

INDEX

HIGH COURT LEGAL SERVICES COMMITTEE (AMENDMENT), REGULATIONS, 2021

Sl. No.	Regulations of HCLSC	Page Nos.
1.	Regulation 1 : Short Title and Commencement	2
2.	Regulation 2 : Definitions	2
3.	Regulation 3 : The number, experience and qualification of the other members of the High Court Legal Services Committee under clause (b) of sub-section (2) of Section 8-A	3
4.	Regulation 4 : Appointment of Secretary under sub-section (3) of Section 8-A of the Act.	3
5.	Regulation 5 : The experience and qualification of Secretary of the High Court Legal Services Committee under sub-section (3) of Section 8A	3
6.	Regulation 6 : The terms of office and other conditions relating thereto, of members and Secretary of the High Court Legal Services Committee	4
7.	Regulation 7 : Powers and functions of Committee	4
8.	Regulation 8 : Functions and powers of the Chairman	4
9.	Regulation 9 : Functions and powers of the Secretary	5
10.	Regulation 10 : Meetings of the Committee	5
11.	Regulation 11 : The number of officers and other employees of the High Court Legal Services Committee under sub-section (5) of Section 8A and the conditions of service and the salary and allowances payable to them under sub-section (6) of that Section.	5
12.	Regulation 12 : The Experience and qualifications of other persons of the Lok Adalats organized by the High Court Legal Services Committee specified in sub-section (4) of Section 19	6
13.	Regulation 13 : Audit and Accounts Committee	6
14.	Regulation 14 : Application for the Legal Services	7
15.	Regulation 15 : Disposal of Applications.	7
16.	Regulation 16 : Modes of Legal Services	7
17.	Regulation 17 : Legal Services may be granted in certain cases	8
18.	Regulation 18 : Duties of Legal Services Advocates	8
19.	Regulation 19 : Duties of Aided person	9
20.	Regulation 20 : Withdrawal of Legal Services.	9
21.	Regulation 21 : Conflict between regulations and rules.-	10

HIGH COURT LEGAL SERVICES COMMITTEE

(AMENDMENT), REGULATIONS, 2021

No. F.8/1/96-Judl./Vol.II/Suptlaw/519-523 dated 8th June, 2021 - In exercise of the powers conferred under Section 29 A of the Legal Services Authorities Act, 1987 (Act 39 of 1987) in consultation with the Hon'ble Chief Justice of the Delhi High Court, as required by sub-section -(4) of Section 9 and clause (c) of sub-section (2) of Section 10 of the said Act, the State Legal Services Authority hereby makes the following regulations to amend the High Court Legal Services Committee Regulations, 1998, namely :-

Regulation 1.

Short Title and commencement

- (1) These regulations may be called the High Court Legal Services Committee (Amendment) Regulations, 2021.
- (2) They shall come into force on the date of their publication in the Delhi Gazette.

Regulation 2.

Definitions

In these Regulations, unless the context otherwise requires :

- (a) "Act" means the Legal Services Authorities Act, 1987 (No. 39 of 1987);
- (b) "Aided person" shall have the same meaning as defined under Regulation 2(f) of the Delhi Legal Services Authority Regulations 2002 (as amended in 2019); ^{i}
- (c) "Chairman" means the Chairman of the High Court Legal Services Committee;
- (d) "Committee" means the High Court Legal Services Committee;
- (e) "High Court" means the High Court of Delhi at New Delhi ;
- (f) "Legal Services Advocate"(LSA) means an advocate who has been empanelled by the High Court Legal Services Committee in any of the panels constituted to provide legal aid and services and would also include an advocate who has been assigned any work related to legal services by the Delhi High Court Legal Services Committee or the State Legal Services Authority; ^{ii}
- (g) "Member" means a member of the Committee;
- (h) "Secretary" means the Secretary of the Committee appointed under sub-section (3) of Section 8(A) of the Act;
- (i) "State Authority" means the Delhi State Legal Services Authority constituted under Section 6 of the Act; ^{iii}
- (j) All other words and expressions used in these regulations but not defined shall have the same meaning assigned to them in the Act" ^{iv}

{i} Definition of Sub-Regulation (b) has been changed vide statutory meeting held on 08.12.2011.

{ii} Definition of Sub-Regulation (f) has been modified vide statutory meeting held on 08.12.2011.

{iii} New definitions of Sub-Regulations (i) has been inserted vide statutory meeting held on 08.12.2011.

{iv} New Sub-Regulation (j) has been made with the old definition of Sub-Regulation (i) vide statutory meeting held on 08.12.2011.

Regulation 3.

The number, experience and qualification of the other members of the High Court Legal Services Committee under clause (b) of sub-section (2) of Section 8-A :

(1) The High Court Legal Services Committee shall have eight members including its Chairman. It will have the following, ex-officio members, namely :

(2) Ex- Officio Members :

- (i) Secretary (Law, Justice & Legislative Affairs Department), Government of National Capital Territory of Delhi, Delhi;
- (ii) Secretary (Finance Department), Government of National Capital Territory of Delhi, Delhi;
- (iii) Commissioner of Police, Delhi

The Chief Justice shall nominate four members from the category of the nominated members.

(3) Nominated Members-

A persons shall not be qualified for nomination as a member of the High Court Legal Services Committee unless he/she is :-

- (a) A graduate and an eminent social worker who is engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, Women, Backward Classes, Children, rural and urban labour; or
- (b) Two advocates having interest in free legal services for a period of one year; or
- (c) an eminent person in the medical profession or eminent professor of sociology, psychology or any other discipline;
- (d) Any law teacher or a person of repute who is specially interested in the implementation of the legal services schemes.

Regulation 4.

Appointment of Secretary under sub-section (3) of Section 8-A of the Act.

The Chief Justice of High Court of Delhi shall appoint a person to be the Secretary of the High Court Legal Services Committee, possessing experience and qualifications as prescribed in Regulation on the recommendations of the Chairman, High Court Legal Services;

Regulation 5.

The experience and qualification of Secretary of the High Court Legal Services Committee under sub-section (3) of Section 8A

A person shall not be qualified for appointment as Secretary of the High Court Legal Services Committee unless he is a member of the Delhi Higher Judicial Services;

Preference will be given to persons possessing administrative, financial and legal experience

Regulation 6.**The terms of office and other conditions relating thereto, of members and Secretary of the High Court Legal Services Committee**

- (1) The term of the office of a member of the Committee, other than ex-officio member, shall be one year.
- (2) Where a person is nominated as ex-officio member, such person shall cease to be the member of the Committee if he ceases to hold the post or office by virtue of which he has been nominated as an ex-officio member.
- (3) Any vacancy in the office of a member of the Committee shall be filled up in the same manner as the originally appointed member and the person so nominated shall continue to be a member for the remaining period of term of office of that member in whose place he has been nominated.
- (4) A member shall be given Rs. 300/- towards travelling expenses for attending the meeting.
- (5) The term of office of the Secretary shall be two years or till the age of 60 years, whichever is earlier.
- (6) In all matters like pay, allowances, benefits and entitlements, the Secretary shall be governed by rules as are applicable to the persons holding equivalent posts in his parent cadre and receive such honorarium as framed by the Chairman.
- (7) The appointment of the Secretary may be on deputation basis.
- (8) The Secretary shall be governed by the service conditions of his parent cadre, in so far as disciplinary matters are concerned.

Regulation 7.**Powers and functions of Committee**

- (1) To administer and implement the Legal Services programme in so far as it relates to the High Court of Delhi;
- (2) To receive and scrutinize applications for legal services and to decide all questions as to the grant of or withdrawal of legal services;
- (3) To maintain a panel of advocates and senior advocates in the High Court of Delhi for providing legal advice ;
- (4) To decide all matters relating to payment of honorarium, costs, charges and expenses of legal services to the advocates and to senior advocates of the High Court of Delhi;
- (5) To prepare and submit returns, reports and statistical information in regard to the legal services programme to the State Authority;

Regulation 8.**Functions and powers of the Chairman**

- (1) The Chairman of the Committee shall be in over all charge of administrative and implementation of the programmes of the Committee;

Provided that the Chairman shall not directly concern himself with any question as to grant or withdrawal of legal service to any person;

- (2) The Chairman shall cause the meetings of the Committee convened through the Secretary at least once in a period of three months;
- (3) The Chairman shall preside over the meetings of the Committee;
- (4) The Chairman shall have all the residuary powers of the Committee;

Regulation 9.

Functions and powers of the Secretary

- (1) The Secretary shall be the principal officer of the Committee and shall be the custodian of all assets, accounts, records and funds at the disposal of the Committee;
- (2) The Secretary shall maintain or cause to be maintained true and proper accounts of the receipts and disbursement of the funds of the Committee;
- (3) The Secretary shall in consultation with the State Authority convene meetings of the Committee with the previous approval of the Chairman and shall attend meetings and shall be responsible for maintaining a record of the minutes of the proceedings of the meetings

Regulation 10.

Meetings of the Committee

- (1) The Committee shall meet at least once in three months on such date and at such place as the Chairman may direct.
- (2) The Chairman shall preside over the meetings of the Committee and in the absence of the Chairman, a person chosen by the members present from amongst themselves shall preside over the meetings of the Committee;
- (3) The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the Secretary and such minutes shall be open to inspection at all reasonable times by the members of the Committee. A copy of the minutes shall, as soon as may be, after the meeting, be forwarded to the Executive Chairman of the State Authority;
- (4) The quorum for the meeting shall be three including the Chairman.
- (5) All questions which come up before any meeting of the Committee shall be decided by a majority of votes of the members present and voting, and in case of a tie, the Chairman or the person presiding shall have the right to exercise a second or casting vote.

Regulation 11.

The number of officers and other employees of the High Court Legal Services Committee under sub-section (5) of Section 8A and the conditions of service and the salary and allowances payable to them under sub-section (6) of that Section.

- (1) The High Court Legal Services Committee shall have such number of officers and other employees for tendering secretarial assistance and for its day-to-day functions as are set out in Schedule to these regulations or as may be notified by the Government from time to time;
- (2) The officers and other employees of the High Court Legal Services Committee shall be entitled to draw pay and allowances in the scale of pay indicated against each post in the schedule to these regulations or at par with the employees of the Government holding equivalent posts;

- (3) In all matter like age of retirement pay and allowances benefits and entitlements and disciplinary matters, the officers and other employees of the High Court Legal Services Committee shall be governed by the rules as are applicable to employees of the Government holding equivalent posts;
- (4) The officers and other employees of High Court Legal Services Committee shall be entitled to such other facilities, allowances and benefits as may be notified by the Government from time to time.

{v}

Regulation 12. {vi}

The Experience and qualifications of other persons of the Lok Adalats organized by the High Court Legal Services Committee specified in sub-section (4) of Section 19:

A person shall not be qualified to be included in the Lok Adalat unless he is:

- (a) a sitting or retired Judge of the High Court;
- (b) a serving or retired judicial officer;
- (c) a member of the legal profession;
- (d) any other professional such as Doctors including Mediators;
- (e) a person of repute who is specially interested in the implementation of the Legal Services Scheme and Programmes; or
- (f) an eminent worker who is engaged in the upliftment of the weaker sections of the people including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour."

Regulation 13. {vii}

Audit and Accounts Committee

- (1) The Committee shall maintain a Fund to be called High Court Legal Services Committee Fund to which shall be credited :
 - (a) such amounts as may be allocated and granted to it by the State Authority;
 - (b) all such amounts received by the Committee by way of donations;
 - (c) all such amounts by way of cost, charges and expenses recovered from the persons to whom legal service is provided or the opposite party;
- (2) All the amounts credited to the said fund shall be deposited in a nationalized bank.

Explanation: In the sub-regulation "nationalized bank" means a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer 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 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 met out of the Funds of the Committee and in accordance with the prior approval of the Chairman;

{v} Regulation 12 has been deleted vide letter No. F. 27/3/2003-Judl./359 dated 6th April, 2010.

{vi} Regulation 13 has been re-numbered as 12 and modified vide statutory meeting held on 08.12.2011.

{vii} Regulation 14 has been re-numbered as 13 and modified vide statutory meeting held on 08.12.2011

- (5) The funds of the Committee may be utilized for meeting the expenses incurred on or incidental to travels undertaken by the Chairman or the Secretary in connection with legal services activities. The travelling allowance and the dearness allowance payable to the Chairman 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 cause to be made and maintained true and correct accounts of all the receipts and disbursements and furnish quarterly returns to the State Authority;
- (8) The accounts of the committee shall be audited annually by a qualified auditor and submitted to the State Authority.

Regulation 14. {viii}

Application for the Legal Services

- (1) Any person deserving legal services for brining or defending any action in the High Court may make an application in writing in that behalf. However, if the applicant is illiterate or is not in a position to write, the Secretary or an officer of the Committee shall record his verbal submission and obtain his thumb impression/signature on the record and such record will be treated as his application.
- (2) The Committee shall maintain data/or a register of applications wherein all applications for legal services shall be entered and registered date wise and the action taken on such application shall be noted against the entry relating to the applications.

Regulation 15. {ix}

Disposal of Applications.

- (1) On receipt of an application for legal service mentioned in Regulation 14, the Secretary shall first cause the eligibility of the applicant as per the provisions of the Act read with the rules, examined and determined.
- (2) If the applicant satisfies the eligibility criteria, the Secretary shall proceed to examine the merit of his application in accordance with the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.
- (3) An application for the grant of legal services in any matter if it is not found fit, may be rejected, for the reasons to be recorded in writing, by the Secretary/Scrutiny Committee constituted under the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.
- (4) The applicant whose application for grant of legal services has been rejected may refer an appeal before the Chairman for a decision.
- (5) In case of refusal for the grant of legal services, the Secretary shall inform the applicant in writing of such refusal."

Regulation 16. {x}

Modes of Legal Services

- (a) Court fees, provided that Court fees will be payable only after an application is moved before the Court for suing in forma pauperis and orders of the Court obtained thereon.

{viii} Regulation 15 has been re-numbered as Regulation 14 vide statutory meeting held on 08.12.2011.

{ix} Regulation 16 has been re-numbered as Regulation 15 and modified vide statutory meeting held on 08.12.2011.

{x} Regulation 17 has been re-numbered as Regulation 16 and modified vide statutory meeting held on 08.12.2011.

- (b) process fees and other similar charges payable or incurred in connection with any legal proceedings;
- (c) charges for drafting, preparing, filing of any legal proceedings and representation by a legal practitioner in legal proceedings;
- (d) cost of obtaining and supply of certified copies of judgments, orders and other documents in legal proceedings;
- (e) cost of preparation of paper book (including paper, printing and translation of documents) in legal proceedings and expenses incidental thereto;

provided that charges for spot inspection other than local commissioner's fee, such as photographer's/ electrician's /plumber's /mason's charges and similar expenditure, charges for medical examination and the like, shall not be payable, except with the approval of the Chairman.

Regulation 17. {xi}{xii}

Legal Services may be granted in certain cases

Irrespective of the means test, legal service may be granted by the Chairman:

- (a) in cases of great public importance
- (b) in a special case which is considered otherwise deserving of legal services.

Regulation 18. {xiii}

Duties of Legal Services Advocates

- (1) The Legal Services Advocate (LSA) shall be paid such honorarium as may be fixed by the State Authority.
- (2) Every Legal Services Advocate shall attend to all duties assigned by the Authority punctually, attentively and diligently.
- (3) Every Legal Services Advocate shall endeavour to provide quick and timely services to the aided person.
- (4)
 - (a) Every Legal Services Advocate shall ensure his attendance on each hearing of the case assigned to him and shall diligently work towards the disposal of the case.
 - (b) On a case of the aided person as assigned to any Legal Services Advocate being decided, such Legal Services Advocate shall apply for the certified copies of the decree, judgment, evidence, pleadings and other relevant documents, certified copies of which have not already been taken.
 - (c) Such certified copies shall be submitted to the Authority alongwith the detailed comments of the Legal Services Advocate regarding the further desired action in the case if any required with specific reference to feasibility of filing an appeal/revision.
 - (d) The Legal Services Advocate who has completed his/her assignment, shall submit within 45 days of the completion of such assignment, a statement showing the honorarium due to him/her together with the report of the work done in connection

{xi} Regulation 18 has been deleted vide statutory meeting held on 08.12.2011.

{xii} Regulation 19 has been re-numbered as Regulation 17 and modified vide statutory meeting held on 08.12.2011.

{xiii} Regulation 20 has been re-numbered as Regulation 18 and modified vide statutory meeting held on 08.12.2011.

with the legal proceedings conducted by him/her on behalf of the aided person, along with certified copies, to the Secretary of the Committee who shall after due scrutiny sanction the fee and expenses payable to him/her.

Provided that in appropriate cases and for sufficient reasons, bills submitted after the expiry of the said 45 days may be processed by the Secretary for payment.

- (5) Every Legal Services Advocate shall attend all training programs, functions and the like organized by the State or the District Authority and as directed by the said Authorities.
- (6) Every Legal Services Advocate shall submit a quarterly detailed report in respect of the work/cases assigned to him/her by the Authorities. The said report shall be submitted within seven days of the expiry of the quarter."

Regulation 19. {xiv}

Duties of Aided person

- (1) A person seeking legal service shall comply with any requisition or direction that may be made upon him by the Secretary of the Committee or any of its members from the date the application for legal service is made till he enjoys the legal services granted to him.
- (2) Every such person shall execute an undertaking in the form annexed hereto that in the event of the Court passing a decree or order in his favour awarding costs to him or other monetary benefit or advantage, to repay by way of reimbursement to the Committee all costs, charges and expenses incurred by the Committee in giving him legal service. For effecting such reimbursement, he shall authorize the Secretary of the Committee. The costs, charges and expenses so recovered shall be credited to the Fund of the Committee.
- (3) Every aided person or his representative shall attend the office of the Committee as and when required by the Committee or by the legal services advocates rendering legal aid to him and such furnish full and true information and shall make full disclosures to the legal service advocates concerned and shall attend the court, as and when required, at his own expense.

Regulation 20: {xv}

Withdrawal of Legal Services.

- (1) The Committee may either on its own motion or otherwise withdraw legal service granted to any aided person in the following circumstances, namely:
 - (a) in the event of it being found that the aided person was possessed of sufficient means or that he obtained legal service 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 negligence on the part of the aided person in the course of receiving legal service;
 - (d) in the event of the aided person not co-operating with the Committee or with the legal service advocate assigned by the Committee;
 - (e) in the event of the aided person engaging a legal practitioner other than the one assigned by the Committee;
 - (f) in the event of death of the aided person except in the case of civil proceedings where the right or liability survives;

{xiv} Regulation 21 has been re-numbered as Regulation 19 vide statutory meeting held on 08.12.2011.

{xv} Regulation 22 has been re-numbered as Regulation 20 vide statutory meeting held on 08.12.2011.

- (g) in the event of the application for legal service of the matter in question is found to be an abuse of the process of law or of legal service :

Provided that legal service shall not be withdrawn without giving due notice thereof to the aided person or to his legal representative in the event of his death, to show cause as to why the legal service should not be withdrawn. (2) where the legal services are withdrawn on the grounds set out in clause (a) above, the Committee shall be entitled to recover from the aided person the amount of legal services granted to him.

[Relevant to clause (2) of Regulation 21]

Regulation 21. {xvi}

Conflict between regulations and rules.-

In case of conflict between these Regulations and the Rules or Regulations of the State Authority, the latter shall prevail.

{xvi} New Regulation 21 has been inserted vide statutory meeting held on 08.12.2011.