs, Hospitals and other areas, especially where the people face geographical, social and other barriers for access to the legal services institutions. These clinics serve as vehicles for delivering justice at the door steps of the common people.

c) Victim Compensation Scheme:

4.60 In any criminal case, the victim is considered only as an informant for the material source of evidence and in most cases, as an informant, he sets the criminal process in motion by reporting the crime to the police. The objective of Criminal Justice System is to ensure that the accused is punished in accordance with law, in the process of which every measure is taken to ensure that the rights of the accused is safeguarded. However it is disgusting to note that the

system do not give much similar concern for the victims of crime, who are the “bye products of the crime”. It is always presumed that when the offender is convicted and punished, the victim’s claims are sufficiently satisfied. However the reality is far from true. Punishing the accused in no way compensates the loss/injury sustained to the victim. Even in the cases, where the offender remains untraced or unidentified, there is an identified victim. In such cases, no trial takes place, and the victim or his dependants stand no chance of getting any kind of compensation. In any case, State is bound to give compensation for the loss/injury sustained to the victim.

4.61 Acknowledging the pressing need for providing relief/compensation to the suffering victim and his family, a new section “357 A” was added to the Code of Criminal Procedure through an amendment by the Indian Parliament in the year 2008, which came into effect on 31.12.2009. As per the provision, every State Government, in co-ordination with the Central Government, shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependants who have suffered loss or injury as a result of the crime and who require rehabilitation.

4.62 As provided in Section 357A of Criminal Procedure Code the Government of Kerala has notified the Victim Compensation Scheme for the State, vide G.O. (Ms) No.37/2014/Home dated 24-2-2014. The Victim Compensation Fund is operated by the Member Secretary, Kerala State Legal Services Authority.

d) Training Programmes

4.63 The Legal Services Institutions organise training programmes to PLVs and the Panel Lawyers. It also impart training to the Government Officials in departments like Police, Revenue. Local Self Government etc.

IV. Special Projects initiated by KeLSA and the allied institutions:

4.64 Special activities are organised by KeLSA and certain DLSAs/TLSCs. KeLSA in association with Santhwanam Counselling Centre, Cherthala has launched a project “HRIDAYA” to deal with the problems faced by teenage children in the society. It is intended to conduct awareness programme in various High Schools and Higher Secondary Schools in Cherthala Taluk. The “LOVE Kottayam” is a special activity organised by the

DLSA, Kottayam with an aim to impart Legal Literacy. The DLSA Pathanamthitta has formed an Arts Club for Transgenders, with the aim of motivating the transgenders and to bring them to the mainstream of the society. “Legal Services Mission Scheme” is a special mission organised by DLSA, Kannur. The “Kutty Mission” organised by the TLSC, Kothamangalam aims the prevention of domestic violence against children, by imparting awareness to them. “DOVE Mission” organised by TLSC, Kothamangalam, aims at prevention and eradication of domestic violence against women.

4.65 The Legal Services Institutions also organise Medical Camps at Tribal colonies, Blood Donation Camps etc.

V. Mediation Sensitization Programmes:

4.66 The Kerala State Mediation and Conciliation Centre and other mediation centres organise Mediation Sensitization Programmes for the public and other stake holders throughout the State. It also conduct Training/Refresher Courses for Referral Judges and Trained mediators to increase their competency and efficiency and create awareness on current and modern legislations, under the guidance from Mediation and Conciliation Project Committee.

C. Finance & Accounts:

4.67 As per Section 16 of the Legal Services Authorities Act, 1987, the State Authority shall establish a Fund to be called the “State Legal Aid Fund” which comprises:

- all sums of money paid to it or any grants made by the Central Authority (NALSA Fund).
- any grants or donations made to the State Authority by the State Government or by any person.
- any other amount received by the State Authority under the orders of any Court or from any other source.

4.68 The expenditure incurred in connection with the core functions of KeLSA and its allied institutions is met from the State Legal Aid Fund. The Administrative Expenses, including the salaries, allowances, etc. of the officers and other employees are met from the Consolidated Fund of the State. The Fund for “Victim Compensation Scheme” is also provided by the State Government.

D. Role of Para Legal Volunteers (PLVs):

4.69 In order to assist the legal services institutions in performing their activities, especially in legal awareness and

legal aid programmes, “Para Legal Volunteers” are engaged. During the year 2009, National Legal Services Authority (NALSA) brought out a scheme called the “Para-Legal Volunteers Scheme” which aimed at imparting legal training to such volunteers. The Para-Legal Volunteers (PLVs) are expected to act as intermediaries bridging the gap between the common people and the Legal Services Institutions to remove impediments in access to justice. Ultimately, the process aims at Legal Services Institutions reaching out to the people at their doorsteps rather than people approaching such Legal Services Institution.

4.70 The PLVs are being trained in the basics of different Laws which would be applicable at the grass-root level with reference to the day-to-day life. With the basic knowledge in the laws and other available welfare measures and legislation, they would be able to assist their immediate neighbourhoods who are in need of such assistance. The PLV will create awareness for the right of the citizens of the country and will make the latter aware of their legitimate rights and will also provide assistance to have access to the measures involving implementation of such rights.

4.71 The PLVs are not only expected to impart awareness on laws and the legal system, but they will be trained to counsel and to amicably settle simple disputes between the parties at the source itself, and thus can save the aggrieved parties from travelling all the way to the Legal Services Institutions. If the dispute is of such a nature, which cannot be resolved at the source with the assistance of PLVs, they can bring such parties to Legal Service Institutions, where, with the assistance of the competent authority can be availed to refer the matter in dispute to the Lok-Adalat or Mediation Centre.

4.72 PLVs shall be literate, preferably matriculate, with a capacity for overall comprehension. They can be selected from any categories of the society like Teachers, Retired Government servants, senior citizens, MSW students, doctors, anganwadi workers, law students, members of NGO, Self Help Groups etc. Apart from these, a few educated well-behaved prisoners serving long term sentences in the Central Prison and District Prisons may also be identified for being trained as Para Legal Volunteers. Their services shall be available to the other prisoners in the jail including the under trial prisoners.

4.73 As the nature of services to be rendered by PLV are sociological in nature, the career is most suited for the persons who are not considering it as a mode of income. It is good for the persons with mind set of providing assistance to the needy and marginalized section of the society.

4.74 The service of the PLVs are mainly utilized in the following spheres:

- in the 'Front Offices' of the Legal Services Institutions.
- in the 'Legal Aid Clinics' of the DLSA/TLSCs.
- in the legal literacy classes and camps.

4.75 The PLVs also take efforts to bring the parties of the locality, involved in disputes, to the Legal Services Institution for settlement by using ADR mechanism.

E. Significance of KeLSA and its allied institutions:

4.76 Law should not be used as an instrument of oppression but rather as a tool to eradicate injustice and alleviate poor by restoring their rights in a just manner whenever they are infringed. Legal services authorities in different states have been enshrined with this purpose to make access to justice available to all.

They play a very decisive role and acts as a bridge between the needy poor and the courts. They are the link which shows the poor the way to attain justice from the court which includes providing counsel, paying of court fees and fulfilling other court formalities.

In short, Legal Services Institutions cannot be considered as an institution which provide legal assistance only. Rather, they are Social Service Institutions where the public can approach for anything that affects their day to day life.

4.77 Legal services authority is one positive step in the direction of bringing justice to the weaker sections of the society, but its decisive role and significance depends how it organizes itself in the society and proves it worth.

4.78 The pivotal functions of Legal Services Institutions are Legal Awareness, Legal Aid and Lok Adalat. The following aspects give much significance to the KeLSA and the allied institutions in the current scenario:

a) Legal Awareness is the first step towards achieving the goal of “equal Justice to all”. Without imparting Legal Awareness, all other steps taken for the fulfilment of above goal will be futile. It also helps in minimizing the exploitation of the poor and illiterate.

While there are various agencies like, Human Rights Commission, Women's Commission, Consumer Redressal Forum etc. to enforce the rights of the citizens, there are a few agencies to make the citizens aware of their rights. **KeLSA is the main Governemental agency engaged in the field of imparting Legal Awareness.**

b) The scope of Legal Aid given by KeLSA is very vast. Apart from providing legal assistance to those who approach the institution, the KeLSA and the allied insitutions, unlike other governmental organisations, find out the citizens from various sectors of the society who are deprived of Justice, give them proper guidance and leads them to the proper forum from where they get their problems solved. Thus, it is KeLSA which is the only machinery that brings “Justice to the door steps”.

c) Conducting “Lok Adalat” for the disposal of cases is the prestigious function of KeLSA. A large volume of pending cases along with pre-litigation petitions are being disposed of through this mechanism. The main advantages of settlement through Lok Adalat are the following:

- Cost free
- Speedy: Justice delayed is deemed to be Justice denied. The Lok Adalath settles the disputes in a

speedy manner compared to the court system where disputes are settled over several years of litigation.

- The Lok Adalat has jurisdiction over any matter, except those related to criminal non-compundable offences.
- settlement of matters with mutual consent and is mutually beneficial.
- The award of Lok Adalat is equivalent to the decree of a court and is binding on all the parties thereto. No appeal shall lie against the award and the settlement is perpetual.
- The award of Lok Adalat is enforceable through a court of law, if any of the parties desist from the agreement.
- The award of Lok Adalat leaves no hurt to any of the parties; there exists neither a loser nor a gainer.
- reduces the workload of Courts: A large number of cases pending in the courts for long periods are being settled by placing them in the

Lok Adalat (Post litigation cases). In addition, so many pre-litigation petitions are also disposed through Lok Adalat, without even knocking the doors of the Court.

- develops a culture of settling disputes sitting round the tables and thereby reduces litigation.
- Lok Adalat is devoid of procedural wrangles of court system and is more people-centric than procedural centric.
- court fee is refunded if the case is settled through Lok Adalat.

d) Legal Services Institutions act as a bridge between the law enforcement agencies and the needy citizens. It plays the role of a co-ordinator in solving various issues of the public like Water Problem, Electricity, Housing, Medical, Road, Cleanliness, Waste management etc. with the help of various Government Departments/Institutions/Organisations etc. thus acting as a social service provider.

e) The area of action of legal services institutions is unlimited. It can act on any issue affecting the society. While the Commissions/forums like Women's Commission, SC/ST Commission, Consumer Redressal Forums etc., act only on the issues related to a specific law, the Legal Services Institutions deal with any matter related to any of the existing Laws. In short, anything under the sky comes under the purview of its operation.

f) The Legal Services Institutions spent much time to hear the people, their grievances, complaints, clamors, sorrows in their own informal words. Here, even the illiterate people gets a relief or satisfaction as they get opportunity to express their emotions.

4.79 To summarise, these institutions are not only Legal Service Institutions but, in a real and broader sense, they can be considered as Social Service Institutions or Public Service Institutions, whose surveillance is there in all the aspects of human life. This is a developing system, which in future may surpass the court system. More and more new initiatives and schemes are being taken up by these institutions, as the social circumstances demands. In addition, Courts also entrust new initiatives to the Legal Services Institutions. Recent court orders reveal that there is a growing

tendency from the part of the courts to utilise the service of Legal Services Institutions as an instrument to ensure the proper operation of the laws in force. In a bird's eye-view, the Legal Services Institutions are seen as institutions which play multiple roles of a provider, co-ordinator, promoter and facilitator of social justice.

Chapter V

FACTS AND ANALYSIS

The work study team visited the offices of KeLSA (Head Office), HCLSC, ADR at High Court (KSMCC), 14 DLSAs, selected sample offices of TLSCs, District ADR Centres and PLAs for the collection of data for the assessment of work load. The findings and recommendations of the team with respect to each category of office are detailed below:

I. Taluk Legal Services Committee (TLSC):

5.2 Taluk Legal Services Committee is the basic unit discharging the functions of Legal Services Institutions at grass root level. At present, 62 Taluk Legal Services Committees are functioning in Kerala. An office of TLSC is bound to discharge three main functions viz., conduct of Lok Adalat, giving Free Legal Aid and organising Legal Awareness Programmes. The steps involved in the discharge of these functions are as follows:

a) Lok Adalat:

5.3 The papers processed in the office of TLSC mainly includes Pre-Litigation Petitions, case files referred by the Courts

and applications for free legal aid. Out of these papers, Pre-litigation petitions and Court referred cases are disposed by placing them in the Lok Adalat.

5.4 Different types of Lok Adalats like National Lok Adalat, Regular Lok Adalat, Special Lok Adalat and Mobile Lok Adalat are being conducted by TLSCs. In addition to the above, Mega Lok Adalats are conducted on holidays. Special Criminal Lok Adalats are also conducted during vacation, for settlement of compoundable criminal cases. At present, National Lok Adalat is held once in every two months.

5.5 As per the data collected by the work study team, annually an average of 7450 court referred cases and above 2000 PLPs are received by the TLSC which are disposed by placing in the Lok Adalats. An average of 44 Lok Adalats are organised by the TLSCs annually.

5.6 The steps involved in the conduct of Lok Adalat is summarised below:

- File work for organising Lok Adalat (including registration of petitions/cases, fixing of venue,

constitution of benches, computing the remuneration to the Judicial Officers, Court Staff and PLVs etc.)

- Publicity works in order to inform the public
- Notice to the Courts intimating the proposed Lok Adalat and calling for case list.
- Listing of cases for the Adalat (both PLPs & Court referred cases)
- Sorting out the cases/PLPs into different categories
- Pre settlement discussions for matrimonial and civil disputes.
- Preparation and issue of notices to all the parties involved in the dispute (number of notices may vary from a minimum of two to higher number per case, depending on the number of parties involved in the dispute)
- Alloting/distributing cases to each bench
- Arrangement of benches (providing seating and other facilities to the officers and the public).

- Deployment of court staff and PLVs for each bench.
- Dealing with the parties who come with notice
- Co-ordinating various activities of Lok Adalat, including crowd management, arrangement of refreshments etc.
- Listing the awarded cases and others separately.
- Preparation and issue of Awards.
- Returning of case files to the court (Court referred cases)
- Safe keeping of closed files.

5.7 Non settled cases having a scope for settlement are to be placed in the next Lok Adalat and the same procedure is repeated.

b) Free Legal Aid:

5.8 Applications for Free Legal Aid are received directly from individuals. Sometimes, the Court may also direct the TLSC to provide Free Legal Aid to a person whose case is under its consideration.

5.9 The steps involved in the processing of Legal Aid Application is summarised below:

- Receipt of Application for Free Legal Aid
- Entering in the Register maintained for Free Legal Aid.
- Scrutiny of the application with supporting documents and examines whether eligible for getting free legal aid.
- If the applicant is eligible for free legal aid, his application is processed and submitted to the Chairman.
- The Chairman of the TLSC allots an advocate to the applicant from the panel of Advocates maintained in the TLSC.
- Preparation of Proceedings regarding the appointment of the advocate and making entry in the Proceedings Register
- Issuing copy of the Proceedings to the Court, Advocate and the Applicant

- Receives the application for remuneration submitted by the Advocate after conducting the case.
- Sending the application of the Advocate to the Court concerned for getting the details of effective appearance.
- Computation of remuneration of the Advocate and getting orders of the Chairman for effecting the payment.
- Keeping of records.

c) Legal Awareness Programmes:

5.10 A variety of programmes are organised by the TLSCs in connection with Legal Awareness campaign and various schemes implemented by KeLSA. The background work associated with these programmes cannot be reflected in any statement.

5.11 The background works involved in organising a programme is summarised below:

- Contacting the authorities of institutions like schools, colleges, LSGIs where the programme is proposed to be conducted.
- Fixing the date and venue

- Getting resource persons.
- Giving publicity of the programme by preparing notice/pamphlets/banners etc.
- Inviting the officers and other dignitaries.
- Providing various facilities required in the venue like Audio/Video amenities, seating arrangements, refreshments etc.
- Calculation of expenses and settling.
- Keeping of records

5.12 In addition to the works related to the main functions of TLSC, the staff have to perform their routine office works such as, file works related to the administration of the office, maintaining registers, data compilation, deputing Advocate and PLVs to Legal Aid Clinics, deputing them for Jail visit, computation of remuneration in respect of Advocates and PLVs, keeping of accounts etc.

Findings and recommendations regarding the working of TLSC:

5.13 The following are the main difficulties noticed in the present working of the office of the TLSC and the suggestions/recommendations of the work study team there to:

a) Office Building:

5.14 Most of the offices of TLSC are functioning in a small portion of the Court building, with very limited infrastructure facilities. Majority of the offices do not have enough space to accommodate even the skeletal staff strength of two, sanctioned to the TLSCs. Some instances have been noticed by the work study team during the course of study. The TLSC Peermade is working in a narrow space between two buildings, roofed by asbestos which cannot be considered as an office. The TLSC, Aluva is working in the dining hall of the court staff and the staff of TLSC have to vacate their seats for the court staff, during lunch time. The other TLSCs are also functioning in more or less similar pathetic condition. Many offices do not have proper name boards to help the public to find out the office. In some places, the office of TLSC is not even distinguishable from the office of the court, as there is no partition separating the two. Majority of the TLSCs have no toilet facility.

As such the staff of TLSCs have to depend upon the court staff to meet their basic needs. In the case of a visitor to the TLSC, no basic amenities like seating, drinking water, toilet facilities etc. are being provided presently. Since there is no adequate space and furniture for the safe keeping of Registers and Records of the office, they are seen kept in an irregular manner.

5.15 Findings:

- i. Pathetic condition of offices.
- ii. Not easily distinguishable from the office of the court.
- iii. Lack of space disrupts normal functioning of the office.
- iv. Records and Registers of the office are seen kept in an irregular manner.

5.16 Recommendations:

- i. Urgent steps may be taken to house the Office of TLSCs in a separate building or in an easily identifiable portion of the court building.
- ii. Proper name board showing the name of the office and contact number may be displayed in front of every office.

- iii. Sufficient space for the conduct of Regular Lok Adalat and safe up keep of office records may be ensured.
- iv. Seating and Drinking water facility is to be provided for the public visiting the office.
- v. Office furniture for the safe up keep of registers and records may be provided.

b) Office Stationery:

5.17 The Office of TLSCs have no direct supply of stationery from the Stationery Department. The stationery is procured by the respective DLSAs and is distributed to the TLSCs. It is seen that the stationery supplied by the DLSA is not adequate for the proper functioning of the TLSCs. No separate fund is seen earmarked for the TLSCs for meeting the routine office expenses. So most of the TLSCs do not resort to local purchase of stationery, instead they depend upon the court staff for meeting their requirements.

5.18 Findings:

- i. The stationery supplied by the DLSA is insufficient to meet the requirement.
- ii. Non-allocation of fund for meeting routine office expenses creates difficulties in the day to day working of the office.

5.19 Recommendations:

- i. DLSAs may supply adequate office stationery for all TLSCs under its control.
- ii. Separate fund may be earmarked for all TLSCs for meeting routine office expenses.

c) Office Equipments:

5.20 The Office of TLSCs are not being provided with basic office equipments like Computer, Printer, Photocopier etc. In this era of e-Governance, we cannot even think of an office not having a computer. The irony is that there exist a post of Typist in the Office of TLSC which has no type writer/computer at all. Even though the Office of TLSCs do not have a computer, they are compelled to furnish urgent reports to the higher offices viz. DLSA/KeLSA through e-mail regularly. The staff of TLSCs largely depend on the computers provided to the court staff for checking/sending e-mails and also for doing urgent typing works. The computers used by the court staff will not be available all the time as the court staff are also on their busy work. As such, the TLSC staff have to wait long hours to use the computer of court staff and sometimes they are forced to use the service of nearby DTP centres, by paying cash from their own pocket, to get their work done.

5.21 When the process of Lok Adalat is finished, the TLSCs are required to issue the copies of the Award passed by the Lok Adalat to the parties concerned then and there. The work study team has observed that lack of a photocopier severely affects the timely delivery of Award to the parties. Moreover, a photocopier is also very essential for the day to day functioning of the office.

5.22 During the commencement of work study, the office of TLSCs were functioning with out an official telephone. The staff were using their personal phones for official communication. During the course of work study, KeLSA allotted funds for providing official mobile phone to the secretaries of TLSCs and the process of providing mobile phones is going on.

Finding:

5.23 Absence of office equipments like computer, photocopier etc., makes the staff to depend on the court staff for using such equipments. It not only results in wastage of working time of the staff of TLSC but also affects their morale.

Recommendation:

5.24 Urgent steps may be taken to provide computer with internet connection, Printer, Photocopier and official mobile phone to all the TLSCs.

d) Front Office System:

5.25 As per the Regulation 4(1) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, Front Office consisting of a panel lawyer and a PLV are to be set up in every Legal Services Institution for dealing with the public who approaches the institution for assistance. But, such a Front Office system is not seen functioning in most of the TLSCs. As a result, the public directly approaches the staff of TLSCs and the staff have to deal with the petitioners, by leaving their routine duties. They have to hear the petitioners. The majority of the petitioners express their grievances in their own informal words and it is a difficult task to understand the problem. After identifying the issue, it is to be decided whether the matter is to be handled in TLSC or not. Even if it is not so, proper guidance is to be given to the petitioner in order to getting his problem solved. The work study team has noticed that in most cases, the petition is also prepared by the staff for the petitioner. In this way, dealing with the public is a time consuming task and the staff of TLSCs are forced to spare a considerable part of their working time and effort for this purpose.

Finding:

5.26 Absence of Front Office system in TLSCs affects the routine work of the staff.

Recommendation:

5.27 Urgent steps may be taken for setting up a Front Office consisting of a Panel Lawyer and a PLV, in every TLSC at a conspicuous part of the building, for dealing with the public.

e) Registry of papers:

5.28 Proper registry of papers is essential for ensuring accountability and transparency of an office. TLSC is a kind of office where a lot of papers in the form of PLPs, Legal Aid Applications, Case files and official correspondences are recieved daily. Proper registers are to be maintained for registering these papers.

5.29 The study team has observed that there is no supply of registers to the office of TLSCs and the staff are not aware of the types of Registers to be maintained in the office of TLSC. The absence of prescribed registers and acute shortage of staff have badly affected the proper registry of papers in TLSCs.

Since there is no supply of Registers, the staff are compelled to collect the old unused registers from the court staff. Due to the lack of prescribed registers, there is no uniformity with regard to the number of registers maintained in TLSCs and also with respect to the entries made in the registers. For instance, it is found that all the TLSCs have a 'PLP Register' for recording the PLPs received in the office. But some of the TLSCs are not entering the date of receipt of the petition in that register. The date of receipt of an application is a valuable data in the era of modern legislations like Right to Information Act, Right to Services Act etc. It is also observed that inspite of the clear instruction in Regulation 38 of KeLSA-Kerala Regulations, 1998, most of the TLSCs are not maintaining a register for recording the details of cases referred by the Courts to the TLSCs. As a result, most of the TLSCs do not have a clear picture on the number of cases referred by the Courts. Such lapses in maintaining registers have not only affected the transparency and accountability of the office but also resulted in leaving a major portion of the work load of the office unaccounted. It also causes hardships in furnishing exact data to the higher offices, providing details to the applications related to RTI Act etc.

5.30 Findings:

- i. Lack of proper registration of papers have affected the transparency, accountability and uniformity in the overall working of TLSCs.
- ii. Lack of proper registers cause hardships in furnishing correct data to the higher offices. The staff have to spend more time for the consolidation of data.

5.31 Recommendations:

- i. KeLSA may specify the types of Registers to be maintained in the offices of TLSC. Proforma of each of the registers may also be prepared by KeLSA for ensuring uniformity.
- ii. KeLSA may ensure that registers like PLP Register, Register for Cases referred by the courts (as per Regulation 38), Register for Lok Adalats, Register for Legal Aid, Register showing the details of programmes conducted, Register of Proceedings etc. are maintained in all the TLSCs, in addition to other relevant registers like Inward Register, Cash Book, Despatch Register, Right To Information Act Register etc.
- iii. All the information from receipt to disposal of a paper may be recorded in the Registers.

- iv. Adequate number of registers may be supplied to all the TLSCs by KeLSA/ DLSA.

f) Human Resources:

5.32 At present, the office of TLSC is having only two posts namely, a Secretary and a Typist and these posts are filled up through deputation. The staff strength of TLSC remains unchanged since its inception, eventhough the activities of the institution has increased manifold. The present skeletal staff strength is not at all adequate to meet the workload in connection with the ever increasing activities of the office.

5.33 The senior most Judicial Officer in the Taluk is the Chairman of TLSC. Since the post of chairman is an ex-officio post, he is not in a position to spare much time to supervise each and every activities of the office. Only an overall supervision is possible by him as he is heavily burdened by the regular works related to the Court. Some times, the Secretary of the TLSC has to wait for long hours for getting orders of the Chairman in files related to the routine activities of the office. It has been observed that the staff of TLSCs have developed a practise of approaching the Chairman for such purposes after the normal working hours.

5.34 Unlike DLSAs, the service of a full-time Judicial Officer is not available in the office of TLSC. In this scenario, the Secretary of TLSC has to play a vital role in the proper functioning of the office. The only staff available in the TLSC in addition to the Secretary is a Typist. The Work Study team has noticed that most of the Typists deputed to the TLSC are familiar only with the typing work and their contribution in assisting the Secretary to discharge the functions of TLSC is considerably low. No clerical staff is there to assist the Secretary. This has resulted in making the Secretary of TLSC solely responsible for the proper implementation of activities of the TLSC as well as the administrative functions of the office like maintenance of Registers, maintenance of Accounts, compilation of data etc. Infact, at present, the Secretary of TLSC is performing both the duties of a clerk and a Supervisory Officer simultaneously.

5.35 At present, there is no post of Office Attendant in the office of the TLSC eventhough there exists a variety of works to be done in connection with the conduct of Lok Adalat, organising various programmes etc., apart from the normal works of an Office Attendant. The office of TLSC has a lot of correspondance to be despatched through local delivery like returning of case files

to the respective courts after Lok Adalat. In addition, affixing stamp in notices, serving notices in connection with Lok Adalat and Awareness Programmes, are also to be performed. It is observed that in the absence of an Office Attendant, such works are also being done by the staff of TLSC. The service of PLVs are also utilized by some TLSCs for the above purposes.

5.36 The workload in the office of TLSC has been calculated on the basis of the data collected by the Work Study Team and is appended as **Annexure I** of this report. The total workload of the staff in the office of TLSC is **3793.28** manhours.

5.37 As per the existing norms, officers in the category of Legal Assistant Grade II or similar category of officers can only be considered for deputation to the post of Secretary, TLSC. Similarly, deputation to the post of Typist Gr.I in TLSC can be made only from the category of Typist Grade II. The Work Study Team is of the view that in order to ensure availability of officers to these posts, the officers in the respective categories irrespective of their grade may be considered for deputation.

5.38 Findings:

- i. The present staff strength of TLSC is inadequate to meet the immense workload associated with the ever increasing activities of the office.
- ii. All the works related to the implementation of activities of the TLSC as well as the administrative functions of the office are being carried out by the Secretary of TLSC. There exists only a post of Typist in TLSC other than the post of Secretary. Neither a clerical staff nor an Office Attendant is there to assist the Secretary.
- iii. Two posts of Clerk is required to meet the total manhours of 3793.28 in the office of TLSC ($3793.28/1700 = 2.23$)
- iv. The Member Secretary, KeLSA has proposed for the creation of two posts of Data Entry Operator in each TLSC. It is observed that typing works and Data Entry Works can be managed by the existing Typist of TLSC.
- v. The Grade prescribed for Legal Assistant as Legal Assistant Grade II and Typist as Typist Grade II, for being deputed to the corresponding posts of Secretary and Typist in TLSC, limits the availability of officers on deputation.

- vi. The post of “Typist Gr.I” in TLSC needs to be redesignated as “Typist”.

5.39 **Recommendations:**

- i. **Two posts of Clerk** may be created in each TLSC. Appointment to the posts of Clerk may be made through deputation from the category of Clerk/Senior Clerk from any Government Department.
- ii. **One post of Office Attendant** may be created in each TLSC. Appointment to the post may be made through deputation from the category of Office Attendant from any Government Department.
- iii. The mode of appointment prescribed for the post of Secretary, TLSC may be revised by modifying the portion “by deputation from the category of Legal Assistant Gr.II of Law Department” as “by deputation from the category of Legal Assistant of Grade II/Grade I/Assistant Legal Officer of Law Department” in order to ensure the availability of staff to be deputed to the post of Secretary TLSC.
- iv. The post of “Typist Gr.I” in TLSC may be redesignated as “Typist”

v. The mode of appointment for the post of Typist in TLSC may be revised as **“by deputation from the category of Typist of any Grade from any Government Department”** in order to ensure the availability of staff to be deputed to the post.

vi. Work Distribution may be done among the staff. Supervisory charge of the office may be assigned to the post of Secretary.

5.40 On implementation of these recommendations, the revised staff pattern and the mode of appointment of the staff of TLSC will be as follows:

Sl.No	Name of Post	No.of Post	Mode of Appointment
1	Secretary	1	By deputation from the category of Legal Assistant Gr.II/Gr.I/ALO of Law Department or similar category of officers from Judicial Ministerial Service or from any other Subordinate Services of the Government.

2	Clerk	2	By deputation from the category of Clerk/Senior Clerk from any Government Department.
3	Typist (after redesignating the post of Typist Gr.I)	1	By deputation from the category of Typist of any Grade from any Government Department.
4	Office Attendant	1	By deputation from the category of Office Attendant from any Government Department
Total		5	

Newly Proposed TLSCs:

5.41 The proposal of Member Secretary KeLSA includes the creation of posts for the newly proposed seven Taluk Legal Services Committees. Considering the nature of functions and social importance of the institution, the work study team recommends for the same staff pattern as mentioned above for the newly proposed TLSCs also.

II. District Legal Services Authority:

5.42 DLSA is the District Level Institution co-ordinating the activities of the Taluk Legal Services Committees and other Legal Services in the District. The administrative control of all the TLSCs in the District is vested with it. The legal services offered by the DLSA is same as that of the TLSC viz, conducting Lok Adalat, providing Free Legal Aid and organising Legal Awareness Programmes.

5.43 Apart from the above said legal services, the DLSA has to perform the following additional duties:

- Co-ordination and supervision of various legal services activities in the District.
- Administrative control over all the TLSCs.
- Establishment works of Staff in the DLSA, TLSCs and the District ADR Centre.
- Selection of PLVs and providing training to them.
- Distribution of remuneration/honorarium to the PLVs, Panel Lawyers and the Mediators.

- Conduct of enquiry and fixation of compensation under Victim Compensation Scheme.
- Setting up special Committees such as Family Welfare Committee, Uner Trial Review Committee; organising its meetings and follow up.
- Conducting audit in the TLSCs and furnishing report to KeLSA.
- Allocation of funds to the TLSCs and keeping of accounts.
- Consolidation of data collected from TLSCs and furnishing report to KeLSA.
- File works related to the administration of the office and maintaining registers.
- Deputing Advocates and PLVs to Legal Aid Clinics, deputing them for Jail visit, computation of remuneration in respect of Advocates and PLVs.
- Convening the meetings of District Legal Services Authority.

Findings and recommendations regarding the working of DLSA:**a) Office Building:**

5.44 Out of the 14 DLSAs, six DLSAs viz., Thiruvananthapuram, Alappuzha, Kottayam, Ernakulam, Thrissur and Kannur are now working in the new building of ADR Centre, constructed utilizing the Fund allotted as per the recommendation of the 13th Finance Commission. The other eight DLSAs are working in a portion of the Court building with limited facilities. These DLSAs do not have enough space for the conduct of regular Lok Adalat. The DLSAs of Wayanad, Malappuram and Palakkad are functioning in buildings with insufficient space even for the normal working of the office. Most of the DLSAs functioning in the Court building do not have enough space and furniture for the safe keeping of records. Even in the case of DLSAs working in the new building of ADR Centres, the lack of furniture creates much problems in the safe upkeep of records.

5.45 Findings:

- i) The DLSAs of Wayanad, Malappuram and Palakkad are functioning in buildings with insufficient space.

- ii) Majority of the DLSAs do not have an independent building.
- iii) Lack of adequate furniture causes problems in the safe keeping of records.

5.46 Recommendations:

- i) Urgent steps may be taken to shift the offices of the DLSA Wayanad, Malappuram and Palakkad to a building with adequate space.
- ii) Steps may be taken to construct new buildings for the eight DLSAs which do not have independent building.
- iii) Sufficient space for the conduct of Regular Lok Adalat may be ensured in all DLSAs.
- iv) Adequate furniture may be provided for the safe up keep of office registers and records.

b) Office Stationery:

5.47 The DLSAs procure stationery directly from the Stationery Department for all the offices under its administrative control. But, the stationery procured by DLSA is not sufficient to meet the large requirement especially in connection with the conduct

of National and Mega Lok Adalats. The DLSA is not in a position to supply adequate stationery to the TLSCs. It is also observed that the fund earmarked for the DLSAs for meeting the office expenses is insufficient.

5.48 Findings:

- i) The stationery procured by the DLSA is insufficient to meet the requirement of the offices under its jurisdiction.
- ii) Allocation of Insufficient fund for meeting the office expenses.

5.49 Recommendations:

- i) Steps may be taken to procure adequate stationery in order to meet the requirement of DLSA and the TLSCs under its jurisdiction.
- ii) Adequate fund may be earmarked for meeting office expenses.

c) Front Office System:

5.50 DLSAs have set up a Front Office system consisting of a Panel Lawyer and a PLV for dealing with the public who approaches the institution for assistance. Sufficient infrastructure facilities are

available for the functioning of the Front Office system in the six DLSAs, having independent building. But in other DLSAs, the non-availability of sufficient space and other infrastructure facilities have affected the effective functioning of the Front Office System which often results in creating additional workload to the staff as mentioned in the case of TLSCs.

Finding:

5.51 The Front Office System in most of the DLSAs are not functioning properly due to the lack of adequate space and infrastructure facilities which in turn affects the routine work of the staff. .

Recommendation:

5.52 An effective Front Office System may be set up in all the DLSAs by providing adequate space and other facilities.

d) Registry of papers:

5.53 As in the case of TLSCs, the absence of prescribed registers clubbed with acute shortage of staff have badly affected the proper registry of papers and maintenance of Registers in DLSAs. Almost similar problems observed in TLSCs with regard to the

registry of papers and maintaining of registers are seen in DLSAs also. Hence, the Work Study Team is of the view that the recommendations made in the case of TLSCs are applicable in the case of DLSAs also.

5.54 Recommendations :

i) KeLSA may specify the types of Registers to be maintained in the offices of DLSAs. Proforma of each of the registers should also be prepared by KeLSA for ensuring uniformity.

ii) KeLSA may ensure that registers like PLP Register, Register for Cases referred by the courts (as per Regulation 38), Register for Lok Adalats, Register for Legal Aid, Register showing the details of programmes conducted, Register of Proceedings, Victim compensation Register and Court Cost Register are maintained in all the DLSAs, in addition to the other relevant registers like Inward Register, Cash Book, Despatch Register, Right To Information Application Register etc.

iii) All the relevant information regarding the subject should invariably be entered in the respective registers.

iv) Adequate number of registers may be supplied to all the DLSAs by KeLSA. Otherwise, KeLSA may entrust the DLSAs to print the registers required for the DLSA and the TLSCs under its control, in the prescribed proforma.

e) Human Resources:

5.55 At present, the office of DLSA is functioning with four staff, viz., a Secretary, a Section Officer, a Typist and an Office Attendant which are filled up through deputation. The sanctioned staff strength of the DLSA from the time of its formation remains almost unchanged, while the volume of work has increased in exponential term. The DLSAs are facing difficulties in performing the day to day work of the office with the current staff strength.

5.56 Earlier, the service of a Full-time Secretary was not available in DLSAs. As per G.O.(P) No.23/2015/Law dated, 07/12/2015, Government have sanctioned the post of Full-time Secretary in seven DLSAs. Later the post was sanctioned to the remaining DLSAs also. At present, all the DLSAs have Full-time Secretaries.

5.57 The post of Full-time Secretary sanctioned to the office of DLSAs has made many positive changes in its functioning. The overall performance of the DLSAs have improved remarkably due to the availability of Full-time Secretaries. Moreover the presence of a Full time judicial officer as the head of the office has uplifted the status of the office. It also paved the way for the conduct of Lok Adalats more frequently as the Secretary himself can act as the Judicial Officer of the bench.

5.58 The post of Section Officer is the next post in the hierarchy of DLSA. Eventhough the post of Section Officer is of supervisory in nature, he is bound to do clerical works rather than supervisory functions in the office of DLSA, as there is no clerical staff at present. All works related to accounts, establishment and administration of the office are done by the Section Officer. In addition to the office works, he has to do non-file works also in connection with the implementation of the schemes and various legal services activities.

5.59 During the course of the Work Study, it was found that the post of Section Officer is lying vacant in eight DLSAs namely, Kollam, Kottayam, Idukki, Ernakulam, Palakkad, Kozhikode,

Wayanad and Kasaragode. As per the existing norms, only an officer having LLB qualification can apply for deputation to this post. It is observed that the mandatory provision of LLB qualification for the post of Section Officer in DLSA has limited the scope of availability of officers to the post. The qualification for the post of Section Officer was fixed at a time when there was no Full-time Secretaries in DLSAs. Now, all the DLSAs have a Judicial Officer as Full-time Secretary who is well versed in all aspects of Law. The post of Section Officer is mainly intended for discharging supervisory functions of the office and LLB qualification is not compulsory for the same. Being an institution offering Legal Services, LLB qualification to the Section Officer post is an added advantage. But, considering the availability of a full-time Judicial Officer as the Head of Office, the LLB qualification prescribed to the Section Officer may be relaxed as a preferable qualification, in order to overcome the problem of non-availability of officers to the post of Section Officer in DLSA.

5.60 DLSA receives an amount of more than Fifty Lakh in the form of NALSA fund through KeLSA, for the implementation of various legal service schemes in the District. Income in the form of

Court Cost levied by all the courts in the district, donations received from persons etc. are also received by the DLSA. These funds are to be allotted to the TLSCs as per the requirements. The State Government fund for salary and allowances of the employees of the DLSA, District ADR Centre and TLSCs under its control, remuneration for the Panel Lawyers, PLVs attached to the DLSA and Mediators of the District ADR Centre are also disbursed by the DLSA. These income and expenditure are to be properly accounted and maintained.

5.61 At present, there exists one post of Office Attendant attached to the office of DLSA. An Office Attendant in DLSA has to perform multiple type of duties in connection with the conduct of Lok Adalats and organising of Programmes, in addition to his normal duties of an Office Attendant. Majority of the DLSAs utilize the service of PLVs to meet the additional requirement of an Office Attendant.

5.62 As per the existing norms, officers in the category of Typist Grade I can only be considered for deputation to the post of Typist in DLSA. The Work Study Team is of the view that in order to ensure availability of officers to the post of Typist in DLSA,

the officers in the category of Typist irrespective of their grade may be considered for deputaion.

5.63 The workload in the office of DLSA has been calculated on the basis of the data collected by the Work Study Team and is appended as **Annexure I** of this report. The total workload of the staff in the office of DLSA is **5822.83** manhours.

5.64 Findings:

- i) The DLSAs are facing difficulties in performing the day to day work of the office with the current staff strength.
- ii) The post of Full-time Secretary sanctioned to the office of DLSAs has made many positive changes in its functioning.
- iii) The post of Section Officer is lying vacant in majority of the DLSAs. The LLB qualification prescribed for the post of Section Officer in DLSA seems to have limited the scope of availability of officers to the post.
- iv) Proper maintenance of accounts is essential in the office of DLSA as the office receives a lot of amount from various sources. At present, there is no accountant in the office.

- v) No clerical post is available in the office of DLSA. Four posts of Clerk is required to meet the total manhours of **5822.83** in the office of DLSA ($5822.83/1700 = 3.43$).
- vi) The Member Secretary, KeLSA has proposed for the creation of two posts of Data Entry Operator in each DLSA. It is found that typing works and Data Entry Works can be managed by the existing Typist of DLSA.
- vii) One more post of Office Attendant is seen necessary in the office of DLSA.
- viii) The Grade prescribed for Typist as Typist Grade I for being deputed to the post of Typist in DLSA, limits the availability of officers on deputation.

5.65 Recommendations:

- i) The LLB qualification prescribed for the post of Section Officer in DLSA may be relaxed as a preferable qualification.
- ii) One post of Accountant may be created in each DLSA. Appointment to the post of Accountant may be made through deputation from the category of Senior Clerk from any Government Department, preferably having graduation in Commerce.

iii) Three posts of Clerk may be created in each DLSA.

Appointment to the posts of Clerk may be made through deputation from the category of Clerk/Senior Clerk from any Government Department.

iv) One additional post of Office Attendant may be created in each DLSA. Appointment to the post may be made through deputation from the category of Office Attendant from any Government Department.

v) The post of Typist Grade I in DLSA may be redesignated as “Typist”.

vi) The mode of appointment for the post of Typist in DLSA may be revised as **“by deputation from the category of Typist of any Grade from any Government Department”** in order to ensure the availability of staff to be deputed to the post.

vii) Work Distribution may be done among the staff.

Supervisory charge of the office may be assigned to the post of Section Officer.

5.66 On implementation of these recommendations, the revised staff pattern and the mode of appointment of the staff of DLSA will be as follows:

Sl.No	Name of Post	No.of Post	Mode of Appointment
1	Secretary	1	By deputation from the State Judicial Service, not below the rank of a Subordinate Judge or Civil Judge
2	Section Officer	1	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, preferably with LLB.
3	Accountant	1	By deputation from the category of Senior Clerk from any Government Department, preferably having graduation in Commerce

4	Clerk	3	By deputation from the category of Clerk/Senior Clerk from any Government Department.
5	Typist (after redesignating the post of Typist Gr.I)	1	By deputation from the category of Typist of any Grade from any Government Department.
6	Office Attendant	2	By deputation from the category of Office Attendant from any Government Department
Total		9	

III. District ADR Centres (District Mediation Centres):

5.67 District ADR Centres (District Mediation Centres) are established in all the District Head quarters and also at North Paravur and Mavelikkara (Total 16). 48 Sub Centres are functioning at different places.

5.68 At present, the District ADR Centres are having two staff viz. a Clerk and an Office Attendant. These posts are filled through deputaion. The District Co-ordinator (The District Judge) can nominate a person from among the members of the staff or the clerk

deputed to the ADR Centre as the Nodal Officer. It is observed that in most of the Districts, the Clerks deputed to the ADR Centre are being nominated as the Nodal Officer.

5.69 Conducting Mediation on cases referred by the Courts is the main function of District ADR Centres. It also organises various Mediation sensitization programmes and refresher courses for Judicial Officers and trained mediators.

5.70 The District ADR Centre receives cases from various Courts for conducting mediation. These cases are to be entered in the respective registers. KeLSA has issued 8 types of registers in connection with the mediation process. The cases referred for mediation are allotted to the accredited Mediators on the basis of the daily roster prepared by Kerala State Mediation and Conciliation Centre (KSMCC) on a monthly basis. In cases where the date is fixed by the Court concerned, the mediation will be conducted on that date itself. Otherwise, ADR Centre has to fix the date of mediation in consultation with the mediator concerned. Thereafter, the parties are to be intimated. The case files are to be handed over to the mediators at the time of mediation and are to be collected back after the mediation session is over. These case files are kept in

safe custody till the next sitting. The monitoring of cases pending for Mediation is necessary to ensure compliance of time limit allowed by the Court for completing Mediation. Normally courts allow 60 days for returning files after conducting mediation. In certain cases, extension of time will be granted by the court on request made by the ADR Centre. The remuneration of mediators are calculated after checking their effective sittings for mediation. The case files are to be returned to the court after completing the process of mediation. The Nodal Officer is responsible for the safe custody and the timely return of the case files referred for mediation.

5.71 In addition to the above said duties associated with the conduct of mediation, the Nodal Officer has to do many other important duties like, collection of data from the Sub-centres, its consolidation, furnishing it to the KSMCC, maintenance of Registers, computation of remuneration for the mediators, receipt and forwarding of mediators reports to the Courts concerned, assisting the co-ordinator (Secretary, DLSA) in the day -to-day functioning of the Mediation Centre etc. He has to co-ordinate the working of mediation sub centres also. Moreover, he has to do various non-file works related to the organisation of Mediation

sensitization programmes, Refresher course for Judicial Officers and trained mediators etc.

5.72 Out of the 16 District ADR Centres, seven ADR Centres namely, Thiruvananthapuram, Mavelikkara, Alappuzha, Kottayam, Ernakulam, Thrissur and Kannur have buildings of their own, constructed utilizing the Fund allotted as per the recommendation of 13th Finance Commission. The Member Secretary, KeLSA has proposed for the creation of one sweeper post for each of the seven ADR Centres, working in the newly constructed buildings. The criteria for the creation of sweeper post are laid down in G.O. (P) No.501/2005/Fin dated, 25.11.2005 and G.O. (P) No. 61/2010/Fin dated, 09.02.2010 (**Annexure II & III**). A separate proposal in accordance with the said guidelines is required for the creation of sweeper posts.

5.73 The workload in the office of District ADR Centre has been calculated on the basis of the data collected by the Work Study Team and is appended as **Annexure I** of this report. The total workload in the office of District ADR Centre is **2500.50** manhours.

5.74 As per the existing norms, officers in the category of Legal Assistant Grade II can only be considered for deputation to the

post of Clerk in District ADR Centre. The Work Study Team is of the view that in order to ensure availability of officers to the post of Clerk in District ADR Centre, the officers in the category of Legal Assistant Grade II/Grade I/Assistant Legal Officer may be considered for deputation.

5.75 The Clerk deputed to the office of the District ADR Centres is from the category of Legal Assistant Gr.II in the Law Department or similar category of officers having a degree in Law. The deputation post in KeLSA, HCLSC and High Court ADR Centre for the same category of officer is named as Assistant. However, in the case of District ADR Centre, the same category of officer is posted as Clerk. Hence, the work study team is of the view that the post of “Clerk” may be re-designated as “Assistant”, as in the case of KeLSA and HCLSC.

5.76 Arbitration, Conciliation, Negotiation, Mediation and Lok Adalat are the different forms of Alternate Dispute Resolution Mechanism. At present, the institution which conducts mediation in the District level is named as “ADR Centre” while Lok Adalat in the District level is conducted by DLSA. This leads to an assumption in the minds of the common people that the DLSA is an institution

which has no role in Alternate Dispute Resolution. Since the term “ADR Centre” represents both these institutions collectively, the present District ADR Centres may be renamed as “**District Mediation Centres**”, as only mediation process is conducted there. Presently, the Sub-centres of District ADR Centres are meaningfully named as “Mediation Sub-Centres” and not “ADR Sub-centres”. Hence no re-naming is necessary for the sub-centres.

Findings and recommendations regarding the working of District ADR Centre:

5.77 Findings:

- i) Majority of the District ADR Centres do not have an independent building.
- ii) Post of Sweeper is seen necessary for the seven District ADR Centres, having independent building.
- iii) Two clerical posts are required to meet the total manhours of **2500.50** in the office of District ADR Centre
($2500.50/1700 = 1.47$)
- iv) The Grade prescribed for Legal Assistant for being deputed to the existing post of Clerk in District ADR Centre, limits the availability of officers on deputation.

- v) The deputation post for the Legal Assistant or similar category of officers in KeLSA, HCLSC and High Court ADR Centre is Assistant, where as it is Clerk in the case of District ADR Centre.
- vi) It will be more meaningful to re-name the “District ADR Centre” as “District Mediation Centre”.

5.78 Recommendations:

- i) Steps may be taken to construct new buildings for the remaining 9 District ADR Centres which do not have independent building.
- ii) The manpower requirement of sweepers in the seven District ADR Centres may be fixed according to the directions in G.O.(P) No.501/2005/Fin dated, 25.11.2005 and G.O.(P) No. 61/2010/Fin dated, 09.02.2010 (**Annexure II & III**). The Member Secretary, KeLSA may submit necessary proposal to Government based on the above Government Orders.
- iii) One post of Junior Clerk may be created in each District ADR Centre in addition to the existing post of Clerk.

Appointment to the post of Junior Clerk may be made through deputation from the category of Clerk from any Government Department.

- iv) The post of Clerk presently existing in District ADR Centre may be re-designated as “Assistant”.
- v) The mode of appointment to the post of Assistant (after redesignating the post of Clerk) may be revised by modifying the portion “by deputation from the category of Legal Assistant Gr.II of Law Department” as “by deputation from the category of Legal Assistant of Grade II/GradeI/Assistant Legal Officer of Law Department” in order to ensure the availability of staff to be deputed to the post.
- vi) “District ADR Centre” may be renamed as “District Mediation Centre”.

5.79 On implementation of these recommendations, the revised staff pattern and the mode of appointment of the staff of District ADR Centre will be as follows:

Sl.No	Name of Post	No.of Posts	Mode of appointment
1	Assistant (after re-designating the post of Clerk)	1	By deputation from the category of Legal Assistant of Grade II/Grade I/Assistant Legal Officer in the Law Department or similar category of officers, from the Judicial Ministerial Services or from any other Subordinate Service, having a degree in Law.
2	Junior Clerk	1	By deputation from the category of Clerk from any Government Department.
3	Office Attendant	1	By deputation from the category of Office Attendant in the Law Department or from similar category of officers from any other Subordinate Services.
Total		3	

IV. Alternate Dispute Resolution Centre, High Court:

5.80 The ADR Centre, High Court co-ordinates all the activities of 64 Mediation Centres (16 ADR Centres and 48 Mediation Sub Centres) across the State. It conducts training/refresher programmes to the referral Judges and Mediators to increase their competency and efficiency and to create awareness on current and modern legislations. It has also evolved innovative programmes for lawyers and public to spread awareness on the importance and relevance of mediation for dispute resolution. The Mediators are trained and they have been given accreditation when they fulfil the norms prescribed for accreditation.

5.81 An Officer in the rank of a District Judge on deputation is the Director of ADR Centre, High Court. The other staff in the office at present are one Section Officer, Two Assistants, One Office Attendant and one Driver. The Overall administration of the Office vests with the Section Officer. Out of the two posts of Assistants, Seat A1 handles the matters relating to accreditation of Mediators, conduct of refresher courses for Judicial Officers and accredited Mediators etc. while Seat A2 handles the matters relating to accounts, periodical statements etc.

5.82 The workload in the office of ADR Centre, High Court has been calculated on the basis of the data collected by the Work Study Team and is appended as **Annexure IV** of this report. The total workload in the office of District ADR Centre is **5529.31** manhours.

5.83 As per the existing norms, officers in the category of Legal Assistant Grade I or similar category of officers can only be considered for deputation to the post of Assistant Grade I in ADR Centre, High Court. The Work Study Team is of the view that the post of Assistant Grade I in ADR Centre, High Court may be re-designated as “Assistant” and the officers in the category of Legal Assistant Grade II/Grade I/Assistant Legal Officer in the Law Department or similar category of officers may be considered for deputaion to the post of Assistant, in order to ensure availability of officers on deputation.

Findings and recommendations regarding the working of ADR Centre, High Court:

5.84 Findings:

- i) No post of Confidential Assistant and Office Attendant is attached to the post of Director ADR Centre, High Court who is an officer in the rank of a District Judge.
- ii) The post of “Assistant Grade I” in ADR Centre, High Court needs to be re-designated as “Assistant”.
- iii) The Grade prescribed for Legal Assistant for being deputed to the existing post of Assistant Grade I in ADR Centre, High Court limits the availability of officers on deputation.
- iv) Three posts of Assistant are required to meet the total manhours of **5529.31** in the office of ADR Centre, High Court ($5529.31/1700 = 3.25$)

5.85 Recommendations:

- i) One post of Confidential Assistant may be created in the office of ADR Centre, High Court, attached to the post of Director. Appointment to the post may be made through

deputation from the category of Confidential Assistant from any Government Department.

- ii) One additional post of Office Attendant may be created in the office of ADR Centre, High Court, attached to the post of Director. Appointment to the post may be made through deputation from the category of Office Attendant from any Government Department.
- iii) The existing post of “Assistant Grade I” in the office of the ADR Centre, High Court may be re-designated as “Assistant”.
- iv) The mode of appointment to the posts of Assistant (after re - designating the post of Assistant Grade I) may be revised by modifying the portion “by deputation from the category of Legal Assistant Gr.I in the Law Department” as “by deputation from the category of Legal Assistant of GradeII/Grade I/Assistant Legal Officer in the Law Department” in order to ensure availability of staff to be deputed to the post.

- v) One additional post of Assistant may be created in addition to the existing two. Appointment to the post may be made as mentioned in the recommendation no. (iv) above.
- vi) The manpower requirement of sweeper in ADR Centre, High Court may be fixed according to the directions in G.O. (P) No.501/2005/Fin dated, 25.11.2005 and G.O.(P) No. 61/2010/Fin dated, 09.02.2010 (**Annexure II & III**). The Member Secretary, KeLSA may submit necessary proposal to Government based on the above Government Orders.

5.86 On implementation of these recommendations, the revised staff pattern and the mode of appointment of the staff of ADR Centre, High Court will be as follows:

Sl.No	Name of Post	No.of Posts	Mode of appointment
1	Director	1	By Deputation from the Category of District Judge from the Kerala State Higher Judicial Service

2	Section Officer	1	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 having a degree in Law
3	Assistant (after re-designating the post of Assistant Gr.I)	3	By Deputation from the Category of Legal Assistant Grade I/Grade II/ALO in the Law Department or similar category of officers from the Kerala High Court Service or from any other State Subordinate Service having a degree in Law
4	Confidential Assistant	1	By deputation from the category of Confidential Assistant of any grade from any Government Department
5	Driver	1	By deputation from the category of Driver in the Law Department or similar category of officers from any other subordinate services.
6	Office Attendant	2	By Deputation from the Category of Office Attendant in the Law Department or similar category of officers from any other Subordinate Services
Total		9	

V. Permanent Lok Adalat:

5.87 Permanent Lok Adalats (PLA) have been set up for providing compulsory pre-litigative mechanism for conciliation and settlement of cases relating to Public Utility Services like transport, postal, telegraph, real estate, education, insurance, hospital etc. At present, the PLAs are functioning at Thiruvananthapuram, Ernakulam and Kozhikode. The PLA, Thiruvananthapuram has jurisdiction over Thiruvananthapuram, Kollam and Pathanamthitta districts. PLA Ernakulam is having jurisdiction over the districts of Kottayam, Alappuzha, Idukki, Ernakulam and Thrissur whereas, PLA Kozhikode has jurisdiction over the remaining northern districts namely, Palakkad, Malappuram, Kozhikode, Kannur, Wayanad and Kasaragod.

5.88 The key difference between Permanent Lok Adalat and the Lok Adalats conducted by other Legal Services Institutions is that the PLA has the authority to decide the dispute in case the parties fail to reach consensus over the issue, as long as the dispute does not relate to any offense. The award of the PLA made either on merit or in terms of a settlement agreement is final and binding on all parties thereto and on persons claiming under them.

5.89 The work study team visited the office of PLA Kozhikode and Thiruvananthapuram for the collection of data. At present, the office of PLA Kozhikode is functioning with two staff on deputation ie., in the posts of Bench Assistant and Office Attendant. The rest of the posts are lying vacant (posts of Registrar, Clerical Assistant & Confidential Assistant). The office of PLA, Thiruvananthapuram is having four staff, viz., the Registrar, Bench Assistant, Clerical Assistant and Office Attendant. The post of Confidential Assistant is lying vacant.

5.90 One of the major problems noticed by the work study team is the location of the office of PLA, Kozhikode. The office building is located close to the market and is housed in the second floor of a rented building with limited light and air circulation. The monthly rent of the office building is learnt to be Rs.22,000/-. No lift facility is seen available and the public have to use the stairs to reach the office. The office is located beside a congested road and there is no parking facility for the vehicles. More over, it is very difficult for the people from far away places to locate the office.

5.91 The study team also observed that even though KeLSA organises awareness programmes about the Legal Services

Institutions and the services being rendered by those institutions, people are not much aware of the mechanism of PLA and its advantages.

5.92 The Member Secretary, KeLSA has proposed for the creation of additional posts of Two Clerical Assistant and One Office Attendant in each PLA. It is observed that the workload in the office of PLA is comparatively lower than that of DLSAs and TLSCs. The only work in the PLA is the conduct of Lok Adalat, regarding the petitions received from the public for providing compulsory pre-litigative mechanism for conciliation and settlement of cases relating to Public Utility Services like, transport, postal, telegraph etc. The average of petitions received in PLA Kozhikode and PLA Thiruvananthapuram is below 200 in an year. This work load can be managed by the existing staff strength. Hence, the study team is of the view that the present staff strength is sufficient for the smooth functioning of the office if all the existing posts are filled up through deputation.

Findings and recommendations regarding the working of PLA:**5.93 Findings:**

- i) The office of the PLA, Kozhikode is functioning in a place and building.
- ii) Public is not much aware of the mechanism of PLA and its advantages.
- iii) The existing staff strength is sufficient for the smooth functioning of the office.

5.94 Recommendations:

- i) Steps may be taken to shift the office of PLA, Kozhikode to a suitable place and building urgently.
- ii) KeLSA may organise programmes to make the public more aware of the mechanism of PLA and its advantages.

VI. Kerala High Court Legal Services Committee:

5.95 The Kerala High Court Legal Services Committee gives free Legal aid for filing or defending a Case before the High Court of Kerala. The Service of Legal aid panel Lawyers is made available to the parties in deserving cases on receiving application from them

for the same. The public can avail free Legal advice from the High Court Advocates on various Legal questions concerning issues related to them. Legal aid Clinic is intended to be a place where common people can consult a lawyer for their law related problems.

5.96 Recently, High Court (Middle Income Group) Legal Aid Society has been constituted under HCLSC for providing legal aid to persons belonging to the middle income group at a concessional rate.

5.97 The present staff strength of Kerala High Court Legal Services Committee includes, a Secretary, One Section Officer, Three Assistants and One Typist. Matters relating to Establishment and Accounts are dealt within A1 seat while Legal Aid and Legal Advice related matters are handled in A2 seat. Conduct of Lok Adalat and allied matters are processed in Seat A3. At present, staff from the office of High Court are posted on working arrangement basis in all the posts except that of Secretary.

5.98 The workload in the office of HCLSC has been calculated on the basis of the data collected by the Work Study Team and is appended as **Annexure V** of this report. The total workload of Assistants of HCLSC is **6798.28** manhours.

Findings and Recommendations:**5.99 Findings:**

- i) The post of “Typist Grade I” needs to be redesignated as “Typist”.
- ii) Four posts of Assistant are required to meet the total manhours of **6798.28** in the office of HCLSC ($6798.28/1700 = 3.99$).
- iii) No post of Office Attendant is attached to the office.
- iv) Eventhough the mode of appointment of staff to the office of HCLSC is specified as deputation, all the posts, except that of Secretary are filled up on working arrangement basis.

5.100 Recommendations:

- i) The existing post of “Typist Grade I” may be redesignated as “Typist”.
- ii) One Additional Post of Assistant may be created in addition to the existing three. Appointment to this post may be made through deputation from the category of Assistant of any grade in the Kerala High Court Subordinate Service

or from similar category of officers from any other subordinate services of the Government.

iii) One post of Office Attendant may be created. Appointment to the post may be made through deputation from the category of Office Attendant from any Government Department.

iv) All the posts in the office of HCLSC may be filled up through deputation as specified and posting of officers on working arrangement basis should be discouraged.

5.101 On implementation of these recommendations, the revised staff pattern and the mode of appointment of the staff of HCLSC will be as follows:

Sl.No	Name of Post	No.of Post	Mode of appointment
1	Secretary	1	By deputation from the category of Deputy Registrar in the Kerala High Court Service or from the category of Deputy Secretary in the Kerala Secretariat Service.

2	Section Officer	1	By deputation from the category of Section Officer in the Kerala High Court Service or from similar category of officers from any other State Service of the Government. [See General Recommendation No. xi (b)]
3	Assistant	4	By deputation from the category of Assistant of any grade in the Kerala High Court Subordinate Service or from similar category of officers from any other Subordinate Services of the Government.
4	Typist (after redesignating the post of Typist Gr.I)	1	By deputation from the category of Typist in the Kerala High Court Subordinate Service or from similar category of officers from any other subordinate services of the Government.
5	Office Attendant	1	By deputation from the category of Office Attendant from any Government Department.
Total		8	

VII. Kerala State Legal Services Authority (Head Office):

5.102 The Kerala State Legal Services Authority (KeLSA) has to supervise the expenditure in respect of establishment, administration and legal aid activities at the State, District and Taluk level offices based on Legal Services Authorities Act & Rules, NALSA Regulations and directives. The legal aid activities/services undertaken by the above offices are also to be monitored and guided by the head office.

5.103 The Member Secretary is the official head of KeLSA. The other staff sanctioned to the office include one Liaison Officer, one Joint Secretary, one Accounts Officer, one Section Officer, Four Assistants, one Confidential Assistant, one Typist, one Driver, Three Office Attendants, One Watchman and one Part-time Sweeper.

5.104 The posts of Liaison Officer and Joint Secretary are retained in the Law Department when the office of KeLSA was shifted from Thiruvananthapuram to Ernakulam. Instead of these posts, a post of Deputy Secretary was shifted from the Law Department to KeLSA as per G.O.(Rt) No.9538/2010/GAD dated, 31.12.2010. The Member Secretary has informed that the proposal for restoring the posts of Liaison Officer and Joint Secretary in

KeLSA is pending with Government. The Deputy Secretary is entrusted with the overall supervision of work in the office of KeLSA. He has to supervise the convening of all the meetings and activities of KeLSA. All files in respect of B,C & D seats verified by the Section Officer are to be cross verified by him. Updation of website of KeLSA, assisting in the administration of KeLSA as per the instruction of the Member Secretary are also comes under his responsibility.

5.105 All matters relating to the Finance and Accounts like, budget, re-appropriation, Supplementary Demands for Grants, NALSA Grant, Court Cost, Donations, Allocation of Fund to sub offices, Internal Audit, Annual Statement of Accounts, Accountant General's Audit, Administration Report, Finance Committee Meetings are entrusted to the Accounts Officer. He is also the custodian of all securities, bonds, FD receipts and all other valuables received in the office. Files in respect of Seat A are to be verified by him.

5.106 The Section Officer has to supervise the works in B,C & D Seats. He is also required to supervise the conduct of Lok Adalats and Programmes of KeLSA, matters related to meetings of State

Authority, preparation of minutes, Lok Adalats and Programmes of sub offices etc. In addition, he has to do all other works entrusted to him by the Member Secretary.

5.107 The total work of the office has been distributed among the four seats of Assistants. Matters relating to Finance and Accounts are being dealt within Seat A. Matters relating to the implementation of NALSA Schemes other legal services activities, except Legal Aid are handled in Seat B. Matters relating to Legal Aid, RTI, Meeting of Authority and other meetings, LA interpellations, miscellaneous works etc. are processed in Seat C while all establishment matters are being dealt within Seat D.

5.108 The workload in the office of KeLSA has been calculated on the basis of the data collected by the Work Study Team and is appended as **Annexure VI** of this report. The total workload of Assistants of KeLSA is **13301.25** manhours.

5.109 The annual workload of Typist in the office is 14073 pages in English and 2825 pages in Malayalam (Average 24 lines/page) (**Annexure VII**).

5.110 The Member Secretary, KeLSA has reported that Five vehicles are attached to the office of KeLSA and one vehicle to the office of ADR Centre, High Court. But only two posts of Driver are sanctioned in total for these two offices. The service of these drivers are utilised for the official cars used by the Member Secretary, KeLSA and the Director, ADR Centre, High Court. In addition to the above, a driver on co-terminus basis has been engaged for the official vehicle of the Hon'ble Executive Chairman and a driver on daily wage basis is engaged for Mobile Adalat van which tours the State round the year in connection with Mobile Lok Adalat and Legal Awareness Programmes. The Member Secretary has also reported that the remaining two vehicles which are to be used for legal awareness programmes are kept idle for want of Drivers and if drivers are not engaged, these two vehicles would be ruined. Hence, he has proposed for the creation of two posts of Driver in the office of KeLSA.

5.111 As per the existing norms, officers in the category of Legal Assistant Grade II or similar category of officers can only be considered for deputation to the post of Assistant Grade I in KeLSA. The Work Study Team is of the view that the post of

“Assistant Grade I” in KeLSA may be re-designated as “Assistant” and the officers in the category of Legal Assistant Grade II/Grade I/Assistant Legal Officer in the Law Department or similar category of officers may be considered for deputaion to the post of Assistant in KeLSA in order to ensure availability of officers on deputation. Similarly, the post of “Confidential Assistant Grade I” and “Typist Grade II” in KeLSA may be redesignated as “Confidential Assistant” and “Typist” respectively. Officers in the category of Confidential Assistant and Typist irrespective of their Grade may be considered for being deputed to the posts of “Confidential Assistant” and “Typist” in KeLSA respectively.

Findings and Recommendations:

5.112 Findings:

- i) The Grade prescribed for Legal Assistant, Confidential Assistant and Typist for being deputed to the existing posts of Assistant Grade I, Confidential Assistant Grade I and Typist Grade II in KeLSA limits the availability of officers on deputation.

- ii) The existing posts of “Assistant Grade I”, “Confidential Assistant Grade I” and “Typist Grade II” in KeLSA needs to be re-designated as “Assistant”, “Confidential Assistant” and “Typist” respectively.
- iii) Eight posts of Assistant are required to meet the total manhours of **13301.25** in the office of KeLSA ($13301.25/1700 = 7.82$).
- iv) Two posts of Typist are required to meet the total workload of 14073 pages in English and 2825 pages in Malayalam.
- v) Absence of Driver has resulted in keeping two vehicles idle.

5.113 Recommendations:

- i) The posts of “Assistant Grade I”, “Confidential Assistant Grade I” and “Typist Grade II” in KeLSA may be re-designated as “Assistant”, “Confidential Assistant” and “Typist” respectively .
- ii) The mode of appointment to the posts of Assistant (after re-designating the post of Assistant Grade I) may be revised by

modifying the portion “by deputation from the category of Legal Assistant Gr.II of Law Department” as “by deputation from the category of Legal Assistant of Grade II/Grade I/ Assistant Legal Officer of Law Department” in order to ensure availability of staff to be deputed to the post.

- iii) The mode of appointment to the post of Confidential Assistant (after redesignating the post of Confidential Assistant Grade I) may be revised as “by deputation from the category of Confidential Assistant of any Grade in the Law Department or from similar category of officers from any other subordinate services”.
- iv) The mode of appointment to the post of Typist (after redesignating the post of Typist Grade II) may be revised as “by deputation from the category of Typist of any Grade in the Law Department or from similar category of officers from any other subordinate services”.
- v) Four additional posts of Assistant may be created in addition to the existing four. Appointment to the posts may be made in accordance with the recommendation no. (ii) above.

- vi) One post of Typist may be created in addition to the existing one. Appointment to the post may be made as per recommendation no. (iv) above.
- vii) Two posts of Driver may be created in addition to the existing two. Appointment to the post may be done as per the existing rules.

5.114 The Member Secretary, KeLSA has proposed for the creation of two posts of Data Entry Operator in the office of KeLSA. It can be seen that after implementing the recommendations of the work study team, the number of Assistants and Typist in the office of KeLSA will be doubled. In this context, the team do not recommend for the creation of posts of Data Entry Operator as the Data Entry Works can be managed by the enhanced staff strength.

5.115 On implementation of these recommendations, the revised staff pattern and the mode of appointment of the staff of KeLSA (Head Office) will be as follows:

Sl. No	Name of Post	No.of Post	Mode of appointment
1	Member 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 Department
4	Section Officer	1	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 Service.
5	Accounts Officer	1	By deputation from the category of Finance Officer in the Finance Department. [see general recommendation No.xi (a)]
6	Assistant (after redesignating the post of Assistant Gr. I)	8	By deputation from the category of Legal Assistant Gr.I/Gr.II/ALO of Law Department or similar category of officers from the Judicial Ministerial Service or from any other subordinate services of the Government.

7	Confidential Assistant (after redesignating the post of Confidential Assistant Gr.I)	1	By deputation from the category of Confidential Assistant of any Grade in the Law Department or from similar category of officers from any other subordinate services.
8	Typist (after redesignating the post of Typist Gr.II)	2	By deputation from the category of Typist of any Grade in the Law Department or from similar category of officers from any other subordinate services.
9	Driver	3	By deputation from the category of Driver in the Law Department or from similar category of officers from any other subordinate services.
10	Office Attendant	3	By deputation from the category of Office Attendant 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
Total		24	

Internal Audit Wing:

5.116 The Member Secretary, KeLSA has proposed for the creation of additional posts for constituting an Internal Audit Wing for KeLSA. At present there is no permanent staff in KeLSA and its allied institutions. The mode of appointment suggested for the proposed Internal Audit Wing is also through deputation.

5.117 Internal audit of an organisation can be carried out effectively by those officers who are well aware of the working of the organisation. In Government Departments, Internal Audit Wing is constituted from among the existing staff who are familiar with the activities of the Department. The Work Study Team has proposed for the creation of 202 Clerical posts for KeLSA and its allied institutions including the post of 14 Accountants. Therefore, the Work Study Team is of the view that Internal Audit can be conducted effectively by utilizing the service of the experienced hands among the staff on a turn basis. The financial commitment on account of creation of additional posts exclusively for the constitution of an Internal Audit Wing has also taken into account.

Recommendation:

5.118 An Internal Audit Team may be constituted by appointing officers on a turn basis from among the staff of KeLSA and its allied institutions,.

CHAPTER VI

FINANCIAL IMPLICATIONS

In this report, the Work Study Team has recommended for the creation of 284 additional posts in the office of KeLSA and its allied institutions across the State, starting from the Taluk level. The additional posts recommended in this report is summarised below:

Sl.No	Name of the post	Number of posts recommended
1	Assistant	6
2	Accountant	14
3	Clerk	166
4	Junior Clerk	16
5	Typist	1
6	Confidential Assistant	1
7	Driver	2
8	Office Attendant	78
Total		284

6.2 The annual financial commitment on account of the creation of the additional posts is given in the following table:

FINANCIAL COMMITMENT ON ACCOUNT OF CREATION OF ADDITIONAL POSTS							
Sl.No	Name of Post	Basic Pay	DA @ 14% (iii) x 14%	Total (iii) + (iv)	No. of posts to be created	Expense per month (Rs) (v) x (vi)	Annual Expense (Rs) (vii) x 12
i	ii	iii	iv	v	vi	vii	viii
1	Assistant	29200	4088	33288	6	199728	2396736
2	Accountant	25200	3528	28728	14	402192	4826304
3	Clerk	19000	2660	21660	166	3595560	43146720
4	Junior Clerk	19000	2660	21660	16	346560	4158720
5	Typist	20000	2800	22800	1	22800	273600
6	Confidential Assistant	20000	2800	22800	1	22800	273600
7	Driver	18000	2520	20520	2	41040	492480
8	Office Attendant	16500	2310	18810	78	1467180	17606160
Total					284	6097860	73174320

Total Annual Financial Commitment – Rs.7,31,74,320/-
(Rupees Seven Crore Thirty One Lakh Seventy Four Thousand
Three Hundred and Twenty Only).

6.3 With a view to keep the financial commitment at minimum, only the most essential posts are recommended to be created. **Considering the social significance and the service offered by the Legal Services Institutions to the society, particularly for the marginalised sector, this expenditure need not be viewed as too high.**

CHAPTER VII

SUMMARY OF RECOMMENDATIONS

I. Taluk Legal Services Committee:

Office Building (Para No. 5.16):

i) Urgent steps may be taken to house the Office of TLSCs in a separate building or in an easily identifiable portion of the court building.

ii) Proper name board showing the name of the office and contact number may be displayed in front of every office.

iii) Sufficient space for the conduct of Regular Lok Adalat and safe up keep of office records may be ensured.

iv) Seating and Drinking water facility is to be provided for the public visiting the office.

v) Office furniture for the safe up keep of registers and records may be provided.

Office Stationery (Para No. 5.19):

i) DLSAs may supply adequate office stationery for all TLSCs under its control.

ii) Separate fund may be earmarked for all TLSCs for meeting routine office expenses.

Office Equipments (Para No. 5.24):

Urgent steps may be taken to provide computer with internet connection, Printer, Photocopier and official mobile phone to all the TLSCs.

Front Office System (Para No.5.27):

Urgent steps may be taken for setting up a Front Office consisting of a Panel Lawyer and a PLV, in every TLSC at a conspicuous part of the building, for dealing with the public.

Registry of papers (Para No. 5.31):

i) KeLSA may specify the types of Registers to be maintained in the offices of TLSC. Proforma of each of the registers may also be prepared by KeLSA for ensuring uniformity.

ii) KeLSA may ensure that registers like PLP Register, Register for Cases referred by the courts (as per Regulation 38), Register for Lok Adalats, Register for Legal Aid, Register showing the details of programmes conducted, Register of Proceedings etc. are maintained in all the TLSCs, in addition to other relevant registers like Inward Register, Cash Book, Despatch Register, Right To Information Act Register etc.

iii) All the information from receipt to disposal of a paper may be recorded in the Registers.

iv) Adequate number of registers may be supplied to all the TLSCs by KeLSA/ DLSA.

Human Resources (Para No. 5.39):

i) **Two posts of Clerk** may be created in each TLSC. Appointment to the posts of Clerk may be made through deputation from the category of Clerk/Senior Clerk from any Government Department.

ii) **One post of Office Attendant** may be created in each TLSC. Appointment to the post may be made through deputation from the category of Office Attendant from any Government Department.

iii) The mode of appointment prescribed for the post of Secretary, TLSC may be revised by modifying the portion “by deputation from the category of Legal Assistant Gr.II of Law Department” as “by deputation from the category of Legal Assistant of Grade II/Grade I/Assistant Legal Officer of Law Department” in order to ensure the availability of staff to be deputed to the post of Secretary TLSC.

iv) The post of “Typist Gr.I” in TLSC may be re-designated as “Typist”.

v) The mode of appointment for the post of Typist in TLSC may be revised as **“by deputation from the category of Typist of any Grade from any Government Department”** in order to ensure the availability of staff to be deputed to the post.

vi) Work Distribution may be done among the staff. Supervisory charge of the office may be assigned to the post of Secretary.

II. District Legal Services Authority:

Office Building (Para No. 5.46):

i) Urgent steps may be taken to shift the offices of the DLSA, Wayanad, Malappuram and Palakkad to a building with adequate space.

ii) Steps may be taken to construct new buildings for the eight DLSAs which do not have independent building.

iii) Sufficient space for the conduct of Regular Lok Adalat may be ensured in all DLSAs.

iv) Adequate furniture may be provided for the safe up keep of office registers and records.

Office Stationery (Para No. 5.49):

i) Steps may be taken to procure adequate stationery in order to meet the requirement of DLSA and the TLSCs under its jurisdiction.

ii) Adequate fund may be earmarked for meeting office expenses.

Front Office System (Para No. 5.52):

An effective Front Office System may be set up in all the DLSAs by providing adequate space and other facilities.

Registry of papers (Para No. 5.54):

i) KeLSA may specify the types of Registers to be maintained in the offices of DLSAs. Proforma of each of the registers should also be prepared by KeLSA for ensuring uniformity.

ii) KeLSA may ensure that registers like PLP Register, Register for Cases referred by the courts (as per Regulation 38), Register for Lok Adalats, Register for Legal Aid, Register showing the details of programmes conducted, Register of Proceedings, Victim compensation Register and Court Cost Register are maintained in all the DLSAs, in addition to the other relevant registers like Inward Register, Cash Book, Despatch Register, Right To Information Application Register etc.

iii) All the relevant information regarding the subject should invariably be entered in the respective registers.

iv) Adequate number of registers may be supplied to all the DLSAs by KeLSA. Otherwise, KeLSA may entrust the DLSAs to print the registers required for the DLSA and the TLSCs under its control, in the prescribed proforma.

Human Resources (Para No. 5.65):

i) The LLB qualification prescribed for the post of Section Officer in DLSA may be relaxed as a preferable qualification.

ii) One post of Accountant may be created in each DLSA. Appointment to the post of Accountant may be made through deputation from the category of Senior Clerk from any Government Department, preferably having graduation in Commerce.

iii) Three posts of Clerk may be created in each DLSA. Appointment to the posts of Clerk may be made through deputation from the category of Clerk/Senior Clerk from any Government Department.

iv) One additional post of Office Attendant may be created in each DLSA. Appointment to the post may be made through deputation from the category of Office Attendant from any Government Department.

v) The post of Typist Grade I in DLSA may be redesignated as “Typist”.

vi) The mode of appointment for the post of Typist in DLSA may be revised as **“by deputation from the category of Typist of any Grade from any Government Department”** in order to ensure the availability of staff to be deputed to the post.

vii) Work Distribution may be done among the staff. Supervisory charge of the office may be assigned to the post of Section Officer.

III. District ADR Centre (Para No. 5.78):

i) Steps may be taken to construct new buildings for the remaining 9 District ADR Centres which do not have independent building.

ii) The manpower requirement of sweepers in the seven District ADR Centres may be fixed according to the directions in G.O.(P) No.501/2005/Fin dated, 25.11.2005 and G.O.(P) No. 61/2010/Fin dated, 09.02.2010 (**Annexure II & III**). The Member Secretary, KeLSA may submit necessary proposal to Government based on the above Government Orders.

iii) One post of Junior Clerk may be created in each District ADR Centre in addition to the existing post of Clerk. Appointment to the posts of Junior Clerk may be made through deputation from the category of Clerk from any Government Department.

iv) The post of Clerk presently existing in District ADR Centre may be re-designated as “Assistant”.

v) The mode of appointment to the post of Assistant (after redesignating the post of Clerk) may be revised by modifying the portion “by deputation from the category of Legal Assistant Gr.II of Law Department” as “by deputation from the category of Legal Assistant of Grade II/GradeI/Assistant Legal Officer of Law Department” in order to ensure the availability of staff to be deputed to the post.

vi) “District ADR Centre” may be renamed as “District Mediation Centre”.

IV. Alternate Dispute Resolution Centre, High Court (Para No. 5.85):

i) One post of Confidential Assistant may be created in the office of ADR Centre, High Court, attached to the post of Director.

Appointment to the post may be made through deputation from the category of Confidential Assistant from any Government Department.

ii) One additional post of Office Attendant may be created in the office of ADR Centre, High Court, attached to the post of Director. Appointment to the post may be made through deputation from the category of Office Attendant from any Government Department.

iii) The existing post of “Assistant Grade I” in the office of the ADR Centre, High Court may be re-designated as “Assistant”.

iv) The mode of appointment to the post of Assistant (after re-designating the post of Assistant Grade I) may be revised by modifying the portion “by deputation from the category of Legal Assistant Gr.I in the Law Department” as “by deputation from the category of Legal Assistant of Grade II/Grade I/Assistant Legal Officer in the Law Department” in order to ensure availability of staff to be deputed to the post.

v) One additional post of Assistant may be created in addition to the existing two. Appointment to the post may be made as mentioned in the recommendation no. (iv) above.

vi) The manpower requirement of sweeper in ADR Centre, High Court may be fixed according to the directions in G.O. (P) No.501/2005/Fin dated, 25.11.2005 and G.O.(P) No. 61/2010/Fin dated, 09.02.2010 (**Annexure II & III**). The Member Secretary, KeLSA may submit necessary proposal to Government based on the above Government Orders.

V. Permanent Lok Adalat (Para No. 5.94):

i) Steps may be taken to shift the office of PLA, Kozhikode to a suitable place and building urgently.

ii) KeLSA may organise programmes to make the public more aware of the mechanism of PLA and its advantages.

VI. High Court Legal Services Committee (Para No. 5.100):

i) The existing post of “Typist Grade I” may be redesignated as “Typist”.

ii) One Additional Post of Assistant may be created in addition to the existing three. Appointment to this post may be made through deputation from the category of Assistant of any grade in the Kerala High Court Subordinate Service or from similar category of officers from any other subordinate services of the Government.

iii) One post of Office Attendant may be created. Appointment to the post may be made through deputation from the category of Office Attendant from any Government Department.

iv) All the posts in the office of HCLSC may be filled up through deputation as specified and posting of officers on working arrangement basis should be discouraged.

VII. Kerala State Legal Services Authority (Para No. 5.113) :

i) The posts of “Assistant Grade I”, “Confidential Assistant Grade I” and “Typist Grade II” in KeLSA may be re-designated as “Assistant”, “Confidential Assistant” and “Typist” respectively .

ii) The mode of appointment to the post of Assistant (after re-designating the post of Assistant Grade I) may be revised by modifying the portion “by deputation from the category of Legal Assistant Gr.II of Law Department” as “by deputation from the category of Legal Assistant of Grade II/Grade I/Assistant Legal Officer of Law Department” in order to ensure availability of staff to be deputed to the post.

iii) The mode of appointment to the post of Confidential Assistant (after re-designating the post of Confidential Assistant Grade I) may be revised as “by deputation from the category of Confidential Assistant of any Grade in the Law Department or from similar category of officers from any other subordinate services”.

iv) The mode of appointment to the post of Typist (after re-designating the post of Typist Grade II) may be revised as “by deputation from the category of Typist of any Grade in the Law Department or from similar category of officers from any other subordinate services”.

v) Four additional posts of Assistant may be created in addition to the existing four. Appointment to the posts may be made in accordance with the recommendation no. (ii) above.

vi) One post of Typist may be created in addition to the existing one. Appointment to the post may be made as per recommendation no.(iv) above.

vii) Two posts of Driver may be created in addition to the existing two. Appointment to the post may be done as per the existing rules.

Internal Audit (Para No. 5.118):

An Internal Audit Team may be constituted by appointing officers on a turn basis from among the staff of KeLSA and its allied institutions.

CHAPTER VIII

GENERAL RECOMMENDATIONS/VIEWS

i) Introduce a uniform procedure for the working of offices including the Legal Aid Clinics all over the State.

ii) Define the duties and responsibilities of officers in each post. Powers may be delegated and work distribution among the staff may be done.

iii) Steps may be taken to sanction Permanent Travelling Allowance to the officers who have to conduct journey regularly within the jurisdiction of the office as per the defined duties.

iv) All the staff working in the Legal Services Institutions are on deputation basis. Hence, they have a little knowledge about the working of the institution and the objectives / activities of the office which adversely affects its smooth functioning. **Hence it is recommended to provide induction training to the officers deputed to the Legal Services Institutions regarding their office functioning, activities, objectives etc.**

v) The Para Legal Volunteers were paid at the rate of Rs. 250/- for each day of their service. During the course of study, their

honorarium was raised to Rs.750/- with effect from 17th August 2017. The increase in honorarium may result in a rush of people with monetary aim rather than service mentality, for being appointed as PLVs. There are even instances where the identity of PLV is misused for private gains. This has necessitated monitoring the activities of PLVs regularly and more strictly. Those who are found unsuitable should be removed from the panel of PLVs. Due to the shortage of staff, at present, the PLVs are deputed to assist in the office works. This practice has to be discouraged and the PLVs shall be deputed in the field level so that they can act as a bridge between the needy people and the Legal Services Institutions. **Therefore it is recommended to strictly monitor the activities of PLVs regularly and to remove those who are found unsuitable from the panel of PLVs immediately. The practice of deputing PLVs to assist in the office works has to be discouraged.**

vi) Steps may be taken to make the institution independent by minimising the influence of Court.

vii) Appointment of a permanent Chairman for the legal services institutions will be helpful for the effective implementation of legal services activities. Amendment in Legal Services Authorities Act, 1987 is necessary for this purpose.

viii) Steps may be taken to set up Law Library in each Panchayat for free reference of Law Books for the public as part of legal awareness.

ix) At the time of inception, the Headquarters of KeLSA was at Thiruvananthapuram. Later it was shifted to Ernakulam. But in rule 4 of Kerala State Legal Services Authorities Rules, 1998, the Headquarters of State Authority is still mentioned as Thiruvananthapuram. Hence it is recommended to amend Rule 4 accordingly.

x) The name “Kerala State Legal Services Authority” is seen abbreviated at different places in different ways. In some places it is used as “KeLSA” while in some other places it is entered as “KELSA”. It is recommended to use the abbreviation “KeLSA” uniformly for Kerala State Legal Services Authority.

xi) Anomalies in the Special Rules/Staff Fixation Orders:

The Staff Pattern of the Legal Services Institutions in Kerala are not seen notified through a unified Special Rule. At present Special Rules have been notified for KeLSA (Head Office) and HCLSC only. No special rules are seen issued for the remaining institutions and the staff pattern for these institutions are fixed

through executive orders. Ambiguities are seen in the existing special rules/staff pattern orders which are mentioned below:

a) KeLSA : The Staff Pattern and the mode of appointment of staff in KeLSA (Head Office) is fixed as per Kerala State Legal Services Authorities Rules, 1998, notified vide S.R.O. No.72/98 [G.O.(P) No. 36/98/Law Dated, 28/01/1998] (**Annexure VIII**). In the said notification, the mode of appointment to the post of Accounts Officer is specified as “By deputation from the category of Finance Officer in the Finance Department”. Since there is no post of Finance Officer in the Finance Department, the feeder category for deputation to the post of Accounts Officer mentioned in the special rules needs to be reviewed and amended suitably.

b) HCLSC: The creation of posts in HCLSC was initially notified in the Kerala State Legal Services Authorities Rules, 1998. As per the said rules, one post of Secretary, one post of Assistant, one post of Clerk-Typist and one post of Peon were created in the HCLSC. The mode of appointment prescribed was through deputation. Later, as per G.O.(Ms) No.263/H1/2001/Law dated, 28/03/2001 (**Annexure IX**), one post of Section Officer, three posts of Assistant Grade I and one post of Typist Grade I were created

additionally. Eventhough, the mode of appointment prescribed for these additional posts was re-deployment, as per G.O.(Ms) No.525/H1/2001/Law dated, 03.11.2001 (**Annexure X**), the mode of appointment is seen amended as deputation. In the Government Order dated, 03/11/2001, the mode of appointment to the post of Section Officer is specified as “By deputation from the category of Section Officer in the Kerala High Court Service or from similar category of officers from any other subordinate service of the Government”. **The post of Section Officer belongs to the State Service and hence, the “similar category of officers from any other subordinate service of the Government” mentioned in the Government Order dated, 03/11/2001 should be amended as “similar category of officers from any other state services of the Government”.**

The posts sanctioned as per KeLSA Rules, 1998 and the Govrnment Order dated, 28/03/2001 resulted in the following staff pattern in HCLSC:

Secretary	-	1
Section Officer	-	1
Assistant	-	4
Typist Grade I	-	1
Clerk-Typist	-	1
Peon	-	1

TOTAL - 9

As per the proposal of KeLSA, only the following posts are existing in HCLSC at present:

Secretary	-	1
Section Officer	-	1
Assistant	-	3
Typist	-	1

TOTAL - 6

No Government Order in tune with the above staff pattern is seen available in Law Department. The only document found available in support of the above staff pattern of HCLSC is a Government letter

No. 13318/H1/2007/Law dated, 08/10/2007 (**Annexure XI**), wherein it is seen that the Law Secretary has sought the remarks of the Member Secretary, KeLSA on the above said staff pattern. It is also found that the staff pattern of HCLSC shown in notification issued as SRO No.451/2013 (**Annexure XII**) is not consistent with the staff pattern mentioned in the proposal of KeLSA.

DLSA & TLSC: The staff pattern of DLSA and TLSC are seen fixed as per G.O.(Ms) 263/H1/2001/Law dated, 28/03/2001. The mode of appointment was amended from '*re-deployment*' to '*deputation*' as per G.O.(Ms) No.525/H1/2001/Law dated, 03/11/2001. As per the above Government Orders, the staff pattern of DLSA & TLSC are as follows:

<u>DLSA</u>			<u>TLSC</u>		
Section Officer	–	1	Secretary	–	1
Assistant	–	1	Typist	–	1
Typist	–	1	Peon	–	1
Peon	–	1			
-----			-----		
TOTAL	–	4	TOTAL	-	3

It is found that the post of Assistant in DLSA and the post of Peon in TLSC do not exist at present. But no Government Order in conformity with the existing staff pattern of DLSA and TLSC is seen available in Law Department or KeLSA. The only document found available in support of the existing staff pattern of DLSA and TLSC is a Government letter (No. 13318/H1/2007/Law dated, 08/10/2007) (**Annexure XI**), wherein it is seen that the Law Secretary has sought the remarks of the Member Secretary, KeLSA on the reduced staff pattern of DLSA and TLSC.

The above mentioned are the main anomalies noticed with regard to the Special Rules/Staff Fixation Orders of KeLSA and its allied institutions which require rectification.

The revised staff structure for KeLSA and its allied institutions along with amendments to the name of posts, mode of appointment etc. are already mentioned in Chapter V of this report, under the respective titles of each of the institutions. Effecting the amendments proposed therein is necessary for implementing the recommendations of this Report. At the same time rectification of the defects in the Special Rules/Staff fixation orders of KeLSA and its allied institutions is also very essential. At present, there is no unified Special Rule showing the staff pattern of KeLSA and other Legal Services Institutions.

In the above circumstances, it is recommended that the Law department may take urgent steps to issue a revised and unified Special Rules for KeLSA and other Legal Services Institutions, incorporating the amendments proposed in Chapter V of this report and by rectifying the defects mentioned in recommendation no.xi (a) & (b) of this chapter.

xii) Essentiality of Permanent Staff:

The Legal Services Institutions have been established as per the Legal Services Authorities Act, 1987. Eventhough they are statutory bodies having permanent existence, the occupancy of staff of these institutions are temporary. Lack of permanent staff has badly affected the continuity and uniformity in the working of the institutions. There will always be backlog of work during the period between repatriation and fresh deputation. Bunching of arrears is a big problem. The importance of Legal Services Institutions are increasing day by day and the staff have to face multiple challenges to fulfil the real objectives of these institutions. The legal services activities/schemes can be implemented effectively only with the help of a staff strenth who are familiar with the objectives and functions of Legal Services

Institutions. It is found that permanent staff is very essential for the effective and fruitful functioning of these institutions.

Therefore, it is highly recommended to provide permanent staff to the Legal Services Institutions by making direct recruitment through Kerala Public Service Commission. Till such arrangement is made, the existing mode of appointment through deputation may be continued and the service of such employees deputed to KeLSA and its allied institutions has to be ensured for a period of at least 3 years by giving relaxation in Rule 140 (c), Part I, KSR for the effective functioning of these institutions. Employees at the verge of promotion need not be considered for deputation.

ACKNOWLEDGEMENT

The Department of Personnel and Administrative Reforms wishes to record its appreciation for the co-operation and assistance extended to the Work Study Team by the officers and staff of Kerala State Legal Services Authority and the allied institutions for the successful conduct of the study.

Sd/

BISHWANATH SINHA

Principal Secretary

WORK STUDY REPORT ON KeLSA AND ITS ALLIED INSTITUTIONS

LIST OF ANNEXURES

Sl. No.	Item	Annexure Number
1	Work Load of TLSC, DLSA & District ADR Centre	I
2	G.O. (P) No.501/2005/Fin dated, 25/11/2005	II
3	G.O.(P) No.61/2010/Fin dated, 09/02/2010	III
4	Work Load of ADR Centre, High Court	IV
5	Work Load of HCLSC	V
6	Work Load of KeLSA	VI
7	Work Load of Typist of KeLSA	VII
8	SRO No.72/1998	VIII
9	G.O.(Ms) No.263/H1/2001/Law dated, 28/03/2001	IX
10	G.O.(Ms) No.525/H1/2001/Law dated, 03/11/2001	X
11	Letter No.13318/H1/2007/Law dated, 08/10/2007	XI
12	SRO No.451/2013	XII

ANNEXURE - I

**WORK LOAD OF OFFICES OF TALUK LEGAL
SERVICES COMMITTEE, DISTRICT LEGAL
SERVICES AUTHORITY & DISTRICT ADR CENTRE**

Name of Office	File Work (In Hrs)	Fatigue Allowance (In Hrs)	Non-file works (In Hrs)	Total (In Hrs)
TLSC	2578.5	386.78	828	3793.28
DLSA	3487.68	523.15	1812	5822.83
District ADR Centre	1852.61	277.89	370	2500.5



GOVERNMENT OF KERALA

Abstract

SWEEPING AND CLEANING WORK IN GOVERNMENT OFFICES—GUIDELINES FOR
REGULARISATION OF EXISTING ELIGIBLE CASUAL SWEEPERS AND
APPOINTMENTS AGAINST FUTURE ARISING VACANCIES OF
SWEEPERS/CLEANERS IN GOVERNMENT OFFICES—
PRESCRIBED—ORDERS ISSUED

FINANCE (EXPENDITURE -A) DEPARTMENT

G.O. (P) No. 501/2005/Fin. Dated, Thiruvananthapuram, 25th November, 2005.

- Read:—1. G.O. (P) No. 500/1979/Fin dated 2-6-1979.
2. G.O. (P) No. 742/80/(240)/Fin. dated 9-10-1980.
3. G.O. (P) No. 831/80/(253)/Fin. dated 3-11-1980.
4. G.O. (P) No. 17/81/(279)/Fin. dated 7-1-1981.
5. G.O. (P) No. 3000/1998/Fin. dated 25-11-1998.
6. G.O. (P) No. 3002/1998/Fin. dated 25-11-1998.
7. G.O. (P) No. 390/2003/Fin. dated 17-7-2003.
8. G.O. (P) No. 500/03/Fin. dated 25-9-2003.
9. Government (Revenue Department) Lr. No. 28555/T1/2003/RD dated 6-10-2003.
10. Judgement dated 18-6-04 of Hon. High Court of Kerala in W.P. (C) No. 30927/03 and 47 other similar cases.
11. G.O. (P) No. 361/2005/Fin. dated 2-8-2005
12. Order dated 12-8-2005 of the Hon. High Court of Kerala in W.A. No.1863/04 (and a batch of WPs) filed by the Government of Kerala.

ORDER

Sweeping and cleaning of Government offices and surroundings is a part-time job requiring about 1-2 hours of work every day, before office hours. As per orders currently in force, wherever the sweeping area is 800 sq.mtrs. or more, a full time post of sweeper is to be created. Wherever the sweeping area is

GCPT. 4/4545/2005/DTP.

more than 100 sq. mtrs. but below 800 sq. mtrs., a post of part-time contingent sweeper is to be created by the Government and a person appointed to it from a list to be called for from the local Employment Exchange. Such part-time contingent employees are entitled to a remuneration based on the "sweeping area". For a sweeping area between 400-800 sq. mtrs., the present remuneration is Rs. 1500 p.m. plus D.A. For 100-400 sq. mtrs., it is Rs. 1250 p.m. plus D.A. The part-time contingent employees are also eligible for pension as per a separate scheme in force. For sweeping area less than 100 sq. mtrs., no part-time contingent post is to be created. The head of office concerned is authorised to engage a casual sweeper (not necessarily from Employment Exchange) by paying a fixed consolidated remuneration of Rs. 600 p.m.

2. There are a number of cases where the area exceeds 100 sq. mtrs., but Government have not created the post of part time contingent sweeper. A casual sweeper (who is paid Rs. 600 p.m.) is engaged without going through Employment Exchange. This person continues indefinitely. A number of these persons have approached the High Court and obtained orders requiring the Government to regularise them by paying Rs. 1250 or Rs. 1500 plus D.A (instead of Rs. 600 p.m.) with retrospective effect from 1997 or the date of engaging them.

3. Presently, there is no clarity on what constitutes sweeping area. Even when actual sweeping area is less than 100 sq. mtrs., there is a tendency to include area which are not normally swept (eg. large courtyard and compound) to show a sweeping area more than 100 sq. mtrs. so that the casual sweeper gets a claim for regularization. The same applies when the actual sweeping area is just below 400 sq. mtrs. (so that the remuneration increases from Rs. 1250 to Rs. 1500 per month).

4. Realizing that most of these persons have been engaged without a transparent procedure, Government have issued orders as per G.O. (P) No. 390/03/Fin. dated 17-7-2003 requiring all offices to forthwith stop availing the services of such persons (i.e. retrenching them) and only engage persons through Employment Exchange. But subsequently, the Government as per G.O.(P) No. 500/03 dated 25-9-2003, have ordered to keep in abeyance the orders in the G.O. dated 17-7-2003.

5. In the meanwhile, the Honourable High Court on 18th June 2004, in a batch of 45 cases, issued orders laying down detailed guidelines in the matter. As these guidelines do not cover all aspects and since the Government feel that some of them will involve huge financial commitment, Writ Appeal No.1863/04 and other connected Writ Appeals have been filed against the judgement. The Honourable High Court then stayed the implementation of the judgement dated 18-6-2004.

6. Government, after reviewing all aspects of the case, then issued orders vide G.O. (P) No. 361/2005/Fin. dated 2-8-2005, to be implemented only after and subject to the final judgement in W.A. No. 1863/2004 and other connected appeals. The Writ appeals have now been disposed of vide common judgement dated 12-8-2005 through which the Hon'ble High Court has given certain directions, to implement with certain amendments to the G.O. dated 2-8-2005 are required. Accordingly, the Govt. hereby cancel G.O. dated 2-8-2005 and are pleased to issue revised orders as contained in the subsequent paragraphs.

7. The sweeping area in various Government offices will be determined as per guidelines given in the *Appendix* to this order. These new guidelines will be applied for determining the sweeping area in offices presently being serviced by casual sweepers, when considering the question of regularizing them as part-time contingent sweepers.

8. For the regularization of the existing casual sweepers (where the sweeping area exceeds 100 sq. mtrs.), creation of posts of part-time contingent employees depending on the sweeping area has to be made. The sweeping area will be calculated in accordance with the guidelines given in the *Appendix*. As far as regularisation of existing casual sweepers are concerned, the measurement will be made by the PWD official after notice to the incumbent casual sweeper and in his presence. The incumbent casual sweeper will also sign in the format at Annexure either agreeing with the measurement or disagreeing with it. This exercise will be completed in all cases by 15-12-2005. If, on fixation, the area is seen to exceed 100 sq. mtrs. and if there is no post of part time sweeper sanctioned for the office in question, but there is a casual sweeper being engaged, the Head of the Office shall immediately take up with the Govt. for creation of a post of part-time contingent sweeper. Copies of the certificate of the PWD Engineer and full details of the case in the proforma in the Annexure shall be furnished along with the proposal. The Administrative Dept. in Govt. shall then issue orders before 21-1-2006, in consultation with the Finance Dept., for the creation of the post of part-time sweeper in relaxation of the economy orders and absorbing the existing casual sweeper by giving the remuneration of Rs. 1250 plus DA p.m. (for area of 100 sq.mtrs. and above but below 400 sq. mtrs.) and Rs. 1500 plus D.A. p.m. (for area of 400 sq. mtrs. and above but below 800 sq. mtrs.). The posts shall be created with effect from the date of appointment of the incumbent as Casual Sweeper or from 18-6-2001 [i.e. 3 years preceding the date of judgement vide ref. (10) above] whichever is later. In the case of those covered by earlier orders of the High Court (for regularisation) the relevant date shall be the date of appointment of the incumbent as Casual Sweeper or the date 3 years preceding the date of such judgement ordering regularisation, whichever

is later. The absorption/regularization shall be done with effect from this date only. Back arrears shall be payable only with effect from this date of regularisation. The period spent prior to regularisation shall not count for any purpose.

9. If, on refixation of the area, it is found to be less than 100 sq. mtrs. (requiring only a casual sweeper @ Rs 600 p.m.) and if there is a casual sweeper already working, he/she shall continue without disruption, getting only Rs 600 p.m.

10. There could be a few cases where the existing casual sweepers were terminated in accordance with the Government order of 19-7-2003 and new persons selected through Employment Exchange. There would then be 2 claimants for the same post. This would be decided on a case to case basis, if necessary, accommodating such persons in other offices. Such cases will also be reported to Government and absorption done only under the orders of the Government.

11. The guidelines at Appendix shall also be applied to offices which already have part-time contingent sweepers. If, consequent to the re-fixation of the area in such offices in accordance with the guidelines, the sweeping area increases from below 400 mtrs. to above 400 mtrs., the part-time sweeper concerned shall be entitled to the higher remuneration of Rs. 1500 plus D.A., but with effect from the date of the Government Order only. If the area reduces from above 400 mtrs. to below 400 mtrs., the remuneration of the particular part-time sweeper shall not be reduced from Rs. 1500 plus D.A. The existing incumbent shall continue to get what he was getting. But the employee posted against the next vacancy should be given wage as per the rules. If, on fixation, the sweeping area reduces from above 100 sq. mtrs. to below 100 sq. mtrs., the remuneration of the existing part-time sweeper, if he is getting Rs 1250 p.m. plus D.A., shall not be reduced. He shall continue to get what he was getting. Here also, the next vacancy in the post should be filled up by a casual sweeper only, by paying Rs. 600 per month.

12. All existing premises will be got certified once again, over the next 1 year. The certification of sweeping area shall be done once in 5 years. The responsibility for this shall be with the Head of office in question.

13. Part-time contingent sweepers will be employed in new offices and also against arising vacancies in future, only in accordance with the rules i.e. after getting the names from the Employment Exchange. Under no circumstances will any person be engaged otherwise than through Employment Exchange. If there is delay in making such postings, the vacancies can be filled up for two months only, through a contract with the *local Kudambasree Society*. As the

sweeping work requires only 1 to 2 hours of work a day, the Society shall be paid @ Rs. 4 per sq. mtr. plus Rs. 250 as monthly remuneration, subject to the condition that the total monthly payment shall not be less than Rs. 600. It is reiterated that the payment will be made to the society and not the individual.

14. Creation of the post of part-time contingent sweeper in newly formed offices shall be done strictly on the basis of the new guidelines in the Appendix. As it will not be possible to assess in advance the sweeping area in respect of newly formed offices, such posts shall be created only after assessing the sweeping area. Sweeping area shall be determined in accordance with the new guidelines. If the sweeping area is below 100 sq. mtr., a casual sweeper (on a monthly pay of Rs. 600) can be engaged by the Head of Office without creating a post. Even if the Government order sanctioning posts in the new office permits engaging a part-time contingent sweeper, only a casual sweeper will be engaged if the sweeping area is less than 100 sq. mtrs. If the sweeping area is 100 sq. mtrs., or above but below 800 sq. mtrs., the matter will be taken up immediately with the Government (in the proforma given in the Annexure along with the certificate issued by the PWD Engineer) for the creation of the post of part-time contingent sweeper. After the post is created, a part-time contingent sweeper will be engaged, but only through Employment Exchange. This should be done within two months. He/she should be paid wages as per the sweeping area (Rs. 1250 plus D.A. for sweeping area of 100-400 sq. mtrs. and Rs. 1500 plus D.A. for a sweeping area of 400-800 sq. mtrs.).

15. If the sweeping area is above 800 sq. mtrs. but below 900 sq. mtrs. a part-time contingent sweeper and a casual sweeper will be engaged. If it is above 900 sq. mtrs. 2 part-time contingent sweepers can be engaged. The same logic will apply if the area exceeds 1600 sq. mtrs., etc. For this also the matter is to be taken up with Government in the proforma given in Appendix with the certificate from the concerned Engineer of the Public Works Department. The concerned Department will issue orders to create the posts in consultation with the Finance Department. Till the candidate sponsored by the Employment Exchange reports for duty, the agreement with the Kudumbasree may continue. On no account shall casual sweepers be engaged in such cases.

All the Government Orders referred to above will stand modified to the extent indicated in this Government Order. The G.O. (P) No. 361/2005/Fin. dated 2-8-2005 stands rescinded.

By order of the Governor,
K. JOSE CYRIAC,
Principal Secretary (Finance).

To

All Heads of Departments and Offices
All Departments (all Sections) of the Secretariat
The Accountant General (A&E), Kerala, Thiruvananthapuram
The Principal Accountant General (Audit), Kerala, Thiruvananthapuram
The General Administration (SC) Dept.-(Vide Council Decision dated 27-7-2005 on Item No. 817)
The Secretary, Kerala Public Service Commission, Thiruvananthapuram (with C.L.)
The Registrar, High Court of Kerala (with C.L.)
The Advocate General, Ernakulam (with C.L.)
The Registrar, University of Kerala/Cochin/Calicut/Mahatma Gandhi (with C.L.)
The Secretary, Kerala State Electricity Board, Thiruvananthapuram (with C.L.)
The General Manager, Kerala State Road Transport Corporation, Thiruvananthapuram (with C.L.)
The Secretary to Governor
All Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries and Under Secretaries to Government
The Private Secretary to Chief Minister and other Ministers
The Private Secretary to Leader of Opposition and Government Chief Whip
The Deputy Secretary to the Chief Secretary
The Private Secretary to Speaker
The Private Secretary to the Deputy Speaker
The Director of Public Relations, Thiruvananthapuram.

APPENDIX

GUIDELINES FOR DETERMINATION OF SWEEPING AREA

1. Sweeping area means the aggregate of the following :

- (i) Carpet area i.e. the usable floor area, excluding the area of terrace, car porch, staircases, lift wells, escalators, ducts, toilets, air condition plant room and electrical control room.
- (ii) Area of car porch, staircase, verandah or corridor, if such car porch, stair case/verandah/corridor is under the exclusive use of the office in question, provided it is used regularly by the office staff and/or the general public and if it is to be swept regularly. Thus, for example, that portion of the stair case leading to a terrace which is not used need not be swept, so will be excluded from the sweeping area.
- (iii) Toilets used exclusively by the office in question or the general public visiting such an office, if it is to be washed and cleaned regularly.
- (iv) If there is a courtyard attached to the office, then the area of the courtyard actually swept, subject to the condition that this shall not exceed one third of the aggregate of (i), (ii) and (iii) above.

2. In cases where common areas such as car porch, staircase, verandah, corridor, landing, etc. are shared by the office in question with other State Govt. or quasi State Govt. offices only, such common areas shall be apportioned among the various offices in question, in proportion to the carpet area of each such office.

3. If the common areas of car porch, staircase, verandah, corridor, landing, etc. are shared with private premises, then that portion of the common area appurtenant to the office in question alone will be included in the sweeping area, subject, of course, to the condition in sub para (iv) of para 1 above.

4. For all offices, the sweeping area will be assessed, fixed and certified by an officer of the PWD Buildings Division, not below the rank of an Assistant Engineer. A rough sketch of the area indicating the correct measurements and calculations will be prepared by the Engineer and this shall be made available to the Head of the Office in question. The certification of the sweeping area shall be done once in 5 years. All existing premises will also be got certified once again over the next 1 year. The responsibility for this shall be with the Head of the Office in question.

5. In case for any particular office in question, there are difficulties in applying these guidelines or where further clarification is considered necessary, the engineer concerned shall bring the same to the notice of the Finance Dept. in Govt. directly, without attempting to interpret or extend or modify these guidelines and their application. Copies of such communication shall also be sent through proper channel.

ANNEXURE

APPLICATION FOR CREATION OF POST OF PART-TIME
CONTINGENT SWEEPER

1. Name of Department :
2. Name & Address of Office :
3. Designation of Head of Office :
4. Phone No. with STD code :
5. Sweeping Area (in sq. mtrs.) (See Guideline 1) :
 - (i) Carpet area :
 - (ii) Area of car porch, staircase, verandah, corridor under exclusive and regular use of the office. :
 - (iii) Area of Toilets :
 - (iv) Area of courtyard, normally swept [not exceeding one third of (i), (ii) and (iii) above]. :
 - (v) Total sweeping area (i+ii+iii+iv) :
6. Name and Designation of the officer of the PWD Buildings Division who has certified the sweeping area (See Guideline 4) :
7. Remuneration payable for the post required :
8. Since how long is the office functioning from these premises ? :
9. If there is a casual sweeper already being employed, name, sex, date of birth, address, etc. :
10. Since when is the above person being regularly engaged for sweeping ? :

11. How was the above person recruited ? :
- (a) Through Employment Exchange :
- (b) By transfer from another office :
- (c) Other (Specify) :
12. (a) Has the High Court or any other Court :
ordered his regularization ? If yes, give
order number and date.
- (b) The date from which the incumbent was :
to be regularized in accordance with the
above order.
- (c) Whether regularization has been ordered? :
If so from when ?
13. Views of the incumbent Casual Sweeper :
regarding area

I agree with the assessment of the area as indicated above/According to
me, the area should be sq. mtrs.

Date:

Signature:

14. Any other information :

Signature of Head of Office:

Place :

Date :

Designation of Head of Office:



GOVERNMENT OF KERALA

Abstract

SWEEPING AND CLEANING WORK IN GOVERNMENT OFFICES - GUIDELINES FOR REGULARISATION OF EXISTING SWEEPERS AND APPOINTMENT AGAINST FUTURE ARISING VACANCIES OF SWEEPERS IN GOVERNMENT OFFICES - PRESCRIBED - MODIFICATIONS/ CLARIFICATIONS EFFECTED - ORDERS ISSUED.

FINANCE (EXPENDITURE - C) DEPARTMENT

G.O. (P) No:61/2010/Fin. Dated, Thiruvananthapuram, 09/02/2010.

- Read :-
1. Judgment dated 18/06/2004 of Hon'ble High Court of Kerala in W.P. (c) No: 30927/03 and 47 other similar cases.
 2. Judgment dated 12/08/2005 of the Hon'ble High Court of Kerala in W.A. No: 1863/2004 (and a batch of WAs) filed by the Government of Kerala.
 3. G.O. (P) No: 501/2005/Fin, dated 25/11/2005.

ORDER

In the Government Order read above, comprehensive guidelines were issued for creation of post of Part Time Sweepers in government offices and regularisation of the service of existing casual sweepers, based on the judgment of the Hon'ble High court read as second paper above.

2. As per the conditions stipulated in the above Government Order, those who were working on daily wages and those working in offices having sweeping area below 100 m² were not eligible for regularisation. A number of such sweepers who were not benefitted by the decisions taken by the Government in accordance with the provisions contained in the above order, approached the Hon'ble High Court again, for payment

- 2 -

on par with that of regular Part time sweepers and regularisation of service as Part time sweepers etc. Disposing off such cases, the Hon'ble High Court held that,

i) Persons engaged for sweeping on daily wages are also entitled for regularisation, since the Government Order read above do not specify that such categories are not entitled to this benefit.

ii) The Government Order does not differentiate between temporary and permanent establishments.

iii) The Government Order does not specify that, the Chief Technical Examiner of Finance Department can reassess the sweeping area once assessed by the Public Works Department authorities.

iv) Sweepers who are in receipt of higher pay by virtue of Court orders are also entitled to the benefit of protection envisaged in clause 11 of the Government Order read above and subsequent revisions, even though the sweeping area is below 100 Sq. Mtrs on reassessment.

3. In view of the above observations Government felt it highly necessary to incorporate certain modifications / clarification to the existing Government Order. Accordingly the following clarifications are issued.

i) All existing sweepers, other than Casual Sweepers, irrespective of the mode of appointment, shall also be entitled for regularization based on the sweeping area, defined in the Government order read as 3rd paper above, provided their appointments were made on or before the issuance

of GO read above and are continuing as such on the date of this order. The regularisation will have effect from the date of this order only.

ii) In temporary establishments of Government, which are created for a specific purpose and for a specific period, post of part time sweeper shall not be allowed. However the person engaged for sweeping in such offices shall be entitled to payment at par with that of regular part time sweepers / casual sweepers, with effect from the date of this order strictly based on the sweeping area of such offices, calculated in accordance with Appendix to the GO read as 3rd paper above. In any case, the sweepers engaged in temporary establishments shall not be entitled for regularization irrespective of their length of service, sweeping area etc. Hereinafter, all fresh appointments of sweepers in temporary establishments shall be made only through nearest Kudumbasree unit.

iii) The Government are at liberty to conduct the reassessment of the sweeping area of any office, wherever necessary, by the Chief Technical Examiner, who is the competent Technical Authority of Finance Department. Such reassessment will be made strictly subject to the provisions contained in the appendix to the GO read as 3rd paper above, with notice to the sweeper and others concerned.

iv) In cases, where Sweepers were engaged against existing sanctioned posts for any reason shall also be entitled to regularization, provided the date of appointment was on or before 25.11.05. On retirement of the existing sweeper in such offices, the vacancy will be filled up through Employment Exchange only.

v) If a sweeper is appointed in view of any exigencies and without going through the local Employment Exchange, such an appointment shall be made only through the nearest "Kudumbasree" unit. Appointments of sweepers in temporary establishments irrespective of sweeping area and in permanent establishments where the sweeping area is less than 100 m², shall be made only through Kudumbasree, with effect from the date of this order. The competent authority will execute agreement with the Kudumbasree to this effect and the mode of payment will be made only through Kudumbasree and not directly to the sweeper so engaged. In such cases, the appointment at a time shall be for a maximum of 179 days only. On completion of 179 days, the service of the person so engaged shall be terminated and another person has to be engaged through the "Kudumbasree" itself.

vi) The benefit of clause 11 of the Government order mentioned as 3rd paper above were initially applicable only to Part Time Sweepers. All sweepers, including the sweepers engaged in the offices wherein sweeping area is less than 100 m² but are in receipt of higher pay as applicable to regular Part Time Sweepers, by virtue of court orders or otherwise, will also be entitled for protection of pay as envisaged in para 11 of Government Order read as 3rd paper above, including the benefits of subsequent revisions. After retirement of present incumbents, casual sweeper through Kudumbasree, on turn basis as stated above, alone will be engaged with remuneration fixed by Government from time to time as applicable to casual sweepers.

vii) Sweepers engaged for cleaning Bus stands, Streets, markets, public gardens etc, will not come under the purview of the order.

4. All heads of Departments are hereby directed to ensure the compliance of these orders scrupulously and complete the exercise in all cases and forward necessary proposals to Government in Finance Department through concerned Administrative Department on or before 30/06/2010.

By order of the Governor,

DR. P. PRABAKARAN,
Additional Chief Secretary (Finance)

To

All Heads of Departments and Offices.
All Department (all Sections) of the Secretariat
The Accountant General (A&E), Kerala, Thiruvananthapuram.
The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.
The General Administration (SC) Dept. - (Vide Council Decision dated 27-7-2005 on Item No.817)
The Secretary, Kerala Public Service Commission, Thiruvananthapuram (with C.L.)
The Registrar, High Court of Kerala (with C.L.)
The Advocate General, Ernakulam (with C.L.)
The Registrar, University of Kerala/Cochin/Calicut/Mahatma Gandhi (with C.L.)
The Secretary, Kerala State Electricity Board, Thiruvananthapuram (with C.L.)
The Secretary, Kerala State Electricity Board, Thiruvananthapuram (with C.L.)
The General Manager, Kerala State Road Transport Corporation, Thiruvananthapuram (with C.L.)
The Secretary to Governor
All Secretaries, Additional Secretaries, Joint Secretaries, Deputy Secretaries and Under Secretaries to Government
The Private Secretary to Chief Minister and other Ministers
The Private Secretary to Leader of Opposition and Government
Chief Whip

The Deputy Secretary to the Chief Secretary
The Private Secretary to Speaker
The Private Secretary to the Deputy Speaker
The Director of Public Relations, Thiruvananthapuram
The Nodal Officer, www.finance.kerala.gov.in.

Forwarded / By Order,



Section Officer

ANNEXURE - IV

WORK LOAD IN THE OFFICE OF ADR CENTRE,
HIGH COURT

Name of Seat	Subject	File Work (In Hrs)	Fatigue Allowance (In Hrs)	Non-file Work (In Hrs)	Total (In Hrs)
A1	Accreditation of Mediators, conduct of Refresher Courses etc.	2859.06	428.85	84	3371.91
A2	Accouts, Periodical Statements etc.	1876	281.40	--	2157.40
TOTAL		4735.06	710.25	84	5529.31

ANNEXURE - V

WORK LOAD IN THE OFFICE OF HIGH COURT
LEGAL SERVICES COMMITTEE

Name of Seat	Subject	File Work (In Hrs)	Fatigue Allowance (In Hrs)	Non-file Work (In Hrs)	Total (In Hrs)
A1	Establishment & Accounts	1190.59	178.59	--	1369.18
A2	Legal Aid	1675.52	251.33	--	1926.85
A3	Lok Adalat	2022.83	303.42	1176	3502.25
TOTAL		4888.94	733.34	1176	6798.28

ANNEXURE - VI

**WORK LOAD IN THE OFFICE OF KERALA STATE
LEGAL SERVICES AUTHORITY (HEAD OFFICE)**

Name of Seat	Subject	File Work (In Hrs)	Fatigue Allowance (In Hrs)	Non-file Work (In Hrs)	Total (In Hrs)
A	Finance & Accounts	3199	479.85	--	3678.85
B	NALSA Schemes & Legal Services Activities	2877	431.55	312	3620.55
C	Legal Aid, RTI, LA Interpellations, Meetings & Miscellaneous	2989	448.35	--	3437.35
D	Establishment	2230	334.5	--	2564.5
TOTAL		11295	1694.25	312	13301.25

WORK STUDY REPORT ON KeLSA AND ITS ALLIED INSTITUTIONS

ANNEXURE - VII

WORK LOAD OF TYPIST IN THE OFFICE OF
KeLSA (HEAD OFFICE)

Language	Number of Pages Typed	Number of Lines Typed (@24 lines/page)	Number of Lines to be typed as per norms	Man power requirement
English	14073	337752	190080	1.77
Malayalam	2825	67800	151200	0.44
TOTAL				2.21

Government of Kerala
കേരള സർക്കാർ
1998



Reg. No. SL/TV(N)/12
രജി. നമ്പർ

KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണ

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. XLIII	Thiruvananthapuram, Wednesday,	28th January 1998 1998 ജനുവരി 28	No.	156
അദ്ധ്യം 43	തിരുവനന്തപുരം, ബുധൻ,	8th Magha 1919 1919 മാഘം 8	നമ്പർ	

GOVERNMENT OF KERALA

Law (H) Department

NOTIFICATION

G.O. (P) No. 86/98/Law. Dated, Thiruvananthapuram, 28th January 1998.

S. R. O. No. 72/98.—In exercise of the powers conferred by section 28 of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987), the Government of Kerala, in consultation with the Chief Justice of the High Court of Kerala, hereby makes the following rules, namely:—

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS,
THIRUVANANTHAPURAM, 1998.

83/418/98/MC.

RULES

1. *Short title and commencement.*—(1) These rules may be called 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;
- (v) "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;
- (vi) "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;
- (vii) "State Authority" means the State Legal Services Authority constituted under Section 6 of the Act;
- (viii) "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; 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, two shall be women and one shall be a member belonging to a Scheduled Caste or Scheduled Tribe.

4. *Headquarters.*—The Headquarters of the State Authority shall be at Thiruvananthapuram.

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 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;
- (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 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 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 provisions of Kerala Service Rules, as applicable to Grade I 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 I to these rules or as many 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 Caste 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 sub-section (2) of section 11 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 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 Twelve Thousand 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 thereunder;
- (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 1

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

Kerala State Legal Services Authority

Sl. No.	Category of Post	Scale of pay	No. of post	Qualification	Method of appointment
(1)	(2)	(3)	(4)	(5)	(6)
1.	Member-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 Department.
4.	Section Officer		1		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.
5.	Accounts Officer	2,200-3,500	1		By deputation from the category of Finance Officer in the Finance Department.
6.	Assistant Gr. I		4		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.

(1)	(2)	(3)	(4)	(5)	(6)
7.	Confidential Assistant Gr. I		1		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.
8.	Typist Gr. II		1		By deputation from the category of Typist Gr. II in the Law 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	775-1065	1	(1) should be a literate (2) should know cycling (3) good Physique	By Direct Recruitment.
12.	Part-time Sweeper		1		In the manner provided in the Kerala Part-time Contingent Service Rules.

SCHEDULE II

[See sub-rules (2) & (3) of rule 8]

Kerala High Court Legal Services Committee

Sl. No.	Name of post	Scale of pay	No. of posts	Qualification	Method of appointment
(1)	(2)	(3)	(4)	(5)	(6)
1.	Secretary		1		By deputation from the category of Assistant Registrar in the Kerala High Court Service or from the category of under Secretary in the Kerala Secretariat service.
2.	Assistant Gr. I		1		By deputation from the category of Assistant Gr. I in the Kerala High Court Subordinate Service or from similar category officers from any other Subordinate Services of the Government.
3.	Clerk-Typist		1		By deputation from the category of Clerk-Typist in the Kerala High Court Subordinate Service or from similar category officers from any other subordinate services of the Government.
4.	Peon		1		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.

By order of the Governor,

C. KHALID,
Law Secretary.

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.

This notification is intended to achieve the above object.

ANNEXURE - IX

GOVERNMENT OF KERALA

Abstract

The Kerala High Court Legal Services Committee, District Legal Services Authorities and Taluk Legal Services Committees - creation of posts - Orders issued.

LAW (H) DEPARTMENT

G.O.(Ms) No.263/H1/2001/Law Dated, Thiruvananthapuram, 28.3.2001

- Read :-
1. G.O.(P) No.56/98/Law dated 28.7.1998
 2. Government Notification No.3115/H1/98/Law dated 30.4.1998 and 4.5.1998.
 3. Notification No.KELSA-12/98 dated 8.8.1998.
 4. Letter No.C 225/98/KELSA dated 5.12.1998.
 5. Letter No.1957/D/99/KELSA dated 11.11.1999.

ORDER

As per Government Order read as Ist paper Kerala State Legal Services Authorities Rules, 1998 has been published. Vide Schedule I and II to these Rules various posts in Kerala State Legal Services Authority and Kerala High Court Legal Services Committee have been created.

As per the Government Notification read as IInd paper all the District Legal Services Authorities in the State were constituted and as per Notification read as IIInd paper all the Taluk Legal Services Committees were constituted. But the posts of staff were not created in these Authorities and Committees.

As per letter read as IVth paper Kerala State Legal Services Authority forwarded a proposal for the creation of posts in District Legal Services Authorities and Taluk Legal Services Committees and as per the letter read as

Contd...

the State Legal Services Authority requested to create the additional posts in Kerala High Court Legal Services Committee.

Government have examined the request and are pleased to create the following posts in the Kerala High Court Legal Services Committee, District Legal Services Authorities and Taluk Legal Services Committees.

I. Kerala High Court Legal Services Committee

<u>Name of the Post</u>	<u>No. of Posts</u>
1. Section Officer (6500-10550)	1
2. Assistant Grade I (4600-7125)	3
3. Typist Grade I (3590-5400)	1

II. In each of the District Legal Services Authorities

<u>Name of the Post</u>	<u>No. of Posts</u>
1. Section Officer (6500-10550)	1
2. Assistant (4600-7125)	1
3. Typist (3590-5400)	1
4. Peon (2610-3680)	1

III. In each of the Taluk Legal Services Committees

<u>Name of the Post</u>	<u>No. of Posts</u>
1. Secretary (4600-7125)	1
2. Typist (3590-5400)	1
3. Peon (2610-3680)	1

The method of appointment to the posts mentioned above will be re-deployment.

By order of the Governor

V. RAMKUMAR,
Law Secretary

1. The Member Secretary, Kerala State Legal Services Authority.
2. The Accountant General (ASE).
3. Finance Department.
4. General Administration (S.C) Department vide proceedings of the Council of Ministers item 5616/ dated 7.3.2001).
5. Private Secretary to Chief Minister.
6. Private Secretary to Minister (Food, Tourism & Law).
7. P.A. to Law Secretary.
8. District Treasury Officer.

Forwarded / by order,


18/4/2001
Section Officer.

The Kerala State Legal Services Authorities - Estt. -
The Kerala High Court Legal Services Committee, District
Legal Services Authorities and Taluk Legal Services
Committees - method of appointments - orders issued

Law (A) DEPARTMENT

G.O. (MS) No. 525/H1/2001/Law Dated, Thiruvananthapuram,
3.11.2001.

- Read:-
1. G.O. (P) No. 36/98/Law dated 28.1.1998.
 2. Govt. Notification No. 3115/H1/98/Law dated 30.4.1998 and 4.5.1998.
 3. Notification No. KELSA - 12/98 dated 8.6.1998.
 4. Letter No. C 225/98/KELSA dated 5.12.1998.
 5. Letter No. 1957/D/99/KELSA dated 11.11.1999.
 6. G.O. (MS) No. 263/H1/2001/Law dated 28.3.2001.

O R D E R

As per Government Orders read as Ist paper, Kerala State Legal Services Authorities Rules, 1998 have been published. ~~Vide Schedule I and II to these Rules various posts in Kerala State Legal Services Authority and Kerala High Court Legal Services Committee have been created.~~

As per the Government Notifications read as II nd and III rd papers all the District Legal Services Authorities and all Taluk Legal Services Committees in the State respectively were constituted. But the posts of staff were not created in these Authorities and Committees.

As per letter read as IVth paper, Kerala State Legal Services Authority forwarded to Government a proposal for the creation of posts in District Legal Services authorities and Taluk Legal Services Committees and as per the letter read as Vth paper Kerala State Legal Services

(Cont'd . . . 2)

Authority requested the Government to create the additional posts in Kerala High Court Legal Services Committee.

As per Government Order read as 6th paper, various posts in the High Court Legal Services Committee, District Legal Services Authorities and Taluk Legal Services Committees were created. But the method of appointment which was prescribed to these posts was by re-deployment.

The feasibility of re-deployment was thereafter examined in detail and it was found that there was no such possibility for re-deployment. Further the Hon'ble High Court in Judgement dated 13.10.2000 in O.P. No.28555/99 had directed the Government to appoint sufficient staff in the District Legal Services Authorities and Taluk Legal Services Committees.

In the circumstances Government have examined the matter in detail and are pleased to modify the method of appointment specified in the said Government Order, and order that the postings in the Kerala High Court Legal Services Committee, District Legal Services Authorities and Taluk Legal Services Committee will be on Deputation Basis.

Government Order read as 6th paper stands modified to the above extent.

(Cont'd. . . . 3)

I KERALA HIGH COURT LEGAL SERVICES COMMITTEE

Name of post	No. of post	Method of appointment
Section Officer (6500-10550)	1	By deputation from the category of Section-Officer in the Kerala High Court Services or from similar category of Officers from any other Subordinate Service of the Government.
2. Assistant	3	By deputation from the category of Assistant of any Grade in the Kerala High Court Subordinate Service or from similar category of officers from any other Subordinate Services of the Govt.
3. Typist Gr. I (4600-7125)	1	By deputation from the category of Typist in the Kerala High Court Subordinate Service or from similar category of officers from any other Subordinate Services of the Govt.

II IN EACH OF THE DISTRICT LEGAL SERVICES AUTHORITIES

Name of the Post	No. of Post	Method of Appointment
1. Section Officer (6500-10550)	1	By deputation from the category of Section Officer in the Law Dept. or similar category of officers from the Kerala High Court Service or from any other State Services with LLB.
2. Assistant (4600-7125)	1	By deputation from the category of Legal Asst. Gr. II of the Law Dept. or similar category of officers from the Judicial Ministerial Service or from any other Subordinate Service

3. Typist Gr.I
(4600-7125)

1

By deputation from the category of Typist Gr. II from any Govt. Department

4. Peon
(2610 - 3580)

1

By deputation from the category of Peons from any Govt. Department.

III IN EACH OF THE TALUK LEGAL SERVICES COMMITTEES

Name of the post

No. of post

Method of Appointment

1. Secretary
(4600-7125)

1

By deputation from the category of Legal Assistant Grade. II of Law Dept. or similar category of officers from the Judicial Ministerial Service or from any other Subordinate Services of the Government.

2. Typist Gr. I
(4600-7125)

1

By deputation from the category of Typist Gr. II from any Government Dept.

3. Peon
(2610-3600)

1

By deputation from the category of Peon from any Government Department.

By Order of the Governor.

V. RAMKUMAR,
LAW SECRETARY.

To

1. The Member Secretary, Kerala State Legal Services Authority.
2. AG (A&E) Thiruvananthapuram.
3. Finance Department vide UO (F) No. 95680/Exp. A2/2001/Fin, dated, 2.11.2001.
4. General Administration (SC) Dept. vide proceedings of the Council of Ministers item No. 381 dated 17.10.2001
5. District Treasury Officer, Thiruvananthapuram.
6. Private Secretary to Chief Minister.
7. Private Secretary to Minister (Revenue & Law)
8. PA To Law Secretary



GOVERNMENT OF KERALA

Law (H) Department

No. 13318/H1/2007/Law

Dated, Thiruvananthapuram, 8.11.2007

From

The Law Secretary.

To

The Member Secretary,
Kerala State Legal Services Authority,
Niyama Sahaya Bhavan,
High Court Compound,
Ernakulam, Kochi-682 031

Sir,

Sub: - Amendment to Kerala State Legal Services Authorities Rules,
1998 reg: -

- Ref: -1) Note No.30582/Exp.B2/07/Fin dated 7-6-2007 of the Principal
Secretary (Copy enclosed)
✓2) Letter No.805/A/07/KELSA dated 11-6-2007.
3) Record of Discussion held by Executive Chairman, KELSA
with Principal Secretary, Finance and Law Secretary on
10-7-2006

In inviting your attention to the reference cited, I am to inform
you that the Government have decided that the suggestion to abolish the
posts of Additional Secretary (Liaison Officer), Joint Secretary and Under
Secretary need not be considered. And it is suggested to reduce the
number of staff in the DLSAs and TLSCs by modifying the G.O. (MS)
No.263/H1/2001/Law dated 28-3-2001 as follows.

I. IN KERALA HIGH COURT LEGAL SERVICES COMMITTEE

<u>Name of Post</u>	<u>No.of Post</u>	<u>Method of appointment</u>
1. Section Officer	1	By deputation from the category of Section Officer in

the Kerala High Court Service or from similar category of Officers from any other Subordinate Service of the Government.

2. Assistant	3	By deputation from the category of Assistant of any Grade in the Kerala High Court Subordinate Service or from similar category of Officers from any other Subordinate Services of the Government
3. Typist Gr.I	1	By deputation from the category of Typist in the Kerala High Court Subordinate Service or from similar category of Officers from any other Subordinate Services of the Government.

II IN EACH OF THE DISTRICT OF LEGAL SERVICES AUTHORITIES

<u>Name of Post</u>	<u>No.of Post</u>	<u>Method of Appointment</u>
1. Section Officer	1	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 with LL.B

2. Typist Gr.I

By deputation from the category of Typist Gr. I from any Government Department.

3. Peon

By deputation from the category of Peons from any Government Department.

III IN EACH OF THE TALUK LEGAL SERVICES COMMITTEES

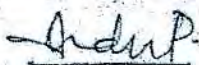
<u>Name of Post</u>	<u>No.of Post</u>	<u>Method of Appointment</u>
1. Secretary	1	By deputation from the category of Legal Assistant Gr. II of Law Department or similar category of officers from the Judicial Ministerial Service or from any other Subordinate Services of the Government.
2. Typist Gr.I	1	By deputation from the category of Typist Gr.II from any Government Department.

Hence I request you to furnish your remarks.

Yours faithfully,

For Law Secretary.

Approved for issue,



Section Officer.

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Government of Kerala
കേരള സർക്കാർ
2013



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI
Reg. No. രജി. നമ്പർ
KL/TV(N)/634/2012-14

KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണ

PUBLISHED BY AUTHORITY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. II വാല്യം 2	Thiruvananthapuram, Tuesday തിരുവനന്തപുരം, ചൊവ്വ	4th June 2013 2013 ജൂൺ 4 14th Jyaishta 1935 1935 ജ്യേഷ്ഠം 14	No. നമ്പർ	1558

GOVERNMENT OF KERALA
Law (II) Department

NOTIFICATION

G. O. (P) No. 2/2013/Law.

Dated, Thiruvananthapuram, 3rd June, 2013.

S. R. O. No. 451/2013.—In exercise of the powers conferred by section 28 of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987), the Government of Kerala, in consultation with the Chief Justice of the High Court of Kerala, hereby make the following rules, further to amend the Kerala State Legal Services Authorities Rules, 1998, issued under G. O. (P) No. 36/98/Law dated 28th January, 1998 and published as S. R. O. No. 72/98 in the Kerala Gazette Extraordinary No. 156 dated the 28th January, 1998, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala State Legal Services Authorities (Amendment) Rules, 2013.

(2) They shall come into force at once.

2. *Amendment of the rules.*—In the Kerala State Legal Services Authorities Rules, 1998, in Schedule II, in Column No. (6), for the entries against Serial No. 1 the following entries shall be substituted, namely:—

“By deputation from the category of Deputy Registrar in the Kerala High Court Service or from the category of Deputy Secretary in the Kerala Secretariat Service”.

By order of the Governor,

C. P. RAMARAJA PREMA PRASAD
Law Secretary.

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 to make rules in consultation with the Chief Justice of the High Court of the State to carry out the provisions of the Act, especially those in Chapter III, which deals with the constitution and functions of the Kerala State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority and Taluk Legal Services Committee. Now, the Government have decided to upgrade the post of the Secretary, High Court Legal Services Committee by amending the Schedule II of the said rules.

The notification is intended to achieve the above object.