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The High Court Legal Services Committee Regulations, 1997

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In exercise of the powers conferred by section 29/-A of the legal services authorities act 1987 (act number 39 of 1987) the Uttar Pradesh State legal services authority hereby make the following regulations:

CHAPTER 1

Preliminary

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1- Short title and commencement--(1) These regulations may be called the high court legal services committee regulations, 1997.
(2) They shall come into force with effect from the date of their Publication in the official Gazette.

2. Definitions. -- In these regulations, unless the context otherwise requires :
(a) *"Act"* means The legal services Authorities Act 1987 :
(b) *"Aided person"* means a person to whom legal aid, legal advice or legal services has been provided in any form;
(c) *"Chief Justice"* means the Chief Justice of the High Court;
(d) *"Chairman"* means the chairman of the high court legal service committee
(e) "Committee" means the high court legal service committee;
(f) "Central Authority" means the national legal services authority constituted under section 3;
(g) "High Court" means the high court of Judicature at Allahabad;
(h) "Legal Service" includes rendering of any service in the conduct of any case or other legal proceeding before any Court or other authority or Tribunal and the giving of advice on any legal matter;
(i) "Lok Adalat" means a Lok Adalat organised under chapterVI of the Act;
(j) "Member" means a member of the committee;
(k) "Rules" means the Uttar Pradesh state legal services authority rules1996;
(l) "Secretary" means the secretary of High Court legal services committee;
(m) "Section" means a section of the Act;
(n) "State Authority" means Uttar Pradesh state legal services authority constituted under section 6;

CHAPTER II

Members. Functions, Secretary and Funds of the committee

3. Members of the high court legal services committee.--(1) The Committee shall consist of the following ex-officio members :

(a)	a sitting judge of the High Court nominated by the Chief Justice	…	Chairman
(b)	Senior most Chief Standing Counsel of the State Government at Allahabad	...	Member
(c)	Senior most Chief Standing Counsel of the State Government at Lucknow	....	Member
(d)	President of the High Court bar association at Allahabad	…	Member
(e)	President of the Advocates Association of the High Court at Allahabad	…	Member
(f)	President of the Avadh Bar Association at Lucknow	…	Member
(g)	Registrar of the High Court	…	Member
(h)	Additional Registrar of the High Court at Lucknow	…	Member

(2) The Chief justice may nominate other members not exceeding nine, from amongst persons possessing the experience and qualifications specified in sub regulation (3)

(3) A person shall not be qualified for nomination as a member unless he is :

(a) an eminent social worker who is engaged in the upliftment of the weaker sections of the society including Scheduled castes Scheduled Tribes, women, children rural and urban labour;

(b) an eminent person in the field of law or public administration; or

(c) person of repute who is especially interested in the implementation of the legal services schemes.

4. Term of Office and other conditions of the members.- (1) The term of the office of the members nominated under sub-regulation (2) of Regulation 3 shall be two years and such members shall be eligible for re-nomination.

(2) A member nominated under sub-regulation (2) of Regulation 3 may be removed by the Chief Justice, if he :

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(a) fails without sufficient cause to attend three consecutive meetings of the Committee;
(b) has been adjudged an insolvent;
(c) has been convicted of an offence which in the opinion of the Chief Justice involves moral turpitude;
(d) has become physically or mentally incapable of acting as a member; or
(e) has, in the opinion of the Chief Justice, so abused his position as to render his continuance as member prejudicial to the public interest:

Provided that no member shall be removed from the Committee under clauses (a), (d) or (e) without affording him an opportunity of being heard.

(3) A member may, by writing under his hand addressed to the Chief, resign from the membership of the Committee and the resignation shall take effect from the date on which it is accepted by the Chief Justice.

(4) If any member nominated under sub-regulation (2) of Regulation 3 ceases to be a member for any reason, the vacancy shall be filled up in the manner provided in these regulations for the residue of the term of the person in whose place he is nominated.

(5) All non-official members nominated under sub-regulation (2) of Regulation 3 shall be entitled to payment of such travelling allowance and daily allowance in respect of journeys performed in connection with the work of the Committee at the rates as admissible to Group 'A' officer of the State Government.

5. Functions of the Committee.- (1) It shall be the duty of the Committee to give effect to such policies, programmes and schemes of Legal Aid, Legal Advice and Legal Services as may be formulated and required by the Central Authority and the State Authority.

(2) The Committee shall perform all or any of the functions, namely :
(a) provide Legal Aid, Legal Advice and Legal Services to persons who are eligible for the purpose under the Act or the Rules;
(b) organise and conduct Lok Adalats for High Court cases; and
(c) encourage settlement of cases by way of negotiations, arbitration and conciliation.

5A. Constitution of sub-committee.- (1) The Committee may constitute a sub-committee for Lucknow Bench of the High Court for efficient performance of its functions.

(2) The sub-committee shall consist of such members of the Committee as may be decided by the Chiarman.

(3) The sub-committee shall perform such functions of the Committee as may be entrusted to it by the Committee, from time to time.

(4) An officer of the High Court, Lucknow Bench, Lucknow, not below the rank of Joint Registrar, belonging to the Uttar Pradesh Higher Judicial Service, may be appointed by the Chairman to work as Secretary of the sub-committee in addition to his duties as such officer of the High Court he may be paid honorarium of the Rupees One thousand per month for the performance of the functions and discharge of the duties as Secretary of the sub-committee.

6. Secretary of the Committee.- (1) An officer of the High Court, not below the rank of the Joint Registrar, belonging to the Uttar Pradesh Higher Judicial Service, may be appointed by the Chief Justice to work as Secretary of the Committee in addition to his duties as such officer of the High Court. He may be paid honorarium of Rs. 1,000 per month for the performance of the functions and discharge of the duties as Secretary.

(2) The Secretary of the Committee shall be the principal officer of the Committee and shall :

(a) be the custodian of all the assets, accounts, records and funds of the Committee and shall work under the supervision and direction of the Chairman;

(b) maintain or cause to be maintained true and proper accounts of receipts and disbursements of the funds of the Committee in such form and in such manner as may be specified by the State Authority.

(c) Exercise such powers and perform such functions and discharge such duties as may be assigned to him by the Chairman; and

(d) Perform all other acts as may be expedient and necessary for efficient and proper performance of functions and discharge duties of the Committee.

7. Transaction of business of the Committee.- (1) The Committee shall ordinarily meet once in every three months, on such date and at such place as may be fixed by the Secretary with the prior approval of the Chairman.

(2) (a) All policy and other important matters shall be brought before the Committee for consideration and decision;

(b) Any specific matter or matters as may be desired or required by the

Committee, generally or otherwise, to be placed before it, shall be brought before the Committee for its consideration and decision;
(c) A meeting of the Committee shall be presided over by the Chairman;
(d) The Quorum for a meeting shall be seven members including the Chairman;
(e) For every meeting of the Committee, at least two weeks' notice shall be given to the members to attend the meeting; however, an emergent meeting may be convened by the Secretary, in accordance with the directions of the Chairman, on short notice;

(f) In respect of emergent matters, the Chairman may exercise the powers and perform the functions and discharge the duties of the Committee. All such matters shall, however, be placed before the Committee for its information and approval.
(3) One or more persons, who are engaged or interested in the upliftment of the weaker sections of the society who are considered suitable by the Chairman may be invited for any meeting in order to seek their views, co-operation and help. Such persons shall have no right to vote at such meeting.
(4) The Committee shall regulate its own procedure.
(5) All questions at the meetings of the Committee shall be decided by a majority of the members present and voting and in case of tie, the person presiding over the meeting shall have a second or casting vote.
(6) The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the Secretary. A copy of the minutes shall, as soon as may be after the meeting, be forwarded to the Chief Justice and the State Authority.

8. Funds, Accounts and Audit of the Committee.- (1) The funds of the Committee shall consist of the following, namely :-
(a) all sums of money paid or any grants made by the State Authority to the Committee for the purposes of the Act;
(b) any grants or donations that may be made to the Committee by any person, under intimation to the State Authority, for the purposes of the Act;
(c) any other amount received by the Committee under the orders of any Court or from any other source.
(2) The funds of the Committee shall be maintained in a Scheduled Bank approved by the Committee. The Secretary shall operate the Bank accounts of the Committee in accordance with the directions of the Chairman.
(3) All expenditure on Legal Aid, Legal Advice or other Legal Services, as also expenditure necessary for carrying out the various functions of the Committee shall be met out of the funds of the Committee.
(4) The accounts of the Committee shall be maintained properly and in such

manner as may be required by the Central or State Authority and shall in this regard be subject to the provisions of Section 18.

CHAPTER III

Legal Services

9. Criteria for giving Legal Services.- (1) Legal Aid, Legal Advice or other Legal Services may be provided by the Committee in matters before the High Court or Central Administrative Tribunal at Allahabad and Lucknow and Board of Revenue at Allahabad and Lucknow or any other Authority constituted under any Law, other than District Courts to exercise judicial or quasi-judicial functions at Allahabad.

(2) A person shall be entitled to legal Aid, Legal advice and other legal services if that person is:-

(a) Member of a Scheduled Caste or Scheduled Tribe; or

(b) victim of trafficking in human beings or beggar as referred to in article 23 of the Constitution of India or

(c) a women or a child ; or

(d) a mentally ill or otherwise disabled person ;or

(e) a person under circumstances of underserved want, such as being Victim of a mass disaster, ethnic violence, cast atrocity, flood, drought, earthquake or industrial disaster; or

(f) an industrial workman; or

(g) in custody, including custody in a protective home within the meaning of clause (g) of Section 2 of the Immoral traffic (Prevention) Act, 1956 or in a Juvenile Home within the meaning of clause (1) of Section 2 of the [Juvenile Justice Act, 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 ; or

(h) In receipt of annual income from all sources up to rupees twelve thousand or other higher amount, as may be fixed, from time to time, under Rule 16 of the Rules.

10. Refusal to provide Legal Aid, Legal Advice or Legal Services. – (1) Legal Aid, Legal Advice or other Legal Services may be refused :-

(a) To a person in a case of Contempt of Court;

(b) To a person in proceedings relating to any election;

(c) In proceedings under Immoral Traffic (Prevention) Act, 1956 except to a victim of trafficking in human beings;
(d) In proceedings under the Protection of Civil Rights Act, 1955 except to a person who is subjected to any disability under this Act;
(e) To a person accused of an offence committed under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(2) Legal Services may also be refused in respect of a case of defamation or malicious prosecution where the Secretary is satisfied that it is a suitable case for such refusal in the totality of facts :

Provided that reasons for refusing legal services shall be recorded in writing and order of the Chairman shall be obtained before the Legal Services are refused under these regulations.

11. Modes of providing Legal Services. – Legal Services may be given in any or more of the following modes, namely :

(a) Towards payment of Court-fees, Process-fee and all other charges payable or incurred in connection with any legal proceedings;
(b) Through engagement of a legal practitioner ;
(c) For obtaining and supply of certified copies of judgement, order and other documents in legal proceedings :

Provided that payment of Court-fees process-fee and other expenses shall be allowed to the extent as per general orders of the State Authority.

12. Application for Legal Services. – (1) Any person requiring Legal Aid, Legal Advice or Legal Services may make an application addressed to the Secretary of the Committee.

(2) The Committee shall maintain a register of application wherein in all applications for Legal Aid, Legal advice or Legal Services shall be entered and registered and the action taken on such applications shall be noted against the entry relating to each such application.

13. Disposal of Applications. - (1) on receipt of an application for legal aid, legal advice or legal services the secretary shall scrutinise the application to satisfy himself that the same is in order as regards eligibility and other requirements of the rules and regulations and wherever warranted the applicant may be required to submit further information as may be necessary.

(2)The Secretary shall consider the application and pass necessary order for granting or refusing to provide Legal Aid, Legal Advice or other Legal Service.

Provided that where it is proposed to disallow the application, reasons for so doing shall be duly recorded in the register of applications maintained in the Committee :

Provided further that the order of the chairman shall be obtained before a person is the denied Legal Aid, Legal Advice or Legal Services.

(3) No application for Legal Aid, Legal Advice or Legal Services shall be allowed if the secretary is satisfied that :-

a. The applicant has knowingly made false statement or furnished false information as regards his means or in respect of any other material fact; or

b. there is no *prima facie* case to institute or as the case may be, to defend the proceedings; or

c. the application is frivolous or vexatious; or

d. the applicant is not entitled to the same under these regulations; or

e. having regard to all the relevant facts and circumstances of the case, it is otherwise not expedient and reasonable to grant it :

Provided that order of the Chairman shall be obtained before an application is disallowed in any of the aforesaid clauses.

14. Duty of aided person. – Every aided person or his representative shall attend the office of the Committee as and when required by the Secretary or by the Advocate concerned and shall provide and furnish such particular or information as may be considered necessary and shall make full disclosure of the particular or information so required. He shall attend the court or proceedings at his own expense.

15. Certificate of eligibility. – (1)Where an application for Legal Aid, Legal Advice or Legal Services is allowed, a certificate of eligibility shall be issued in favour of the applicant entitling him to Legal Aid, Legal Advice or Legal Services in respect of a proceeding.

(2) The certificate of eligibility shall stand cancelled if the Legal Aid, Legal Advice or Legal Services is withdrawn and in every such case the advocate to whom the case of the person concerned is assigned, as also the court or judicial or quasi Judicial Authority before which the case is pending, shall be informed accordingly in writing.

16. Cancellation of certificate of eligibility. - (1) The Committee may either on its own motion or otherwise cancel the certificate of eligibility granted under Regulation 15 in the following circumstances, namely :-

(a) in the event of being found that the certificate of eligibility was obtained by the aided person by misrepresentation or fraud;

(b) In the event of any material change in the circumstances of the aided

person;

(c) In the event of any misconduct, misdemeanor or negligence on the part of the aided person in the course of receiving legal aid;

(d) In the event of the aided person not co-operating with the Committee or with the advocate provided by the Committee;

(e) In the event of the aided person engaging an advocate at his own expense who in the opinion of the Secretary can suitably look after the matter;

(f) In the event of death of the aided person except in the case of civil proceedings where the right or liability survives; in such event Legal Aid may be continued where the legal representative is also eligible for such aid.

(2) No certificate of eligibility shall be cancelled under clause (1) without giving due notice to the aided person or to his legal representative in the event of his death to show cause as to why the certificate should not be cancelled.

(3) Where the certificate of eligibility of aided person is cancelled under sub-regulation (1), Legal Aid, Legal Advice or Legal Services shall be discontinued and the amount already given for such Legal Aid, Legal Advice or Legal Service may be recovered in full or part as may be decided by the Secretary with the approval of the Chairman.

17. Fee/Honorarium payable to Legal Practitioners on the Panel. – (1) A panel of suitable advocates who are agreeable to conduct the cases or proceedings on behalf of the persons in whose favour a certificate of eligibility has been issued shall be prepared by the Committee. Ordinarily the panel so prepared shall be for two years. A copy of the panel so prepared shall be sent to the State Authority for information, advice and directions, if any. Such advocates shall be paid fee or honorarium at such rate as may be determined, from time to time, by the State Authority. Until so determined the rate of fee or honorarium fixed for the purpose under the relevant State Government Orders shall continue.

(2) No legal practitioner to whom any case is assigned for Legal Aid, Legal Advice or Legal Services shall receive any fee or remuneration, whether in cash or in kind or any other advantage, monetary or otherwise, from the aided person or from any other person on his behalf.

(3) A legal practitioner on the panel, who has completed his assignment, shall submit a statement, showing the fee or honorarium due to him in connection with the legal proceedings conducted by him on behalf of the aided person to the Secretary who shall, after due scrutiny and approval of the Chairman, sanction the amount to be paid to the advocate concerned.

(4) An advocate may be permitted to provide Legal Aid, Legal Advice or Legal

Services without charging any fee or honorarium.
(5) The Chairman may, in suitable cases, appoint any advocate, not on panel, to file or defend a case

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