

## **HIGH COURT LEGAL SERVICES COMMITTEE**

### **PROACTIVE INFORMATION -**

- ABOUT ORGANIZATION, ITS FUNCTIONS AND DUTIES
- ABOUT POWER AND DUTIES OF OFFICERS AND EMPLOYEES
- ABOUT THE PROCEDURE FOLLOWED IN THE DECISION MAKING PROCESS.
- ABOUT DIRECTORY AND REMUNERATION OF OFFICERS AND EMPLOYEES.
- ABOUT BUDGET ALLOCATION AND ITS EXPENDITURE PLANS

#### **(i) The particulars of the organization, functions & duties.**

##### **Organization**

The High Court Legal Services Committee has been constituted u/s. 8A of the Legal Services Authorities Act, 1987 on 21/04/1998.

- As per Regulation 5 of the Gujarat State Legal Services Authority Regulations 1998 the committee consists of the following members.

#### **(1) Chairman:-**

A sitting Judge of the High Court of Gujarat, is the Chairman of the High Court Legal Services Committee who is nominated as Chairman by the Hon'ble the Chief Justice of the High Court under section 8(A)(2) (a) and (b) read with section 8(A)(1) of the Legal Services Authorities Act, 1987.

#### **(2) Ex- Officio Members :- Notification No. CH-1645-2010-GSLSA – dated 28<sup>th</sup> September, 2010.**

- (a). The Secretary, Legal Department, Sachivalaya, Gandhinagar.
- (b). The Additional D.G. P. (Law and order), Gujarat State.
- (c). The President, High Court Bar Association.

#### **(3) Nominated Members:-**

- (a). Senior Government Pleader ( Vacant )
- (b). Prof. Miss Soma Bhattacharya [ Law Teacher ]
- (c). Illaben Pathak, Founder Secretary, "AWAZ" [ Woman Social Worker ]
- (d). Prof. Rishikesh Dave [ An Academician ]
- (e). Shri P. R. Abichandani, Advocate.

(f). Ms. Monali H. Bhatt, Advocate [ Member of Gujarat Bar Council ]

(4) **Secretary of the Committee:-**

At present, Mr. P. A. Parmar, Senior Civil Judge, is appointed as Secretary of the High Court Legal Services Committee by the Hon'ble Chief Justice of High Court of Gujarat under Notification No. A/1318/2000 dated 19.1.2012 under rule 14 of the Gujarat State Legal Services Rules 1997.

(Copy of the Notification No.CH/2281/2005/GSLSA dated 6.9.2005 is at **Annexure "A"**, Copy of Notification No. GSLSA/HCLSC/900/2009 dated 5.6.2009 is at **Annexure "B"**. The procedure of issuance of new notification for appointment of rest of the members is under consideration of the Gujarat State Legal Services Authority.

As per Rule 15 of the Gujarat State Legal Services Authority Rules, 1997, the officers and employees of the High Court Legal Services Committee are such as decided by the Government in consultation with the High Court of Gujarat. The members of the committee excluding Chairman continue as members for a term of three years and are eligible for nomination for one more term as may be decided by the Patron-in-Chief (Honourable the Chief Justice of the High Court of Gujarat) in consultation with the State Authority. The Secretary, High Court Legal Services Committee holds post for a term of three years and shall be eligible for re-appointment for one more term as directed by the Patron-in-Chief. All members including the Chairman, excepting the Secretary function in honorary capacity.

Under the Regulations, any nominated member can be removed by the Patron - in - Chief in consultation with the Executive Chairman of the State Legal Services Authority, who fails, without sufficient cause, to attend three consecutive meetings of the committee; or has been adjudged insolvent; or has been convicted of an offence which, in the opinion of the Patron - in - Chief of the State Authority, involves moral turpitude; or has become physically or mentally incapable of acting as a member; or has so abused his position as to render his continuance in the Committee prejudicial to the public interest.

The Patron - in - Chief in his absolute discretion without assigning any reason may at any time repatriate the Secretary of the High Court Legal Services

Committee, if he belongs to State Judicial Service, to his parent Department.

(5) The officers and other employees of the Committee are entitled to such salary and allowances and are subject to such other conditions of service as prescribed by the State Government in consultation with the Hon'ble Chief Justice of the High Court. At present, the officers and other employees are paid salaries as per the Government Rules.

**Functions and Duties:**

The committee provides free legal aid to all entitled persons and bears the necessary incidental expenses like typing, copying, postage charges, translation etc.

The High Court Legal Services Committee performs following functions:

(1) Provides free legal service to persons who may have to file or defend litigations pending in the High Court and who satisfy the eligibility criteria laid down for the purpose of receiving free legal aid under the Act.

2) Files Public Interest Litigation in the High Court. .

3) Conducts, under the supervision of the State Authority, Lok Adalats for settlement of cases pending in the High Court.

4) Prepares and submits such reports, returns and other statistics or information as the State Authority may call for.

(ii) **The powers and duties of the officers and employees:**

**The Secretary:-**

1. To implement the policies laid down by the committee;
2. To execute the instruction, schemes and policies given by the State Legal Services Authority from time to time;
3. To obey the directions, orders and instructions given by the Chairman of the Committee;
4. To attend applicants for legal Assistance.
5. To sanction free legal services to the eligible and weaker sections;
6. To manage the records and funds of the Committee;
7. To get maintained the accounts of the Committee properly;
8. To supervise the budgetary work and make suggestions;
9. To supervise the work carrying out in Lok Adalat and look into the follow up actions;

10. To peruse the applications received and take necessary action.

**Mr. H. H. Parekh, Dy. Section Officer.**

1. To scrutinize the application registered by the clerk.
2. To prepare submissions.
3. To maintain the account work and cash book.
4. To collect the cash or Cheque received from the advocate and registry in respect of the order passed by the Hon'ble Court.
5. To disburse cheques received from the Treasury Office in respect of contingency bill;
6. To receive and verify the advocate bills;
7. To prepare and maintain Money Receipt Register;
8. To maintain the fixed deposit receipts;
9. To attend the phone calls of applicant.
10. To attend the application under Right to Information Act;
11. All work assigned by the Secretary.

**Ms. G. U. Nair. Dy. Section Officer :**

1. To register the application in inward register, as well as in docket register;
2. To pursue the application for providing legal assistance;
3. To attend applicants for legal Assistance;
4. To prepare the jail cell board;
5. To make correspondence with different jails and institutions.
6. To prepare contingency bill, telephone-electricity bill, postage bill Advocate bills, T.A. bill etc.
7. To Maintain the Postage Stamp Register.
8. To forward Judgment and Paper Book received from prisoners to Supreme Court
9. Legal Services Committee, Delhi.
10. Dispatch work.
11. To attend the Phone Calls of applicants
12. Any work assigned by the Secretary.

**Mr. A. S. Agnihotri, Dy. Section Officer :**

1. To write and send letters to the applicant, as per the directions given by Secretary. To prepare submissions of allotment of matters;
2. To attend applicants for legal Assistance.
3. To attend the Phone calls of applicants

4. To attend the advocates for supplying Case Papers.
5. To Maintain Docket Register.
6. To attend the application Under Right to Information Act, 2005.
7. Any work assigned by the Secretary.

(iii) **The Procedure followed in the decision-making process, including channels of supervision and accountability.**

**Entrustment:** When any application is presented for free legal aid for filing or defending any legal matter in the High Court and if the applicant is found fit and eligible, the Secretary entrusts the case to suitable advocate from the panel prepared by the committee.

**Contingency Bills:** Normally bills of Advocates are prepared by Deputy Section Officer and passed by the Secretary.

**Important Matters:** All important matters are submitted to Honourable the Chairman by the Secretary.

**General:** All staff members' work under the supervision and direction of the Secretary and Secretary reports to the Honourable Chairman.

(iv) **The norms set by it for the discharge of functions.**

No norms are framed.

(v) **The rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions.**

The Legal Services Authority Rules 1997 notified by the State Government and the Legal Services Authority Regulations 1998 notified by the Gujarat State Legal Services Authority are applicable to the High Court Legal Services Committee. Moreover, the resolutions passed in the meeting of the Committee are implemented. Besides, Government resolutions, notifications, circulars and instructions issued by the Government of Gujarat, High Court of Gujarat, Gujarat State Legal Services Authority from time to time from are followed. The panel

Advocates are paid the fees as per the Resolution No. LAC/1098/2177/ D dated 30.6.2005. Copy of the said Resolution is at **Annexure "C"**.

(vi) **A statement of the categories of documents that are held by it or under its control.**

The documents that are held by and controlled are classified as under:

- ↳ a) Registers
- ↳ b) Files of correspondence and
- ↳ c) Record of applications.

**(vii) The particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof.**

As per the Regulation No. 5 of the Gujarat State Legal services Authority Regulations 1998, the High Court Legal Services Committee

consists of following nominee members\*, which are nominated by the Honourable Chief Justice of the High Court of Gujarat to have voice of the general public in relation to the formulation of its policy or implementation thereof.

They are:

1. Senior Govt. Pleader,
2. A law Teacher,
3. A woman Social Worker who is engaged in the upliftment of weaker section of society particularly, the Scheduled caste /Scheduled tribe, women, children and rural and urban labour,
4. Academician
5. A person of standing who is professionally experienced or specially interested in the legal aid schemes.
6. A member of Gujarat Bar Council.

**(viii) A statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public.**

The meetings of the committee are not open to the public but the minutes of such meetings may be accessible for public.

**(ix) A directory of its officers and employees;**

The details of the officers and employees of the Committee are as under:

Sr. No.	Name	Designation
1.	Mr. P. A. Parmar	Secretary
2.	Mr. N. S. Shreeram	PPS
3.	Ms. A. S. Agnihotri	Dy. Section Officer
4.	Ms. G. U. Nair	Dy. Section Officer

5.	Ms. Sabina Mansuri	Dy. Section Officer
6.	Mr. H. H. Parekh	Dy. Section Officer

**(x) The monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations.**

Name of the Post	No. Of Post	Pay Scale
<b>Gazetted Post</b>		
<b>The Secretary, High Court Legal Services Committee</b>	<b>One</b>	<b>39600 - 54130</b>
<b>Non-Gazetted Posts</b>		
<b>Deputy Section Officer</b>	<b>Three</b>	<b>9300 - 34800</b>

**(xi) The budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditure and reports on disbursements made;**

The committee prepares its budget to meet with the routine expenses such as salary of the staff of the committee, telephone bill, electricity bill, panel advocates fees, postage stamps, supplementary bills etc. The committee gets grants from the Gujarat State Legal Services Authority and the same is provided on monthly or quarterly basis as prescribed by the State Government.

Moreover, the committee organizes General Lok Adalat and the expenditure for the same is made from the fund allocated by the Gujarat State Legal Services Authority.

**(xii) The manner of execution of subsidy programmes including the amounts allocated and the details of beneficiaries of such programmes.**

Not applicable.

**(xiii) Particulars of recipients of concessions, permits or authorizations granted by it;**

Section 12 of the Legal Services Authorities Act, 1987 provides for the entitlement of legal services under the Act to the person, who is;

1. a member of a Scheduled Caste and a Scheduled Tribe; or
2. a victim of trafficking inhuman beings or beggar as referred to in Article 23 of the Constitution of India; or
3. a woman or a child; or
4. 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; or
5. A person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood,

drought, earthquake or industrial disaster; or

6. an industrial workman; or

7. 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 (j) 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 Mental Health Act, 1987; or (h) In receipt of annual income less than rupees fifty thousand

8. An affidavit made by a person as to his income may be regarded as sufficient for making him eligible for legal services unless there is reason to disbelieve such affidavit.

**(xiv) Details in respect of the information available or held by it, reduced in an electronic form;**

Under process.

**(xv) The particulars of facilities, available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;**

Any person can visit the office of Committee at any time during working hours of working days and can obtain information but there is no facility or space like library or reading room for public.

**(xvi) The names, designations and other particulars of the Public Information Officers;**

**MR. P. A. Parmar**

Secretary,  
Public Information Officer,  
High Court Legal Services Committee,  
3<sup>rd</sup> floor, Administrative building  
High Court of Gujarat, Sola, Ahmedabad.  
Phone & Fax No. 079-27665815 (O)

**MR. A. P. Thaker**

Member Secretary  
Appellate Authority,  
Gujarat State Legal Services Authority  
3<sup>rd</sup> floor, Administrative building  
High Court of Gujarat,  
Sola, Ahmedabad.  
Phone & Fax No. 079-27664964 (O)

**(xvii) Such other information as may be prescribed.**

The statistical informations regarding Lok Adalat and institution of matters in

Committee are as per **Annexure "D"**.