

The High Court Legal Services Committee Regulations, 1998

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CHAPTER-I

Preliminary

1. Short title, extent and Commencement. - (1) These regulations may be called the High Court Legal Services Committee Regulations, 1998.

(2) They shall come into force with effect from the date of their publication in the official Gazette.

2. 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 have 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 Services Committee;
- (e) "Committee" means the High Court Legal Services Committee;
- (f) "Central Authority" means the National Legal Services Authority constituted under Section 3;
- (g) "High Court" means the High Court of Punjab & Haryana at Chandigarh;
- (h) "Legal Service" includes rendering of any service in the conduct of any case or other legal proceeding before any court authority or tribunal and the giving of advice on any legal matter;
- (i) "Lok Adalat" means a Lok Adalat organised by the High Court under Chapter VI of the Act;
- (j) "Member" means a member of the Committee;
- (k) "Rules" means the Punjab State Legal Services Authorities Rules, 1996.
- (l) "Secretary" means the Secretary of the High Court Legal Services Committee;
- (m) "Section" means a Section of the Act;
- (n) "State Authority" means Punjab Legal Services Authority constituted under Section 6.

CHAPTER-II

3. Members of the High Court Legal Services Committee. - (1) The Committee shall consist of the following *ex officio* members :

- (a) Advocate General, Punjab.
- (b) Advocate General, Haryana.
- (c) Chairman, Bar Council for the States of Punjab & Haryana.
- (d) President, High Court Bar Association, Chandigarh.

(e) [Home Secretary, Chandigarh Administration.]

(2) The Chief Justice may nominate other members not exceeding five, 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) a person of repute, who is specially 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;

(a) fails without sufficient cause to attend three consecutive meetings of the Committee;

(b) has been adjudged as 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 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 or being heard.

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

(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 the 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 in accordance with the rules applicable to Class-I officers of the High Court.

5. Functions of the Committee. - Subject to the general superintendence and control of the State Authority, the High Court Committee shall exercise the following powers and perform the following functions :-

(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 for High Court cases;

(b) organise and conduct Lok Adalats for High Court cases;

(c) encourage settlement of cases by way of negotiations, arbitration and conciliation;

(d) perform such functions as may be delegated to it from time to time by the State Authority.

6. Secretary of the Committee. - (1) The Secretary of the aforesaid Committee will be paid honorarium of Rs. 1,000 per month or such amount as may be fixed by the Chairman 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 power 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 policies and other important matters shall be brought before the State Authority 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 decisions;
- (c) A meeting of the Committee shall be presided over by the Chairman;
- (d) The quorum for a meeting shall be five members including the Chairman;
- (e) For every meeting of the Committee, at least two week's notice shall be given to the members to attend the meetings; 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) The Committee shall regulate its own procedure under the directions of the State Authority.

(4) All questions at the meeting of the Committee shall be decided by a majority of the members present and voting and in case of tie, the Chairman or the person presiding over the meeting, shall have a second or casting vote.

(5) 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 Member Secretaries of the State Authorities of Punjab, Haryana and Union Territory of Chandigarh.

8. Funds, audit and accounts of the Committee. - (1) The Committee shall maintain a Fund to be called the High Court Legal Services Committee Fund to which shall be credited -

- (a) such amount as may be allocated and granted to it by the State Authorities of Punjab, Haryana and Union Territory of Chandigarh as per the apportionment made by the Hon'ble Chief Justice in consultation with the Executive Chairmen of the State Authorities of Punjab, Haryana and Union Territory of Chandigarh;
- (b) all such amounts as received by the Committee by way of donations costs, charges and expenses recovered from the persons to whom legal service is provided or from the opposite party.

(2) All the amounts credited to the said Fund shall be deposited in a nationalised bank.

Explanation. - In this sub-regulation "Nationalised Bank" means corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

(3) For the purpose of meeting incidental minor charges, such as court fee, stamps and expenditure necessary for obtaining copies of documents etc., a permanent advance of Rupees two thousand five hundred shall be placed at the disposal of the Secretary of the Committee.

(4) All expenditure on legal service, accommodation and staff of the Committee as also expenditure necessary for carrying out the various functions of the Committee shall be incurred out of the funds of the Committee with the prior approval of the Chairman.

(5) The funds of the Committee may be utilised for meeting the expenses incurred on or incidental to journeys undertaken by the Chairman or other members of the Committee or the Secretary in connection with legal services activities. The travelling allowance and dearness allowance payable to the Chairman, the *ex officio* members and the Secretary shall be such as to which they are entitled by virtue of their respective offices.

(6) The Secretary of the Committee shall operate the bank accounts of the Committee in accordance with the directions of the Chairman.

(7) The Committee shall maintain regular accounts of receipts and disbursement of income and expenditure and submit annual returns to State Authorities of Punjab, Haryana and Union Territory of Chandigarh. The account shall be subject to audit as per Section 18 of the Act.

9. Special provision regarding Legal Services. - (1) There being one High Court for the States of Punjab, Haryana and Union Territory of Chandigarh, one High Court Legal Services Committee for the High Court of Punjab and Haryana shall be constituted.

(2) For Legal Services originating or pertaining to Punjab State, Rules 19 to 27 of Punjab State Legal Services Authorities Rules, 1996, shall be followed.

10. Miscellaneous. - All notifications, regulations and orders made by the State Government, will be valid unless they are inconsistent with Act, Rules made thereunder and these regulations.

11. Interpretation. - If any question arises as to the interpretation of these regulations, the decision of the Executive Chairman of the State Authority shall be final.