

Rajasthan State Legal Services Authority  
( Guidelines for institutionalising Pro-Bono  
Legal Services) 2019



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**1. Introduction :**

Legal Services Authorities are legislatively tasked with removing barriers to Access to Justice so that people with economic or other disabilities do not remain deprived of justice. To bridge the justice gap, the Rajasthan Legal Services Authority is implementing legal aid programmes in the State of Rajasthan. The Rajasthan High Court Legal Services Committee and District Legal Services Authorities under its aegis are identifying and addressing the legal needs of the weaker and marginalised sections. The workforce for rendering free legal services in court based matters primarily consist of lawyers empanelled as per the National Legal Services Authority( Free and Competent Legal Services) Regulations,2010. There are 1845 empanelled lawyers in the State of Rajasthan.

It is pertinent to mention that Rule 48 of the “ Standards of professional conduct and etiquette”, Bar Council of India Rules, states “ Every advocate shall in the practice of the profession of law bear in mind that anyone genuinely in need of a lawyer is entitled to legal assistance even though he cannot pay for it fully or adequately and that within the limits of an advocates economic condition, free legal assistance to the indigent and oppressed is one of the highest obligation an advocate owes to society”. There are many lawyers, particularly Senior Lawyers, who are willing and are also providing pro bono legal services from time to time to the poor and the marginalised sections of the society at their own level . At present, rendering of such pro-bono

services at private level is taking place in an ad hoc manner without any institutional support and administrative management.

The Rajasthan State Legal Services Authority, having presence in each district of the State, with adequate infrastructure and human resources, can mainstream the ad hoc rendering of pro bono legal services and integrate it with the legal aid services. This will result in maximizing access to justice which is quite imperative for a State like Rajasthan which constitutes 10.4 % of India's total area and has population of 6.85 crore. In the said scenario, Rajasthan State Legal Services Authority has envisaged the Scheme for institutionalizing Pro-Bono services and integrating the same with legal aid services.

## **2. Objectives:-**

- (i) To supplement the government funded legal aid system
- (ii) Maximizing reach to the poor and marginalised persons.
- (iii) To make best use of the existing skill base with proper monitoring framework and taking expertise of the Senior Lawyers to people.
- (iv) To institutionalize the Pro Bono legal services and integrating it with the Legal Aid Services.

## **3. Legal Framework :**

Regulation 7(4) of NALSA( Free and Competent Legal Services) Regulations, 2010 provides that Legal Services Institution shall maintain a list of agencies, institutions and persons who have expressed willingness to render free legal services. Moreover, to bring the lawyers, who are willing to render pro bono services and have the skill and the expertise to render competent legal services, on the rolls of Legal Services Institutions, the formal process of filing of application etc. is not needed as such empanelment is facilitated by proviso to



Regulation 8 (2) of NALSA( Free and Competent Legal Services) Regulations, 2010, which states that the Executive Chairman or Chairman of the Legal Services Institution may *suo moto* empanel any legal practitioner.

**4. Criteria for empanelling Pro Bono Lawyers**

- No legal practitioner having less than three years' experience at the Bar shall ordinarily be empanelled.
- While empanelling, the competency, integrity, suitability and experience of the lawyer shall be considered .

**5. Procedure for empanelment as Pro Bono Lawyer**

- Any lawyer desirous of rendering Pro Bono legal services and fulfilling the aforesaid eligibility criteria can intimate the Rajasthan Legal Services Authority or RHCLSC Jaipur /Jodhpur or concerned District Legal Services Authority.
- Moreover, the Chairman of the DLSA can suo moto send the names of the Lawyers for such empanelment, keeping in view the aforesaid eligibility criteria, after ascertaining their willingness to work as Pro Bono Lawyer .
- The empanelment as Pro Bono Lawyer shall take place only after the approval of the Executive Chairman of RSLSA .

**6. Categories entitled to avail Pro Bono Services**

The following categories, including those mentioned in Section 12 of the Legal Services Authorities Act, 1987 are eligible to avail Pro Bono Services:-

- (a) A member of a Scheduled Caste or Scheduled Tribe;

(b) A victim of trafficking in human beings or beggar as referred to in Article 23 of the Constitution;

(c) A woman or a child;

(d) A mentally ill or otherwise disabled person;

(e) A person being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or

(f) An industrial workman; or

(g) person in custody, including custody in a protective home or in a juvenile home or in a psychiatric hospital or psychiatric nursing home;

(h) In receipt of annual income less than , as may be prescribed by the State of Rajasthan from time to time.

(i) In any other deserving case, not falling within the aforesaid categories.

#### **7. Means and Merits test**

Categories mentioned at points (a) to (g) and (i) in aforesaid para no.4 will be entitled to free legal services irrespective of their means. The eligibility criteria in terms of income will apply to the category mentioned at point (h). However, all the categories shall only be entitled to receive legal services through Pro Bono Lawyers if the concerned District Legal Services Authority is satisfied that such person has a prima facie case to prosecute or to defend. However, a defendant in a civil case and an accused or a convict in a criminal case shall be deemed to have prima facie case to defend or to file an appeal against his conviction and sentence.



## **8. Procedural Framework for availing legal services**

Any eligible category may apply to the RHCLSC or concerned DLSA for availing the Pro-Bono legal services. The concerned RHCLSC or DLSA shall after examining the application on the means test, wherever applicable, and merits test shall assign the case to the Pro Bono Lawyer keeping in view the expertise and suitability of such a lawyer.

## **9. Monitoring**

The monitoring of the cases assigned to the Pro Bono Lawyer shall be done by the Monitoring and Mentoring Committees constituted under Regulation 10 and as per the procedure prescribed in the NALSA( Free and Competent Legal Services) Regulation,2010.

## **10. Withdrawal from panel**

A Pro Bono Lawyer can move an application for withdrawal from panel at any time after giving written intimation to the Member Secretary, RSLSA. At the time of giving such intimation, a Pro Bono Lawyer is required to furnish and submit the list and the case file(s) of the case(s) assigned to him by the Legal Services Institution.

## **11. Depanelment of the Pro Bono Lawyer**

Services of Pro Bono Lawyer can be terminated at any time, without any prior notice in the following cases:

- Seeks or accepts any pecuniary gains from the legal aid seekers.
- Convicted for any offence.
- Found incapable of rendering professional services of the required standards.

- Using his/her position as Pro Bono Lawyer to secure unwarranted privileges or advantages for him/herself or others.
- Acts in breach of code of ethics as provided under the Standards of professional conduct and etiquette, framed by the Bar Council of India under section 49(1)(c) of the Advocates Act, 1961.

#### **12. Payment of incidental charges:**

The incidental expenses, relating to the cases assigned to the Pro Bono Lawyers, like photocopying, postal charges, typing charges, etc upto Rs 1000/- in case of services provided at the level of DLSA and Rs 2000/- in case of services provided at the level of RHCLSC shall be borne by the respective Legal Services Institution.

#### **13. Future Review:**

To remain relevant and useful, these Guidelines will be reviewed and regularly updated, taking particularly into account the implementation challenges and gaps .