

DISTRICT: KAMRUP (METRO)

IN THE GAUHATI HIGH COURT

(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM & ARUNACHAL PRADESH)

(CIVIL EXTRA ORDINARY JURISDICTION)

P I L NO. 12 / 2021

CITIZEN FOR JUSTICE AND PEACE

..... Petitioner

-Vs -

THE UNION OF INDIA & ORS

..... Respondents

-AND-

IN THE MATTER OF:-

An Affidavit-in-opposition filed by the Respondent No. 6 in the above mentioned PIL.

AFFIDAVIT-IN-OPPOSITION

I, NAYAN S. BARUAH, son of LATE PADMA BARUAH,
aged about 48 years presently residing at GUWAHATI
..... do hereby solemnly affirm and state as follows;

1. That at present I have been discharging my duty as Member Secretary, Assam State Legal Services Authority, and I have been impleaded as Respondent No. 6 in the instant PIL. A copy of PIL filed by the petitioner has been served upon me

Nayan S. Baruah

and I have gone through the contents of the same and having understood the contents thereof I am competent to swear this affidavit.

2. That save and except those statements made in the PIL which are specifically admitted herein below, the rests are not being admitted should be treated to have been denied hereto. The deponent also does not admit anything which is contrary to and inconsistent with the record of the case.

3. That with regard to the statements made in paragraphs 1, 2 3, 4, 5, 6, 7, 8, 9 & 10 of the PIL the deponent begs to make no comments.

4. That with regard to the statements made in paragraphs 11, 12, 13 & 14 of the PIL the deponent begs to state that the deponent is not aware about the special steps if taken by the State Government about making any arrangement for providing legal aid in the Foreigners Tribunal. However, in most of the districts, the District Legal Services Authorities (DLSAs) have formed separate legal aid panel for providing legal services/aid to those who are in need of such aid. The DLSA which has not formed separate panel for F.T. are providing legal services/aid or are in position to provide legal services/ aid to the needy persons from their already existing panel.

Maya S. Bandyopadhyay

A copy of the District wise Legal Aid Panel for FT is annexed herewith as Annexure A

5. That with regard to the statement made in paragraph 15 of the PIL the deponent begs to state that at present 2 numbers of Sub Divisional Legal Services Committee are functioning in the State. For the rest, the services are being carried from the district level (DLSA level) in 26 other SDLSCs are pending with the Government.

6. That with regard to the statements made in paragraphs 16, 17, 18 & 19 of the PIL the deponent begs to state that DLSAs are holding legal services camps and have established Front Offices as per guidelines of NALSA. DLSAs are providing services through the aforesaid modes to the needy people as per existing module. The DLSAs are having their own panel of legal Aid Advocates, PLVs, and Retainer Lawyers for giving services in their respective districts. Some of them have separate panel of Advocates for providing legal aid in the Foreigners Tribunal.

7. That with regard to the statements made in paragraphs 20 & 21 of the PIL the deponent begs to state that for providing training to the stakeholders on any subjects, the guidelines provided by NALSA are followed. On the subject of Citizenship Act, Assam State Legal Services Authority (ASLSA)

Nayan S. Bandyopadhyay

in collaboration with PARICHAY, a clinic under legal aid project of five National Law Universities has undertaken a series of program to make different stakeholders aware on the issue. In the month of November 2021, already a discourse program for DLSA Secretaries and Panel Lawyers have been successfully organized. The next program on the subject of "**Foreigners Tribunals: Latest Developments, Challenges and Strategies**" for the panel lawyers has been scheduled in the month of February, 2022.

8. That with regard to the statements made in paragraphs 22 to 50 of the PIL the deponent begs to make no comments.

9. That with regard to the statements made in paragraphs 51 & 52 of the PIL the deponent begs to state that a robust system for providing legal aid would certainly help the persons who are in need of free legal services in the Foreigners Tribunal. It is pertinent to mention here that, as per Government report 19 lakh persons have been left out of NRC and to provide free legal aid to them, the Assam State Legal Services Authority would need huge financial resource and therefore, budget allocation also needs to be revisited by the Government so as to enable the Authorities to provide requisite legal aid to the beneficiaries.

S. Band
Nayan

10. That with regard to the statement made in paragraph no. 53 of the PIL the deponent begs to make no comments.

11. That with regard to the statements made in paragraphs 54 & 55 of the PIL the deponent begs relies on the statement that are made in paragraph 9 of this affidavit in opposition.

12. That the statements made in this affidavit in paragraphs 1, 2, 4, 5, 6, 7(p), 8, 9, 10 & 11 are true to my knowledge and those made in paragraphs 3 & 7(p) are true to my information gathered from the record which I believe to be true and rests are my humble submissions before this Hon'ble Court.

Oath: I swear that my declaration is true, that it conceals nothing and that no part of it is false, so help me God.

And accordingly I sign this affidavit on this 21st day of February, 2022 at Guwahati.

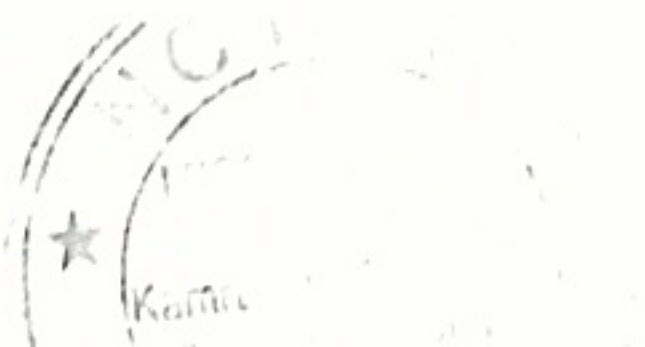
Identified by me,

Advocate's Clerk

Nayan Shekhar Bandyopadhyay
02/21/2022
DEPONENT

Solemnly affirmed before me this day. I certify that I have read over and explained the contents to the declarant and that the declarant seemed perfectly to understand them.

MAR
1.2.22



DISTRICT WISE LEGAL AID PANEL
FOR FT

Annexure A

| Sl. No. | DLSA | Having separate panel | No separate panel | Remarks |
|---------|------------|-----------------------|-------------------|---------|
| 1. | Dibrugarh | | Existing panel | |
| 2. | Sivasagar | Separate panel | | |
| 3. | Jorhat | Separate panel | | |
| 4. | Golaghat | Separate panel | | |
| 5. | Dhemaji | Separate panel | | |
| 6. | Morigaon | | Existing Panel | |
| 7. | Kamrup | Separate panel | | |
| 8. | Goalpara | | Existing | |
| 9. | Nagaon | | Existing Panel | |
| 10. | Lakhimpur | Separate panel | | |
| 11. | Sonitpur | Separate Panel | | |
| 12. | Tinsukia | Separate panel | | |
| 13. | Darrang | Separate Panel | | |
| 14. | Nalbari | Separate panel | | |
| 15. | Barpeta | Separate panel | | |
| 16. | Bongaigaon | Separate Panel | | |
| 17. | Kokrajhar | Separate panel | | |
| 18. | Dhubri | Separate panel | | |

| | | | | |
|-----|---------------------------|----------------|----------------|--|
| | Cachar | Separate panel | | |
| 20. | Karimganj | | Existing panel | |
| 21. | Hailakandi | Separate panel | | |
| 22. | Udalguri | | Existing Panel | |
| 23. | Kamrup (Amingaon) | | Existing panel | |
| 24. | KarbiAnglong - Diphu | | Existing panel | |
| 25. | West KarbiAnglong -Hamren | | | No separate panel and no functional FT |
| 26. | DimaHasao | | Existing panel | |
| 27. | Biswanath | | Existing panel | |
| 28. | Hojai | Separate panel | | |
| 29. | Majuli | | Existing Panel | |
| 30. | Charaideo | | | No separate panel and no functional FT |
| 31. | South Salmara-Mankachar | | | Existing panel insufficient |
| 32. | Chirang-Kajalgaon | | Existing Panel | |
| 33. | Baksa- | | | No panel as FT |

| | | | | |
|--|-----------|--|--|----------------|
| | Mushalpur | | | is at Tamulpur |
|--|-----------|--|--|----------------|