

Legal Services Authorities Act with Regulations



**NAGALAND STATE LEGAL SERVICES AUTHORITY
2020**

For further information please contact:

Chairman / District & Session Judge

Secretary / CJM / Civil Judge (Jr.)

Of the respective
District Legal Services Authority



Kohima, Dimapur, Mokokchung, Wokha,
Zunheboto, Phek, Tuensang, Mon, Kiphiri,
Longleng and Peren

Printed at : N V Press
High School Junction, Kohima - 797001, Nagaland

CONTENT	PAGE NO
1. THE LEGAL SERVICES AUTHORITIES ACT, 1987	1-21
2. THE LEGAL SERVICES AUTHORITIES (AMENDMENT) ACT, 2002	22-25
3. THE NATIONAL LEGAL SERVICES AUTHORITY (LOK ADALAT) REGULATIONS, 2009	26-36
4. THE NATIONAL LEGAL SERVICES AUTHORITY (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS, 2010	37-47
5. NATIONAL LEGAL SERVICES AUTHORITY (LEGAL SERVICES CLINICS) REGULATIONS, 2011	48-55
6. SCHEMES FOR PARA LEGAL VOLUNTEERS (Revised)	56-64
7. NATIONAL LEGAL SERVICES AUTHORITY – Legal Services Clinics in Universities, Law Colleges & other Institution	65-68
8. THE NAGALAND STATE LEGAL SERVICES AUTHORITY RULES, 1998	69-74
9. THE NAGALAND STATE LEGAL SERVICES AUTHORITY (TRANSACTION OF BUSINESS AND OTHER PROVISIONS) REGULATIONS, 2000	75-80
10. NAGALAND VICTIM COMPENSATION SCHEME, 2012	81-86
11. SCHEDULE FOR FEE & HONORARIUM	87-95
12. EARLY ACCESS TO JUSTICE AT PRE-ARREST, ARREST & REMAND STAGE	96-105
13. STANDARD OPERATING PROCEDURES (SOP) FOR UNDER TRIAL REVIEW COMMITTEES (UTRC)	106-121
14. FRONT OFFICE (Guidelines)	121-127

INTRODUCTION

The Nagaland State Legal Services Authority (NSLSA) has been constituted in March 1999 under Section 6 of the Legal Services Authority Act, 1987 with The Nagaland State Legal Services Authority Rules, 1998 and Nagaland State Legal Services Authority (Transaction of Business and other Provisions) governing the functioning of this Authority.

There are 11 District Legal Services Authorities (DLSA's) under Nagaland State Legal Services Authority, constituted on March 2001 under Section 9 of the Legal Services Authority Act, 1987 read with Rule 10 of the Nagaland State Legal Services Authority (Amendment) Act, 1994, with 11 Front Offices established and functioning under DLSA's attached to the District Court building in the respective District Headquarter.

The Nagaland State Legal Services Authority brings out an Annual Common Action plan highlighting the NALSA Scheme and activities to be accomplished yearly, whereby, the DLSAs across the state are bestowed with the responsibility and duties of fulfilling the mandates envisaged under the NALSA scheme in providing free legal aid by the Panel Lawyers and Retainer Lawyers, conducting Lok Adalats, creating legal awareness, PLVs manning the Village Legal Care and Support Centre, Juvenile Justice functionaries, robust functioning of the Legal Literacy Clubs, Legal Aid Clinics and others but not limited to conducting various other outreach activities and mobilization which is mostly sought and required by the cluster of communities. There are currently 124 functional Legal Services Clinics established in various schools, community centers, colleges, villages and jails, and 110 Legal Literacy Clubs initiated in schools and colleges.

Further, to keep a close track and progress of the work executed by the DLSA's, Monitoring Committees have been set up for evaluation and assessment, for meaningful progress and impact on activities being executed by the DLSA's across the State.

OUR VISION

The Nagaland State Legal Services Authority is staunch and committed in fulfilling the aims envisaged under the NALSA scheme by not mere mechanical conduction of activities but also focused on having quality and impactful work being executed and carried out in reaching the targeted beneficiaries and focus groups, communities coming from deprived and weaker sections of the society, marginalized groups from unorganized sectors, socially and economically challenged populace who are unable to access the doors of justice in addressing their legal and rightful entitlements.

OUR MISSION

To legally empower the marginalized and excluded groups of the society by providing effective legal representation, legal literacy and awareness and bridging the gap between the legally available benefits and the entitled beneficiaries.

To strengthen the system of Lok Adalats and other Alternate Dispute Resolution mechanisms in order to provide for informal, quick, inexpensive and effective resolution of disputes and minimize the load of adjudication on the overburdened judiciary.

ORGANO GRAM AND HUMAN RESOURCE

The Nagaland State legal Services Authority is headed by the Patron-in-Chief who is the Chief Justice of the Gauhati High Court, assisted by the Hon'ble Executive Chairman who is a Judge of the Gauhati High Court. The Member Secretary holds the office of Nagaland State legal Services Authority as the whole time officer and look after the administrative, financial and budget matter, implementation of legal services schemes, promoting free legal services and monitoring of legal services programmes and policies.

Functionaries at the State Legal Services Authority:

The Member Secretary is supported by 13 Grade III & IV Staffs alongside 4 State Project coordinators, 2 State Project Assistants, 1 Junior Accountant & 1 Public Relation Assistant, engaged under Central Authority (NALSA) sponsored Grant-in-Aid fund tallying to a total strength of 21 working employee at the Head Office. Apart from the NSLSA employee, currently there is 1 Project Coordinator & 1 Project Assistant engaged at the state office, appointed under "Access to Justice"(A2J-NE&JK) Project funded by the Ministry of Law and Justice, GOI.

Executive & Administrative Functionaries		
1.	Hon'ble Mr. Justice Sudhanshu Dhulia, Chief Justice, Gauhati High Court	As Patron-in Chief
2.	Hon'ble Mr. Justice Songkhupchung Serto, Judge, Gauhati High Court,	As Executive Chairman
3.	Shri. N. Longshithung Ezung, NJS	As Member Secretary

Staff strength at NSLSA			
S.no.	Name of the Grade II & IV Post	Sanctioned Strength	Working Strength
1.	LDA-cum-Computer Assistant	2	4
2.	Steno Gr. III	1	1
3.	Computer Assistant	2	2
4.	Dak Runner	1	1
5.	Peon	1	1
6.	Driver	Nil	3
7.	Chowkidar-cum-sweeper	Nil	1

Project Employee Strength at NSLSA		
S.no.	Name of the Contractual Post (under NALSA Grant-in-Aid Fund & A2J Project, DOJ, Ministry of Law & Justice, GOL)	Total no. of Project Employee
1.	Project Coordinator (NALSA)	4
2.	Project Assistant(NALSA)	2
3.	Public Relation Assistant(NALSA)	1
4.	Junior Accountant(NALSA)	1
5.	Project Coordinator (A2J-NE&JK)	1
6.	Project Assistant(A2J-NE&JK)	1

Functionaries at the District Legal Services Authorities under NSLSA:

The District legal Services Authority is headed by Principal District & Sessions Judge or District & Sessions Judge or Additional District & Sessions Judge as Chairman. The Chief Judicial Magistrate or a Civil Judge (Jr.) is appointed as the Secretary of the District legal Services Authority.

There are no full time Secretaries sanctioned and appointed at the DLSAs as of now. Apart from discharging judicial duties in the Courts, the Chief Judicial Magistrates (CJM) & Civil Judges hold dual charges to function as Secretaries of District Legal Services Authorities (DLSAs).

Functionaries at the 11 District Legal Services Authority		
1.	Chairman (District & Sessions Judge)	07
2.	Full time Secretary (Judicial Officer)	Nil
3.	Dual charged Secretary (CJM/Civil Judge)	11
4.	Grade III & IV Staff (sanctioned)	Nil
5.	Grade III & IV Staff (Contingency)	Nil

6.	Front Office Assistant (Contractual)	12
7.	Retainer Lawyers (Retainer basis)	12
8.	District Project Assistant (Contractual)	11
9.	Panel Lawyers	84
10.	Para Legal Volunteers	158

Contact Information of District Legal Services Authorities Under NSLSA		
SL.No	DLSAs	Contact No.
1.	Kohima	8974154907
2.	Dimapur	9856582779
3.	Phek	9612816034
4.	Wokha	9612797137
5.	Mokokchung	8794131321
6.	Mon	9862627879
7.	Zunhebhot	9856857680
8.	Peren	8474837819
9.	Kiphire	8787551598
10.	Longleng	9089921272
11.	Tuensang	7627967396

Functions & Duties of Nagaland State Legal Services Authority:

1. To enforce and implement policies and principles framed by the Central Authority (National Legal Services Authority) under the provisions of the Legal Services Authority Act, 1987 Act.
2. To propagate Legal Services activities and make accessible of Legal Services Schemes framed under the Act to the masses by adopting the most effective and economical means such as Legal Awareness Programmes, Door-to-Door Campaign, Outreach Programmes, Melas/Exhibition Stall, Print & Electronic Media etc.
3. To provide free Legal Assistance & Legal Services to persons who satisfy the criteria laid down under the Act.
4. To organize and conduct Lok Adalat (People's Court) at regular intervals to benefit the citizens with the privilege of settling their disputes at free of cost.
5. To utilize the Legal Services Fund at its disposal and allocate sufficient Fund to District Legal Services Authorities for carrying out Legal Services Programmes & policies.
6. To facilitate and extend settlement of dispute by means of negotiation, mediation, conciliation and arbitration.

7. To organised Legal Services Camp at rural areas and unreached parts of the State with the purpose of educating the weaker sections of the society on their Rights, entitlement and Legal provisions and to empower them by connecting them to Government welfare Schemes.
8. To act as converging Nodal Authority with catalytic roles among the Government Departments, Non-Governmental voluntary social Services institution, universities, schools & colleges, village functionaries and other bodies engaged in the work of promoting the cause of uplifting the marginalized people with the goal to ensure “Access to Justice for all” by protecting and safeguarding their rights.
9. To promote and encourage commitment to the fundamental duties of the citizens, targeting the younger generations by way of organizing extempore speech competition, painting competition, essay Competition, rallies and street plays.
10. To carry out operational work for monitoring and evaluation on the implementation of Legal Services Programmes and schemes at the grassroots level.
11. To setup Legal Services Clinic at various levels such as Villages, Schools & colleges, Jails, community centres, etc and maintain its functioning.

CORRESPONDENCE DETAILS

Office Address: Nagaland State Legal Services Authority, D. C Office Compound, KDPA Building, Top Floor, Kohima-797001, Nagaland.

Contact: Tel/fax: 0370-2292144, 8731889755 (M)

Email: nalsa.nagaland@gov.in

Website: www.nslsa.nagaland.gov.in

CONCEPT

Shri. N. Longshithung Ezung, NJS (Member Secretary, NSLSA)

COMPILATION TEAM

Nagaland State Legal Services Authority Staff

(THIS HANDBOOK IS AN ENDEAVOUR TO ACT AS A READY REFERENCE FOR ALL THE STAKEHOLDERS FOR RENDERING BETTER AND EFFICACIOUS LEGAL SERVICES TO THE PUBLIC IN GENERAL AND BENEFICIARIES IN PARTICULAR)

THE LEGAL SERVICES AUTHORITIES ACT, 1987 ACT NO. 39 OF 1987

[11th October, 1987.]

An Act to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.

BE it enacted by the Parliament in the Thirty-eighth Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.—This Act may be called the Legal Services Authorities Act, 1987.

- (1) It extends to the whole of India, except the State of Jammu and Kashmir.
- (2) It shall come into force on such date¹ as the Central Government may, by notification, appoint; and different dates may be appointed for different provisions of this Act and for different States, and any reference to commencement in any provision of this Act in relation to any State shall be construed as a reference to the commencement of that provision in that State.

2. Definitions.—In this Act, unless the context otherwise requires,—

- ²[(a) “case” includes a suit or any proceeding before a court;
- (aa) “Central Authority” means the National Legal Services Authority constituted under section 3;
- (aaa) “court” means a civil, criminal or revenue court and includes any tribunal or any other authority constituted under any law for the time being in force, to exercise judicial or quasi-judicial functions;]
- (b) “District Authority” means a District Legal Services Authority constituted under section 9;
- ³[(bb) “High Court Legal Services Committee” means a High Court Legal Services Committee constituted under section 8A];
- (c) “legal service” includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter;
- (d) “Lok Adalat” means a Lok Adalat organised under Chapter VI;
- (e) “notification” means a notification published in the Official Gazette;
- (f) “prescribed” means prescribed by rules made under this Act;
- ³[(ff) “regulations” means regulations made under this Act];

1. 9th November, 1995, *vide* notification No. S.O. 893(E), dated 9th November, 1995, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

2. Subs. by Act 59 of 1994, s. 2, for clause (a) (w.e.f. 29-10-1994).

3. Ins. by s. 2, *ibid.* (w.e.f. 29-10-1994).

- (g) “scheme” means any scheme framed by the Central Authority, a State Authority or a District Authority for the purpose of giving effect to any of the provisions of this Act;
- (h) “State Authority” means a State Legal Services Authority constituted under section 6;
- (I) “State Government” includes the administrator of a Union territory appointed by the President under article 239 of the Constitution;
- ¹(j) “Supreme Court Legal Services Committee” means the Supreme Court Legal Services Committee constituted under section 3A;
- (k) “Taluk Legal Services Committee” means a Taluk Legal Services Committee constituted under section 11A.
- (2) Any reference in this Act to any other enactment or any provision thereof shall, in relation to an area in which such enactment or provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

CHAPTER II

THE NATIONAL LEGAL SERVICES AUTHORITY

²[3. Constitution of the National Legal Services Authority.—

- (1) The Central Government shall constitute a body to be called the National Legal Services Authority to exercise the powers and perform the functions conferred on, or assigned to, the Central Authority under this Act.
- (2) The Central Authority shall consist of—
 - (a) the Chief Justice of India who shall be the Patron-in-Chief;
 - (b) a serving or retired Judge of the Supreme Court to be nominated by the President, in consultation with the Chief Justice of India, who shall be the Executive Chairman; and
 - (c) Such number of other members, possessing such experience and qualifications, as may be prescribed by the Central Government, to be nominated by that Government in consultation with the Chief Justice of India.
- (3) The Central Government shall, in consultation with the Chief Justice of India, appoint a person to be the Member-Secretary of the Central Authority, possessing such experience and qualifications as may be prescribed by that Government, to exercise such powers and perform such duties under the Executive Chairman of the Central Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority.
- (4) The terms of office and other conditions relating thereto, of members and the Member-Secretary of the Central Authority shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.

1. Ins. by Act 59 of 1994, s. 2 (w.e.f. 29-10-1994).

2. Subs. by s. 3, *ibid.*, for section 3 (w.e.f. 29-10-1994).

- (5) The Central Authority may appoint such number of officers and other employees as may be prescribed by the Central Government, in consultation with the Chief Justice of India, for the efficient discharge of its functions under this Act.
- (6) The officers and other employees of the Central Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the Central Government in consultation with the Chief Justice of India.
- (7) The administrative expenses of the Central Authority, including the salaries, allowances and pensions payable to the Member-Secretary, officers and other employees of the Central Authority, shall be defrayed out of the Consolidated Fund of India.
- (8) All orders and decisions of the Central Authority shall be authenticated by the Member-Secretary or any other officer of the Central Authority duly authorised by the Executive Chairman of that Authority.
- (9) No act or proceeding of the Central Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Central Authority.

3A. Supreme Court Legal Services Committee.

- (1) The Central Authority shall constitute a committee to be called the Supreme Court Legal Services Committee for the purpose of exercising such powers and performing such functions as may be determined by regulations made by the Central Authority.
- (2) The Committee shall consist of—
 - (a) A sitting Judge of the Supreme Court who shall be the Chairman; and
 - (b) Such number of other members possessing such experience and qualifications as may be prescribed by the Central Government, to be nominated by the Chief Justice of India.
- (3) The Chief Justice of India shall appoint a person to be the Secretary to the Committee, possessing such experience and qualifications as may be prescribed by the Central Government.
- (4) The terms of office and other conditions relating thereto, of the members and Secretary of the Committee shall be such as may be determined by regulations made by the Central Authority.
- (5) The Committee may appoint such number of officers and other employees as may be prescribed by the Central Government, in consultation with the Chief Justice of India, for the efficient discharge of its functions.

1. The words “, subject to the general directions of the Central Government,” omitted by Act of 59 of 1994, s. 4 (w.e.f. 29-10-1994).
2. The words “, subject to the general directions of the Central Government,” omitted by Act of 59 of 1994, s. 4 (w.e.f. 29-10-1994)

- (6) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the Central Government in consultation with the Chief Justice of India.]

4. Functions of the Central Authority.—The Central Authority shall ^{1***} perform all or any of the following functions, namely:—

- (a) lay down policies and principles for making legal services available under the provisions of this Act;
- (b) frame the most effective and economical schemes for the purpose of making legal services available under the provisions of this Act;
- (c) utilise the funds at its disposal and make appropriate allocations of funds to the State Authorities and District Authorities;
- (d) take necessary steps by way of social justice litigation with regard to consumer protection, environmental protection or any other matter of special concern to the weaker sections of the society and for this purpose, give training to social workers in legal skills;
- (e) organise legal aid camps, especially in rural areas, slums or labour colonies with the dual purpose of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through Lok Adalats;
- (f) encourage the settlement of disputes by way of negotiations, arbitration and conciliation;
- (g) undertake and promote research in the field of legal services with special reference to the need for such services among the poor;
- (h) to do all things necessary for the purpose of ensuring commitment to the fundamental duties of citizens under Part IVA of the Constitution;
- (I) monitor and evaluate implementation of the legal aid programmes at periodic intervals and provide for independent evaluation of programmes and schemes implemented in whole or in part by funds provided under this Act;
¹[(j) provide grants-in-aid for specific schemes to various voluntary social service institutions and the State and District Authorities, from out of the amounts placed at its disposal for the implementation of the legal services schemes under the provisions of this Act;]
- (k) develop, in consultation with the Bar Council of India, programmes for clinical legal education and promote guidance and supervise the establishment and working of legal services clinics in universities, law colleges and other institutions;
- (l) take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures;

- (m) make special efforts to enlist the support of voluntary social welfare institutions working at the grass-root level, particularly among the Scheduled Castes and the Scheduled Tribes, women and rural and urban labour; and
- (n) coordinate and monitor the functioning of ²[State Authorities, District Authorities, Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees and voluntary social service institutions] and other legal services organisations and give general directions for the proper implementation of the legal services programmes.

5. Central Authority to work in coordination with other agencies.—In the discharge of its functions under this Act, the Central Authority shall, wherever appropriate, act in coordination with other governmental and non-governmental agencies, universities and others engaged in the work of promoting the cause of legal services to the poor.

CHAPTER III

STATE LEGAL SERVICES AUTHORITY

³**[6. Constitution of State Legal Services Authority:**

- (1) Every State Government shall constitute a body to be called the Legal Services Authority for the State to exercise the powers and perform the functions conferred on, or assigned to, a State Authority under this Act.
- (2) A State Authority shall consist of—
 - (a) the Chief Justice of the High Court who shall be the Patron-in-Chief;
 - (b) a serving or retired Judge of the High Court, to be nominated by the Governor, in consultation with the Chief Justice of the High Court, who shall be the Executive Chairman; and
 - (c) such number of other members, possessing such experience and qualifications as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.
- (3) The State Government shall, in consultation with the Chief Justice of the High Court, appoint a person belonging to the State Higher Judicial Service, not lower in rank than that of a District Judge, as the Member-Secretary of the State Authority, to exercise such powers and perform such duties under the Executive Chairman of the State Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority.

Provided that a person functioning as Secretary of a State Legal Aid and Advice Board immediately before the date of constitution of the State Authority may be appointed as Member-Secretary of that Authority, even if he is not qualified to be appointed as such under this sub-section, for a period not exceeding five years.

- (4) The terms of office and other conditions relating thereto, of members and the Member-Secretary of the State Authority shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (5) The State Authority may appoint such number of officers and other employees as may be prescribed by the State Government, in consultation with the Chief Justice of the High Court, for the efficient discharge of its functions under this Act.
- (6) The officers and other employees of the State Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (7) The administrative expenses of the State Authority, including the salaries, allowances and pensions payable to the Member-Secretary, officers and other employees of the State Authority shall be defrayed out of the Consolidated Fund of the State.
- (8) All orders and decisions of the State Authority shall be authenticated by the Member-Secretary or any other officer of the State Authority duly authorised by the Executive Chairman of the State Authority.
- (9) Without prejudice to the generality of the functions referred to in sub-section (1), the State Authority shall perform all or any of the following functions, namely:—
 - (a) Give legal service to persons who satisfy the criteria laid down under this Act;
 - (b) Conduct ¹[Lok Adalats, including Lok Adalats for High Court cases];
 - (c) Undertake preventive and strategic legal aid programmes; and
 - (d) Perform such other functions as the State Authority may, in consultation with the ²[Central Authority], fix by regulations.

³[7. State Authority to act in coordination with other agencies., etc., and be subject to directions given by the Central Authority.—

In the discharge of its functions the State Authority shall appropriately act in coordination with other governmental agencies, non-governmental voluntary social service institutions, universities and other bodies engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority may give to it in writing.

7A. High Court Legal Services Committee.—

- (1) The State Authority shall constitute a Committee to be called the High Court Legal Services Committee for every High Court, for the purpose of exercising such powers and performing such functions as may be determined by regulations made by the State Authority.
- (2) The Committee shall consist of—
 - (a) A sitting Judge of the High Court who shall be the Chairman; and

1. Subs. by Act 59 of 1994, s. 4, for clause (j) (w.e.f. 29-10-1994).

2. Subs. by s. 4, *ibid.*, for “State and District Authorities and other voluntary social welfare institutions” (w.e.f. 29-10-1994).

3. Subs. by s. 5, *ibid.*, for section 6 (w.e.f. 29-10-1994).

- (b) Such number of other members possessing such experience and qualifications as may be determined by regulations made by the State Authority, to be nominated by the Chief Justice of the High Court.
- (3) The Chief Justice of the High Court shall appoint a Secretary to the Committee possessing such experience and qualifications as may be prescribed by the State Government.
- (4) The terms of office and other conditions relating thereto, of the members and Secretary of the Committee shall be such as may be determined by regulations made by the State Authority.
- (5) The Committee may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.
- (6) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of Service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

8. District Legal Services Authority:

- (1) The State Government shall, in consultation with the Chief Justice of the High Court, constitute a body to be called the District Legal Services Authority for every District in the State to exercise the powers and perform the functions conferred on, or assigned to, the District Authority under this Act.
- (2) The State Authority shall, in consultation with the Chairman of the District Authority, appoint a person belonging to the State Judicial Service not lower in rank than that of a Subordinate Judge or Civil Judge posted at the seat of the District Judiciary as Secretary of the District Authority to exercise such powers and perform such duties under the Chairman of that Committee as may be assigned to him by such Chairman.
- (3) The terms of office and other conditions relating thereto, of members and Secretary of the District Authority shall be such as may be determined by regulations made by the State Authority in consultation with the Chief Justice of the High Court.
- (4) The District Authority may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.
- (5) The officers and other employees of the District Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

1. Subs. by Act 59 of 1994, s. 6, for "Lok Adalats" (w.e.f. 29-10-1994).

2. Subs. by s. 6, *ibid.*, for "Central Government" (w.e.f. 29-10-1994).

3. Subs. by s. 7, *ibid.*, for sections 8 and 9 (w.e.f. 29-10-1994).

- (6) The administrative expenses of every District Authority, including the salaries, allowances and pensions payable to the Secretary, officers and other employees of the District Authority, shall be defrayed out of the Consolidated Fund of the State.
- (7) All orders and decisions of the District Authority shall be authenticated by the Secretary or by any other officer of the District Authority duly authorised by the Chairman of that Authority.
- (8) No act or proceeding of the District Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the District Authority.]

9. Functions of the District Authority.—

- (1) It shall be the duty of every District Authority to perform such of the functions of the State Authority in the District as may be delegated to it from time to time by the State Authority.
- (2) Without prejudice to the generality of the functions referred to in sub-section (1), the District Authority may perform all or any of the following functions, namely:—
 - ¹[(a) coordinate the activities of the Taluk Legal Services Committee and other legal services in the District;]
 - (b) organise Lok Adalats within the District; and
 - (c) perform such other functions as the State Authority may ^{1***} fix by regulations.

10. District Authority to act in coordination with other agencies and be subject to directions given by the Central Authority, etc.—

In the discharge of its functions under this Act, the District Authority shall, wherever appropriate, act in coordination with other governmental and non-governmental institutions, universities and others engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority or the State Authority may give to it in writing.

²[11A. Taluk Legal Services Committee.—

- (1) The State Authority may constitute a Committee, to be called the Taluk Legal Services Committee, for each taluk or mandal or for group of taluks or mandals.
- (2) The Committee shall consist of—
 - (a) The ³[senior-most Judicial Officer] operating within the jurisdiction of the Committee who shall be the *ex officio* Chairman; and
 - (b) Such number of other members, possessing such experience and qualifications, as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.
- (3) The Committee may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.

1. Subs. by Act 59 of 1994, s. 8, for clause (a) (w.e.f. 29-10-1994).

- (4) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (5) The administrative expenses of the Committee shall be defrayed out of the District Legal Aid Fund by the District Authority.

11B. Functions of Taluk Legal Services Committee.—

The Taluk Legal Services Committee may perform all or any of the following functions, namely:—

- (a) Co-ordinate the activities of legal services in the taluk;
- (b) Organise Lok Adalats within the taluk; and
- (c) Perform such other functions as the District Authority may assign to it.]

CHAPTER IV ENTITLEMENT TO LEGAL SERVICES

12. Criteria for giving legal services.—

Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is—

- (a) a member of a Scheduled Caste or Scheduled Tribe;
- (b) a victim of trafficking in human beings or *begar* as referred to in article 23 of the Constitution;
- (c) a woman or a child;
- ⁴[(d) 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 (1 of 1996);]
- (e) a person under circumstances of underserved want such as being a victim of a mass disaster, ethnic, violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- (f) an industrial workman; or
- (g) in custody, including custody in a protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention) Act, 1956 (104 of 1956), or in a juvenile home within the meaning of clause (j) of section 2 of the Juvenile Justice Act, 1986 (53 of 1986), or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987 (14 of 1987); or

1. The words “, in consultation with the State Government,” omitted by Act 59 of 1994, s. 8 (w.e.f. 29-10-1994).

2. Ins. by s. 9, *ibid.* (w.e.f. 29-10-1994).

3. Subs. by Act 37 of 2002, s. 2, for “senior Civil Judge” (w.e.f. 11-6-2002).

4. Subs. by Act 1 of 1996, s. 74, for clause (d) (w.e.f. 7-2-1996).

¹[(h) in receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.]

13. Entitlement of legal services:

- (1) Persons who satisfy all or any of the criteria specified in section 12 shall be entitled to receive legal services provided that the concerned Authority is satisfied that such person has a *prima facie* case to prosecute or to defend.
- (2) An affidavit made by a person as to his income may be regarded as sufficient for making him eligible to the entitlement of legal services under this Act unless the concerned Authority has reason to disbelieve such affidavit.

CHAPTER V FINANCE, ACCOUNTS AND AUDIT

14. Grants by the Central Government.—

The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Central Authority, by way of grants, such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

15. National Legal Aid Fund.—

- (1) The Central Authority shall establish a fund to be called the National Legal Aid Fund and there shall be credited thereto—
 - (a) all sums of money given as grants by the Central Government under section 14;
 - (b) any grants or donations that may be made to the Central Authority by any other person for the purposes of this Act;
 - (c) any amount received by the Central Authority under the orders of any court or from any other source.
- (2) The National Legal Aid Fund shall be applied for meeting—
 - (a) the cost of legal services provided under this Act including grants made to State Authorities;
 - ²[(b) the cost of legal services provided by the Supreme Court Legal Services Committee;
 - (c) any other expenses which are required to be met by the Central Authority.]

16. State Legal Aid Fund.—

- (1) A State Authority shall establish a fund to be called the State Legal Aid Fund and there shall be credited thereto—

1. Subs. by Act 59 of 1994, s. 10, for clause (h) (w.e.f. 29-10-1994).

2. Subs. by s. 11, *ibid.*, for clause (b) (w.e.f. 29-10-1994).

- (a) all sums of money paid to it or any grants by the Central Authority for the purposes of this Act;
- (b) any grants or donations that may be made to the State Authority by the State Government or by any person for the purposes of this Act;
- (c) any other amount received by the State Authority under the orders of any court or from any other source.

(2) A State Legal Aid Fund shall be applied for meeting—

- (a) the cost of functions referred to in section 7;
- ¹[(b) the cost of legal services provided by the High Court Legal Services Committee;
- (c) any other expenses which are required to be met by the State Authority.]

17. District Legal Aid Fund.—

(1) Every District Authority shall establish a fund to be called the District Legal Aid Fund and there shall be credited thereto—

- (a) All sums of money paid or any grants made by the State Authority to the District Authority for the purposes of this Act;
- ²[(b) Any grants or donations that may be made to the District Authority by any person, with the prior approval of the State Authority, for the purposes of this Act;]
- (c) Any other amount received by the District Authority under the orders of any court or from any other source.

(2) A District Legal Aid Fund shall be applied for meeting—

- (a) The cost of functions referred to in section 10 ³[and 11B];
- (b) Any other expenses which are required to be met by the District Authority.

18. Accounts and audit.—

- (1) The Central Authority, State Authority, or the District Authority (hereinafter referred to in this section as “the authority”), as the case may be, shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the income and expenditure account and the balance-sheet in such form and in such manner as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.
- (2) The accounts of the Authorities shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority concerned to the Comptroller and Auditor-General of India.
- (3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the auditing of the accounts of an Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the auditing of the Government accounts and, in particular, shall have the right to demand the

production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authorities under this Act.

- (4) The accounts of the Authorities, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually by the Authorities to the Central Government or the State Governments, as the case may be.
- ⁴[(5) The Central Government shall cause the accounts and the audit report received by it under sub-section (4) to be laid, as soon as may be after they are received, before each House of Parliament.
- (6) The State Government shall cause the accounts and the audit report received by it under sub-section (4) to be laid, as soon as may be after they are received, before the State Legislature.]

CHAPTER VI LOK ADALATS

⁵**[19. Organisation of Lok Adalats.—**

- (1) Every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may be, Taluk Legal Services Committee may organise Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit.
- (2) Every Lok Adalat organised for an area shall consist of such number of—
- (a) serving or retired judicial officers; and
 - (b) other persons, of the area as may be specified by the State Authority or the District Authority or the Supreme Court Legal Services Committee or the High Court Legal Services Committee, or as the case may be, the Taluk Legal Services Committee, organising such Lok Adalat.
- (3) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats organised by the Supreme Court Legal Services Committee shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.
- (4) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats other than referred to in sub-section (3) shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (5) A Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of—

1. Subs. by Act 59 of 1994, s. 12, for clause (b) (w.e.f. 29-10-1994).

2. Subs. by s. 13, *ibid.*, for clause (b) (w.e.f. 29-10-1994).

3. Ins. by s. 13, *ibid.* (w.e.f. 29-10-1994).

4. Ins. by s. 14, *ibid.* (w.e.f. 29-10-1994).

5. Subs. by s. 15, *ibid.*, for sections 19 and 20 (w.e.f. 29-10-1994).

- (i) any case pending before; or
- (ii) any matter which is falling within the jurisdiction of, and is not brought before, any Court for which the Lok Adalat is organised:

Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.

20. Cognizance of cases by Lok Adalats.—

- (1) Where in any case referred to in clause (i) of sub-section (5) of section 19,—

- (I) (a) the parties thereof agree; or
- (b) one of the parties thereof makes an application to the Court, for referring the case to the Lok Adalat for settlement and if such court is *prima facie* satisfied that there are chances of such settlement; or
- (ii) the court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat, the Court shall refer the case to the Lok Adalat:

Provided that no case shall be referred to the Lok Adalat under sub-clause (b) of clause (I) or clause (ii) by such court except after giving a reasonable opportunity of being heard to the parties.

- (2) Notwithstanding anything contained in any other law for the time being in force, the Authority or Committee organising the Lok Adalat under sub-section

(1) Of section 19 may, on receipt of an application from any one of the parties to any matter referred to in clause (ii) of sub-section (5) of section 19 that such matter needs to be determined by a Lok Adalat, refer such matter to the Lok Adalat, for determination:

Provided that no matter shall be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the other party.

- (3) Where any case is referred to a Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section (2), the Lok Adalat shall proceed to dispose of the case or matter and arrive at a compromise or settlement between the parties.
- (4) Every Lok Adalat shall, while determining any reference before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of justice, equity, fair play and other legal principles.
- (5) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the court, from which the reference has been received under sub-section (1) for disposal in accordance with law.
- (6) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, in a matter referred to in sub-section (2), that Lok Adalat shall advise the parties to seek remedy in a court.

- (7) Where the record of the case is returned under sub-section (5) to the court, such court shall proceed to deal with such case from the stage which was reached before such reference under sub-section (1).]

20. Award of Lok Adalat.—

- ¹[(1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section (1) of section 20, the court-fee paid in such case shall be refunded in the manner provided under the Court-fees Act, 1870 (7 of 1870).]
- (2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.

21. Powers of² [Lok Adalat or Permanent Lok Adalat].—

- (1) The ²[Lok Adalat or Permanent Lok Adalat] shall, for the purposes of holding any determination under this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit in respect of the following matters, namely:—
- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
 - (b) the discovery and production of any document;
 - (c) the reception of evidence on affidavits;
 - (d) the requisitioning of any public record or document or copy of such record or document from any court or office; and
 - (e) Such other matters as may be prescribed.
- (2) Without prejudice to the generality of the powers contained in sub-section
- (1), every ²[Lok Adalat or Permanent Lok Adalat] shall have the requisite powers to specify its own procedure for the determination of any dispute coming before it.
 - (2) All proceedings before a ²[Lok Adalat or Permanent Lok Adalat] shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal code.
 - (3) (45 of 1860) and every ²[Lok Adalat or Permanent Lok Adalat] shall be deemed to be a Civil Court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

³[CHAPTER VIA PRE-LITIGATION CONCILIATION AND SETTLEMENT

22A. Definitions.—

In this Chapter and for the purposes of sections 22 and 23, unless the context otherwise requires,—

- (a) “Permanent Lok Adalat” means a Permanent Lok Adalat established under sub-section (1) of section 22B;
- (b) “public utility service” means any—
 - (i) transport service for the carriage of passengers or goods by air, road or water; or
 - (ii) postal, telegraph or telephone service; or
 - (iii) supply of power, light or water to the public by any establishment; or
 - (iv) system of public conservancy or sanitation; or
 - (v) service in hospital or dispensary; or
 - (vi) insurance service, and includes any service which the Central Government or the State Government, as the case may be, in the public interest, by notification, declare to be a public utility service for the purposes of this Chapter.

22B. Establishment of Permanent Lok Adalats.—

- (1) Notwithstanding anything contained in section 19, the Central Authority or, as the case may be, every State Authority shall, by notification, establish Permanent Lok Adalats at such places and for exercising such jurisdiction in respect of one or more public utility services and for such areas as may be specified in the notification.
- (2) Every Permanent Lok Adalat established for an area notified under sub-section (1) shall consist of—
 - (a) a person who is, or has been, a district judge or additional district judge or has held judicial office higher in rank than that of a district judge, shall be the Chairman of the Permanent Lok Adalat; and
 - (b) two other persons having adequate experience in public utility service to be nominated by the Central Government or, as the case may be, the State Government on the recommendation of the Central Authority or, as the case may be, the State Authority, appointed by the Central Authority or, as the case may be, the State Authority, establishing such Permanent Lok Adalat and the other terms and conditions of the appointment of the Chairman and other persons referred to in clause (b) shall be such as may be prescribed by the Central Government.

1. Subs. by Act 59 of 1994, s. 16, for sub-section (1) (w.e.f. 29-10-1994),

2. Subs. by Act 37 of 2002, s. 3, for “Lok Adalat” (w.e.f. 11-6-2002).

3. Ins. by s. 4, *ibid.* (w.e.f. 11-6-2002).

22C. Cognizance of cases by Permanent Lok Adalat.—

- (1) Any party to a dispute may, before the dispute is brought before any court, make an application to the Permanent Lok Adalat for the settlement of dispute:

Provided that the Permanent Lok Adalat shall not have jurisdiction in respect of any matter relating to an offence not compoundable under any law:

Provided further that the Permanent Lok Adalat shall also not have jurisdiction in the matter where the value of the property in dispute exceeds ten lakh rupees:

Provided also that the Central Government, may by notification, increase the limit of ten lakh rupees specified in the second proviso in consultation with the Central Authority.
- (2) After an application is made under sub-section (1) to the Permanent Lok Adalat, no party to that application shall invoke jurisdiction of any court in the same dispute.
- (3) Where an application is made to a Permanent Lok Adalat under sub-section (1), it—
 - (a) shall direct each party to the application to file before it a written statement, stating therein the facts and nature of dispute under the application, points or issues in such dispute and grounds relied in support of, or in opposition to, such points or issues, as the case may be, and such party may supplement such statement with any document and other evidence which such party deems appropriate in proof of such facts and grounds and shall send a copy of such statement together with a copy of such document and other evidence, if any, to each of the parties to the application;
 - (b) may require any party to the application to file additional statement before it at any stage of the conciliation proceedings;
 - (c) Shall communicate any document or statement received by it from any party to the application to the other party, to enable such other party to present reply thereto.
- (4) When statement, additional statement and reply, if any, have been filed under sub-section (3), to the satisfaction of the Permanent Lok Adalat, it shall conduct conciliation proceedings between the parties to the application in such manner as it thinks appropriate taking into account the circumstances of the dispute.
- (5) The Permanent Lok Adalat shall, during conduct of conciliation proceedings under sub-section (4), assist the parties in their attempt to reach an amicable settlement of the dispute in an independent and impartial manner.
- (6) It shall be the duty of the every party to the application to cooperate in good faith with the Permanent Lok Adalat in conciliation of the dispute relating to the application and to comply with the direction of the Permanent Lok Adalat to produce evidence and other related documents before it.
- (7) When a Permanent Lok Adalat, in the aforesaid conciliation proceedings, is of opinion that there exist elements of settlement in such proceedings which may be acceptable

to the parties, it may formulate the terms of a possible settlement of the dispute and give to the parties concerned for their observations and in case the parties reach at an agreement on the settlement of the dispute, they shall sign the settlement agreement and the Permanent Lok Adalat shall pass an award in terms thereof and furnish a copy of the same to each of the parties concerned.

- (8) Where the parties fail to reach at an agreement under sub-section (7), the Permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute.

22D. Procedure of Permanent Lok Adalat.—

The Permanent Lok Adalat shall, while conducting conciliation proceedings or deciding a dispute on merit under this Act, be guided by the principles of natural justice, objectivity, fair play, equity and other principles of justice, and shall not be bound by the Code of Civil Procedure, 1908 (5 of 1908) and the Indian Evidence Act, 1872 (1 of 1872).

22E. Award of Permanent Lok Adalat to be final.—

- (1) Every award of the Permanent Lok Adalat under this Act made either on merit or in terms of a settlement agreement shall be final and binding on all the parties thereto and on persons claiming under them.
- (2) Every award of the Permanent Lok Adalat under this Act shall be deemed to be a decree of a civil court.
- (3) The award made by the Permanent Lok Adalat under this Act shall be by a majority of the persons constituting the Permanent Lok Adalat.
- (4) Every award made by the Permanent Lok Adalat under this Act shall be final and shall not be called in question in any original suit, application or execution proceeding.
- (5) The Permanent Lok Adalat may transmit any award made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.]

CHAPTER VII MISCELLANEOUS

¹[23. Members and staff of Authorities, Committees and Lok Adalats to be public servants.—

The members including Member-Secretary or, as the case may be, Secretary of the Central Authority, the State Authority, the District Authorities, the Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees and officers and other employees of such Authorities, Committees and the ²[members of the Lok Adalats or the persons constituting Permanent Lok Adalats] shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

24. Protection of action taken in good faith.—

No suit, prosecution or other legal proceeding shall lie against—

- (a) the Central Government or State Government;
- (b) the Patron-in-Chief, Executive Chairman, members of, Member-Secretary or officers or other employees of the Central Authority;
- (c) Patron-in-Chief, Executive Chairman, member, Member-Secretary or officers or other employees of the State Authority;
- (d) Chairman, Secretary, members or officers or other employees of the Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees or the District Authority; or
- (e) any other person authorised by any of the Patron-in-Chief, Executive Chairman, Chairman, Member, Member-Secretary referred to in sub-clauses (b) to (d),
- (d) for anything which is in good faith done or intended to be done under the provisions of this Act or any rule or regulation made there under.]

25. Act to have overriding effect.—

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of law other than this Act.

26. Power to remove difficulties.—

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

- (2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

¹[27. Power of Central Government to make rules.—

- (1) The Central Government in consultation with the Chief Justice of India may, by notification, make rules to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
 - (a) the number, experience and qualifications of other members of the Central Authority under clause (c) of sub-section (2) of section 3;
 - (b) the experience and qualifications of the Member-Secretary of the Central Authority and his powers and functions under sub-section (3) of section 3;

1. Subs. by Act 59 of 1994, s. 17, for sections 23 and 24 (w.e.f. 29-10-1994),

2. Subs. by Act 37 of 2002, s. 5, for “members of the Lok Adalats” (w.e.f. 11-6-2002).

- (c) the terms of office and other conditions relating thereto, of members and Member-Secretary of the Central Authority under sub-section (4) of section 3;
- (d) the number of officers and other employees of the Central Authority under sub-section (5) of section 3;
- (e) the conditions of service and the salary and allowances of officers and other employees of the Central Authority under sub-section (6) of section 3;
- (f) the number, experience and qualifications of members of the Supreme Court Legal Services Committee under clause (b) of sub-section (2) of section 3A;
- (g) the experience and qualifications of Secretary of the Supreme Court Legal Services Committee under sub-section (3) of section 3A;
- (h) the number of officers and other employees of the Supreme Court Legal Services Committee under sub-section (5) of section 3A and the conditions of service and the salary and allowances payable to them under sub-section (6) of that section;
- (i) the upper limit of annual income of a person entitling him to legal services under clause (h) of section 12, if the case is before the Supreme Court;
- (j) the manner in which the accounts of the Central Authority, the State Authority or the District Authority shall be maintained under section 18;
- (k) the experience and qualifications of other persons of the Lok Adalats organised by the Supreme Court Legal Services Committee specified in sub-section (3) of section 19;
- (l) other matters under clause (e) of sub-section (1) of section 22;
- ¹[(la) the other terms and conditions of appointment of the Chairman and other persons under sub-section (2) of section 22B;]
- (m) Any other matter which is to be, or may be, prescribed.

28. Power of State Government to make rules.—

- (1) The State Government in consultation with the Chief Justice of the High Court may, by notification, make rules to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
 - (a) the number, experience and qualifications of other members of the State Authority under clause (c) of sub-section (2) of section 6;
 - (b) the powers and functions of the Member-Secretary of the State Authority under sub-section (3) of section 6;
 - (c) the terms of office and other conditions relating thereto, of members and Member-Secretary of the State Authority under sub-section (4) of section 6;
 - (d) the number of officers and other employees of the State Authority under sub-section (5) of section 6;
 - (e) the conditions of service and the salary and allowances of officers and other employees of the State Authority under sub-section (6) of section 6;

1. Subs. by Act 59 of 1994, s. 18, for sections 27, 28 and 29 (w.e.f. 29-10-1994).

- (f) the experience and qualifications of Secretary of the High Court Legal Services Committee under sub-section (3) of section 8A;
- (g) 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;
- (h) the number, experience and qualifications of members of the District Authority under clause (b) of sub-section (2) of section 9;
- (i) the number of officers and other employees of the District Authority under sub-section (5) of section 9;
- (j) the conditions of service and the salary and allowances of the officers and other employees of the District Authority under sub-section (6) of section 9;
- (k) the number, experience and qualifications of members of the Taluk Legal Services Committee under clause (b) of sub-section (2) of section 11A;
- (l) the number of officers and other employees of the Taluk Legal Services Committee under sub-section (3) of section 11A;
- (m) the upper limit of annual income of a person entitling him to legal services under clause (h) of section 12, if the case is before a court, other than the Supreme Court;
- (n) the experience and qualifications of other persons of the Lok Adalats other than referred to in sub-section (4) of section 19;
- (o) any other matter which is to be, or may be, prescribed.

29. Power of Central Authority to make regulations.—

- (1) The Central Authority may, by notification, make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters for which provisions is necessary or expedient for the purposes of giving effect to the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—
 - (a) the powers and functions of the Supreme Court Legal Services Committee under sub-section (1) of section 3A;
 - (b) the terms of office and other conditions relating thereto, of the members and Secretary of the Supreme Court Legal Services Committee under sub-section (4) of section 3A.

29A. Power of State Authority to make regulations.—

- (1) The State Authority may, by notification, make regulations not inconsistent with the provisions of this Act and the rules made there under, to provide for all matters for which provision in necessary or expedient for the purposes of giving effect to the provisions of this Act.

1. Ins. by Act 37 of 2002, s. 6 (w.e.f. 11-6-2002)

- (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—
- (a) the other functions to be performed by the State Authority under clause (d) of sub-section (2) of section 7;
 - (b) the powers and functions of the High Court Legal Services Committee under sub-section (1) of section 8A;
 - (c) the number, experience and qualifications of members of the High Court Legal Services Committee under clause (b) of sub-section (2) of section 8A;
 - (d) the terms of office and other conditions relating thereto, of the members and Secretary of the High Court Legal Services Committee under sub-section (4) of section 8A;
 - (e) the term of office and other conditions relating thereto, of the members and Secretary of the District Authority under sub-section (4) of section 9;
 - (f) the number, experience and qualifications of members of the High Court Legal Services Committee under clause (b) of sub-section (2) of section 8A;
 - (g) other functions to be performed by the District Authority under clause (c) of sub-section (2) of section 10;
 - (h) the term of office and other conditions relating thereto, of members and Secretary of the Taluk Legal Services Committee under sub-section (3) of section 11A.]

29.B. Laying of rules and regulations.—

- (1) Every rule made under this Act by the Central Government and every regulation made by the Central Authority thereunder shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session, or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.
- (2) Every rule made under this Act by a State Government and every regulation made by a State Authority thereunder shall be laid, as soon as may be after it is made, before the State Legislatur

The Legal Services Authorities (Amendment) Act, 2002
THE LEGAL SERVICES AUTHORITIES (AMENDMENT) ACT, 2002

ACT NO. 37 OF 2002

[11th June, 2002.]

An Act further to amend the Legal Services Authorities Act, 1987.

BE it enacted by Parliament in the Fifty- third Year of the Republic of India as follows:

1. Short title.- This Act may be called the Legal Services Authorities (Amendment) Act, 2002 .
2. Amendment of section 11A.- In the Legal Services Authorities Act, 1987 (39 of 1987) (hereinafter referred to as the principal Act), in section 11A, in sub- section (2), in clause (a), for the words" senior Civil Judge", the words" senior- most Judicial O ficer" shall be substituted.
3. Amendment of section 22.- In section 22 of the principal Act, for the words" Lok Adalat", wherever they occur, the words" Lok Adalat or Permanent Lok Adalat" shall be substitute
4. Insertion of new Chapter VIA.- After Chapter VI of the principal Act, the following Chapter shall be inserted, namely:-' CHAPTER VIA PRE- LITIGATION CONCILIATION AND SETTLEMENT

22A. Definitions.- In this Chapter and for the purposes of sections 22 and 23, unless the context otherwise requires,-

- a) " Permanent Lok Adalat" means a Permanent Lok Adalat established under sub- section (1) of section 22B;
- b) " public utility service" means any-
 - i. transport service for the carriage of passengers or goods by air, road or water; or
 - ii. postal, telegraph or telephone service; or
 - iii. supply of power, light or water to the public by any establishment; or
 - iv. system of public conservancy or sanitation; or
 - v. service in hospital or dispensary; or
 - vi. insurance service, and includes any service which the Central Government or the State Government, as the case may be, may, in the public interest, by notification, declare to be a public utility service for the purposes of this Chapter.

22B. Establishment of Permanent Lok Adalats.-

- 1) Notwithstanding anything contained in section 19, the Central Authority or, as the case may be, every State Authority shall, by notification, establish Permanent Lok Adalats at such places and for exercising such jurisdiction in respect of one or more public utility services and for such areas as may be specified in the notification.

- 2) Every Permanent Lok Adalat established for an area notified under sub- section (1) shall consist of-
 - a) a person who is, or has been, a district judge or additional district judge or has held judicial office higher in rank than that of a district judge, shall be the Chairman of the Permanent Lok Adalat; and
 - b) two other persons having adequate experience in public utility service to be nominated by the Central Government or, as the case may be, the State Government on the recommendation of the Central Authority or, as the case may be, the State Authority, appointed by the Central Authority or, as the case may be, the State Authority, establishing such Permanent Lok Adalat and the other terms and conditions of the appointment of the Chairman and other persons referred to in clause (b) shall be such as may be prescribed by the Central Government.

22 C. Cognizance of cases by Permanent Lok Adalats.-

Any party to a dispute may, before the dispute is brought before any court, make an application to the Permanent Lok Adalat for the settlement of dispute: Provided that the Permanent Lok Adalat shall not have jurisdiction in respect of any matter relating to an offence not compoundable under any law: Provided further that the Permanent Lok Adalat shall also not have jurisdiction in the matter where the value of the property in dispute exceeds ten lakh rupees: Provided also that the

- 1) Central Government, may, by notification, increase the limit of ten lakh rupees specified in the second proviso in consultation with the Central Authority.
- 2) After an application is made under sub- section (1) to the Permanent Lok Adalat, no party to that application shall invoke jurisdiction of any court in the same dispute.
- 3) Where an application is made to a Permanent Lok Adalat under sub- section (1), it-
 - a) shall direct each party to the application to file before it a written statement, stating therein the facts and nature of dispute under the application, points or issues in such dispute and grounds relied in support of, or in opposition to, such points or issues, as the case may be, and such party may supplement such statement with any document and other evidence which such party deems appropriate in proof of such facts and grounds and shall send a copy of such statement together with a copy of such document and other evidence, if any, to each of the parties to the application;
 - b) may require any party to the application to file additional statement before it at any stage of the conciliation proceedings;
 - c) shall communicate any document or statement received by it from any party to the application to the other party, to enable such other party to present reply thereto.

- 4) When statement, additional statement and reply, if any, have been filed under sub-section (3), to the satisfaction of the Permanent Lok Adalat, it shall conduct conciliation proceedings between the parties to the application in such manner as it thinks appropriate taking into account the circumstances of the dispute.
- 5) The Permanent Lok Adalat shall, during conduct of conciliation proceedings under sub-section (4), assist the parties in their attempt to reach an amicable settlement of the dispute in an independent and impartial manner.
- 6) It shall be the duty of every party to the application to cooperate in good faith with the Permanent Lok Adalat in conciliation of the dispute relating to the application and to comply with the direction of the Permanent Lok Adalat to produce evidence and other related documents before it.
- 7) When a Permanent Lok Adalat, in the aforesaid conciliation proceedings, is of opinion that there exist elements of settlement in such proceedings which may be acceptable to the parties, it may formulate the terms of a possible settlement of the dispute and give to the parties concerned for their observations and in case the parties reach at an agreement on the settlement of the dispute, they shall sign the settlement agreement and the Permanent Lok Adalat shall pass an award in terms thereof and furnish a copy of the same to each of the parties concerned.
- 8) Where the parties fail to reach at an agreement under sub-section (7), the Permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute.

22D. Procedure of Permanent Lok Adalat.-

The Permanent Lok Adalat shall, while conducting conciliation proceedings or deciding a dispute on merit under this Act, be guided by the principles of natural justice, objectivity, fair play, equity and other principles of justice, and shall not be bound by the Code of Civil Procedure, 1908 (5 of 1908) and the Indian Evidence Act, 1872 (1 of 1872).

22E. Award of Permanent Lok Adalat to be final.-

- 1) Every award of the Permanent Lok Adalat under this Act made either on merit or in terms of a settlement agreement shall be final and binding on all the parties thereto and on persons claiming under the.
- 2) Every award of the Permanent Lok Adalat under this Act shall be deemed to be a decree of a civil court.
- 3) The award made by the Permanent Lok Adalat under this Act shall be by a majority of the persons constituting the Permanent Lok Adalat.
- 4) Every award made by the Permanent Lok Adalat under this Act shall be final and shall not be called in question in any original suit, application or execution proceeding.
- 5) The Permanent Lok Adalat may transmit any award made by it to a civil court having

local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.'

5. Amendment of section 23.- In section 23 of the principal Act, for the words" members of the Lok Adalats", the words" members of the Lok Adalats or the persons constituting Permanent Lok Adalats" shall be substituted.
6. Amendment of section 27.- In section 27 of the principal Act, in sub- section (2), after clause (l), the following clause shall be inserted, namely:- " (la) the other terms and conditions of appointment of the Chairman and other persons under sub- section (2) of section 22B;"

SUBHASH C. JAIN,
Secy. to the Govt. of India

THE NATIONAL LEGAL SERVICES AUTHORITY (LOK ADALAT) REGULATIONS, 2009

(As amended vide notification F.No. L/28/09/NALSA dated 22.10.2018)

In exercise of the powers conferred by Section 29 of the Legal Services Authorities Act, 1987, the Central Authority hereby makes the following regulations, namely:

1. Short title and commencement. –

- 1) These regulations may be called National Legal Services Authority (Lok Adalats) Regulations, 2009.
- 2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. - In these Regulations, unless the context otherwise requires –

- a) 'Act' means the Legal Services Authorities Act, 1987 (39 of 1987).
- b) 'Lok Adalat' means Lok Adalats to be organized under Section 19 of the Act
 - ¹(ba) 'Pre-Litigation matter' means a dispute between the parties which is not filed before the court.
- c) All other words and expressions used but not defined in these regulations and defined in the Legal Services Authorities Act, 1987(39 of 1987) or the National Legal Services Authority Rules, 1995 shall have the meanings respectively assigned to them in the said Act or rules.

3. Procedure for organising Lok Adalats:-

- 1) Lok Adalat may be organised by the State Authorities or District Authorities or Supreme Court Legal Services Committee or High Court Legal Services Committee or, as the case may be, the Taluk Legal Services Committees at regular intervals and such Lok Adalats shall be organised for a definite geographical area as the aforesaid Authorities or Committees think fit:

Provided that, Special Lok Adalats shall be organised for all Family Courts at regular intervals.

- 2) The Member-Secretary or Secretary of the High Court Legal Services Committee or District Authority, or the case may be, the Chairman of the Taluk Legal Services Committee may associate the members of the legal profession, college students, social organisations, charitable and philanthropic institutions and other similar organisations for organizing the Lok Adalats.

¹ Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

4. Intimation to the State Authority:-

The Secretary of the High Court Legal Services Committee or District Authority or Chairman of the Taluk Legal Services Committee, as the case may be, shall inform the State Authority about the proposal to organize the Lok Adalat, well before the date on which the Lok Adalat is proposed to be organized, and furnish the following information to the State Authority, namely:-

- (i) The place and the date on which the Lok Adalat is proposed to be organized;
- (ii) Whether any of the organisations as referred to in sub-regulation(2) of regulation 3 above have agreed to associate themselves with Lok Adalat;
- (iii) Categories and nature of cases, viz., pending cases or pre-litigation disputes, proposed to be placed before the Lok Adalat;
- (iv) Number of cases proposed to be brought before the Lok Adalat in each category;
- (v) Any other information relevant to the convening and organizing of the Lok Adalat.

5. Notice to parties concerned:-

The Member Secretary or Secretary of the High Court Legal Services Committee or District Authority or, as the case may be, the Chairman of the Taluk Legal Services Committee convening and organizing the Lok Adalat shall inform every party concerned whose case is referred to the Adalat, well in time so as to afford him an opportunity to prepare himself for the Lok Adalat:

Provided that such notice may be dispensed with, if the Court while referring the case to the Lok Adalat fixes or informs the date and time of the Lok Adalat in the presence of the parties, or their advocates:

Provided further that if a party is not willing to refer their case to Lok Adalat, the case may be considered on its merits by the Court concerned.

6. Composition of Lok Adalat:-

- a) **At State Authority Level.-** The Member Secretary organising the Lok Adalat shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired Judge of the High Court or a serving or retired judicial officer and any one or ²two of the following:-
 - (i) A member of the legal profession;
 - (ii) A social worker of repute who is engaged in the upliftment of the weaker sections of the people, including the Scheduled Castes, the Scheduled Tribes, women, children, rural and urban labour and interested in the implementation of legal services schemes or programmes.
 - ³(iii) A professional from the field related to the subject matter of the Lok Adalat; and

²Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

³Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

⁴Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

- ⁴(iv) A mediator or a professional or a serving or retired senior executive.
- b) **At High Court Level:-**The Secretary of the High Court Legal Services Committee organizing the Lok Adalat shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired Judge of the High Court or a serving or retired Judicial Officer and any one or ²two of the following: -
- (i) A member of the legal profession;
 - (ii) A social worker belonging to the category as mentioned in item (ii) of sub-para (a) above;
 - ³(iii) A professional from the field related to the subject matter of the Lok Adalat; and
 - ⁴(iv) A mediator or a professional or a serving or retired senior executive.
- c) **At District Level:-** The Secretary of the District Authority organizing the Lok Adalats shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired judicial officer and any one or ²two of the following:-
- (i) A member of the legal profession;
 - (ii) A social worker belonging to the category as mentioned in item(ii) of sub-para (a) above or a person engaged in para-legal activities of the area, preferably a woman;
 - ³(iii) A professional from the field related to the subject matter of the Lok Adalat; and
 - ⁴(iv) A mediator or a professional or a serving or retired senior executive.
- d) **At Taluk Level :-** The Chairman of the Taluk Legal Services Committee organizing the Lok Adalat shall constitute benches of the Lok Adalat, each bench comprising of a sitting or retired judicial officer and any one or two of the following:-
- (i) A member of the legal profession;
 - (ii) A social worker belonging to the category as mentioned in item(ii) of sub-para (a) above or a person engaged in para-legal activities of the area, preferably a woman;
 - ³(iii) A professional from the field related to the subject matter of the Lok Adalat; and
 - ⁴(iv) A mediator or a professional or a serving or retired senior executive.

⁵**6 A. Payment of Special Duty Allowance:-**

If the Lok Adalat is organised on a holiday or organised beyond court hours on a working day, the judicial officers, other members and staff assisting the Lok Adalat shall be paid Special Duty Allowance as may be fixed by the concerned State Legal Services Authority:

Provided that such Special Duty Allowance shall not be less than the allowance recommended by the National Legal Services Authority.

7. Allotment of cases to Lok Adalats:-

- 1) The Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or Chairman of the Taluk Legal Services Committee, as the case may be, shall assign specific cases to each bench of the Lok Adalat.
- 2) The Member Secretary, the Secretary of the High Court Legal Services Committee or the District Authority or Chairman of the Taluk Legal Services Committee, as the case may be, may prepare a cause list for each bench of the Lok Adalat and intimate the same to all
- 3) Every bench of the Lok Adalat shall make sincere efforts to bring about a conciliated settlement in every case put before it without bringing about any kind of coercion, threat, undue influence, allurement or misrepresentation.

8. Holding of Lok Adalats. -

Lok Adalats may be organised at such time and place and on such days, including holidays as the State Authority, High Court Legal Services Committee, District Authority, or the Taluk Legal Services Committee, as the case may be, organising the Lok Adalat deems appropriate.

9. Jurisdiction of Lok Adalats.-

Lok Adalats shall have the power only to help the parties to arrive at a compromise or settlement between the parties to a dispute and, while so doing, it shall not issue any direction or order in respect of such dispute between the parties.

10. Reference of cases and matters. –

- 1) Lok Adalat shall get jurisdiction to deal with a case only when a court of competent jurisdiction orders the case to be referred in the manner prescribed in Section 20 of the Act or under Section 89 of the Code of Civil Procedure, 1908 (5 of 1908).
- ⁶(1A) A pre-litigation matter may be referred to the Lok Adalat by the concerned Legal Services Institution on the request of any of the parties after giving a reasonable opportunity of being heard to the other party.
- 2) A mechanical reference of pending cases to Lok Adalat shall be avoided and the referring court shall, *prima facie* satisfy itself that there are chances of settlement of the case through Lok Adalat and the case is appropriate to be referred to Lok Adalat: Provided that matters relating to divorce and criminal cases which are not compoundable under the Code of Criminal Procedure, 1973 (2 of 1974) shall not be referred to Lok Adalat.
- 3) In a pending case where only one of the parties had made application to the court for referring the case to Lok Adalat, or where the court *suo motu* is satisfied that the case is appropriate to take cognizance by Lok Adalat, the case shall not be referred to the

⁵Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018. concerned at least two days before the date of holding of the Lok Adalat.

Lok Adalat except after giving a reasonable opportunity of being heard to the parties.

- ⁷(4) The need based continuous Lok Adalats may be constituted in order to facilitate regular reference and timely disposal of cases.

11. Summoning of records and the responsibility for its safe custody. -

- 1) The Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or, as the case may be, the Chairman of the Taluk Legal Services Committee may call for the judicial records of pending cases which are referred to the Lok Adalat under Section 20 of the Act from the courts concerned.
- 2) The officer duly authorised by the Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or the Chairman of the Taluk Legal Services, as the case may be, shall be responsible for the safe custody of records from receiving of the same from court till they are returned.
- 3) The judicial records shall be returned within ten days of the Lok Adalat irrespective of whether or not the case is settled by the Lok Adalat with an endorsement about the result of proceedings:

Provided that wherever it is appropriate, the court concerned from where the records are called may permit the records to be retained beyond the period of ten days.

- 4) Every judicial authority is expected to co-operate in transmission of the judicial records.

12. Pre-Litigation matters. -

- 1) In a Pre-litigation matter it may be ensured that the court for which a Lok Adalat is organised has territorial jurisdiction to adjudicate in the matter.
- 2) Before referring a Pre-litigation matter to Lok Adalat the Authority concerned or Committee, as the case may be, shall give a reasonable hearing to the parties concerned.

Provided that the version of each party, shall be obtained by the Authority concerned or, as the case may be, the Committee for placing it before the Lok Adalat.

- 3) An award based on settlement between the parties can be challenged only on violation of procedure prescribed in section 20 of the Act by filing a petition under articles 226 and 227 of the Constitution of India.

13. Procedure in Lok Adalats.-

- 1) Members of Lok Adalat have the role of statutory conciliators only and have no judicial role and they, *mutatis mutandis*, may follow the procedure laid down in sections 67 to 76 of the Arbitration and Conciliation Act, 1996 (26 of 1996).

⁶Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018. ⁷Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

- 2) Members of Lok Adalat shall not pressurise or coerce any of the parties, to compromise or settle cases or matters, either directly or indirectly.
- 3) In a Lok Adalat the members shall discuss the subject matter with the parties for arriving at a just settlement or compromise and such members of the Lok Adalat shall assist the parties in an independent and impartial manner in their attempt to reach amicable settlement of their dispute:

Provided that if it found necessary the assistance of an independent person or a trained mediator may also be availed of the by Lok Adalat.

- 4) Members of Lok Adalat shall be guided by principles of natural justice, equity, fairplay, objectivity, giving consideration to, among other things, the rights and obligations of the parties, custom and usages and the circumstances surrounding the dispute.
- 5) The Lok Adalat may conduct the proceedings in such a manner as it considers appropriate taking into account the circumstances of the case, wishes of the parties including any request by a party to the Lok Adalat to hear oral statements, and the need for a speedy settlement of the dispute
- 6) The Lok Adalat shall not determine a reference, at its own instance, but shall determine only on the basis of a compromise or settlement between the parties by making an award in terms of the compromise or settlement arrived at:

Provided that no Lok Adalat has the power to hear the parties to adjudicate their dispute as a regular court:

Provided further that the aware of the Lok Adalat is neither a verdict nor an opinion arrived at by any decision making process.

14. Administrative assistance. -

Administrative assistance for facilitating Lok Adalat proceedings may be arranged by suitable institutions or persons engaged in providing legal services.

15. Formulating compromise or settlements. -

The Lok Adalat may, at any stage of the proceedings, make proposal for a settlement of the dispute and such proposal need not be accompanied by a statement of the reasons therefore.

16. Communication between Lok Adalat and parties. -

- 1) A Lok Adalat may invite the parties to meet it or may communicate with it orally or in writing and it may meet or communicate with the parties together or with each of them separately. The factual information concerning the dispute received from a party may be disclosed to the other party in order that the other party may have the opportunity to present any explanation:

Provided that the Lok Adalat shall not disclose any information, if one of the party

desires to keep it confidential.

- 2) Each party may on his own initiative or at the invitation of the Lok Adalat, submit suggestions for settlement of the dispute.
- 3) When it appears to the Lok Adalat that there exists elements of a settlement which may be acceptable to the parties, the terms of a possible settlement may be formulated by the Lok Adalat and given to the parties for their observations and modifications, if any, suggested by the parties can be taken into consideration and terms of a possible settlement may be re formulated by the Lok Adalat.
- 4) If the parties reach a compromise or settlement of the dispute, the Lok Adalat may draw up or assist the parties in drawing up the compromise or settlement.

17. Award. –

- 1) Drawing up of the award is merely an administrative act by incorporating the terms of settlement or compromise agreed by parties under the guidance and assistance from Lok Adalat.
- 2) When both parties sign or affix their thumb impression and the members of the Lok Adalat countersign it, it becomes an award. (see a specimen at Appendix-I) Every award of the Lok Adalat shall be categorical and lucid and shall be written in regional language used in the local courts or in English. It shall also contain particulars of the case viz., case number, name of court and names of parties, date of receipt, register number assigned to the case in the permanent Register (maintained as provided under Regulation-20) and date of settlement. Wherever the parties are represented by counsel, they should also be required to sign the settlement or award before the members of the Lok Adalat affix their signature.
- 3) In cases referred to Lok Adalat from a court, it shall be mentioned in the award that the plaintiff or petitioner is entitled to refund of the court fees remitted.
- 4) Where the parties are not accompanied or represented by counsel, the members of the Lok Adalat shall also verify the identity of parties, before recording the settlement.
- 5) Member of the Lok Adalat shall ensure that the parties affix their signatures only after fully understanding the terms of settlement arrived at and recorded. The members of the Lok Adalat shall also satisfy themselves about the following before affixing their signatures:
 - (a) That the terms of settlement are not unreasonable or illegal or one-sided; and
 - (b) That the parties have entered into the settlement voluntarily and not on account of any threat, coercion or undue influence.
- 6) Members of the Lok Adalat should affix their signatures only in settlement reached before them and should avoid affixing signatures to settlement reached by the parties

outside the Lok Adalat with the assistance of some third parties, to ensure that the Lok Adalats are not used by unscrupulous parties to commit fraud, forgery, etc.

- 7) Lok Adalat shall not grant any bail or a divorce by mutual consent.
- 8) The original award shall form part of the judicial records (in pre-litigation matter, the original award may be kept with the Legal Services Authority or committee, concerned) and a copy of the award shall be given to each of the parties duly certifying them to be true by the officer designated by the Member-Secretary or Secretary of the High Court Legal Services Committee or District Legal Services Authority or, as the case may be, the Chairman of Taluk Legal Services Committees free of cost and the official seal of the Authority concerned or Committee shall be affixed on all awards.

18. Confidentiality.—

- 1) The members of the Lok Adalat and the parties shall keep confidential all matters relating to the proceedings in the Lok Adalat and the members of the Lok Adalat shall not be compelled to disclose the matter which took place in the Lok Adalat proceedings before any court of law, except where such disclosure is necessary for purposes of implementation and enforcement of the award.
- 2) The views expressed and discussions made by parties during the proceedings of Lok Adalat in respect of the possible settlement of a dispute and the proposals made by the members of Lok Adalat or admission made by any party or the conduct of the parties in the course of the proceeding before Lok Adalat shall not be brought in evidence or made use of in other court or arbitral proceedings.
- 3) Members of the Lok Adalat shall not record the statement of any of the parties or record any conduct of the parties or express any opinion in such a manner as it would prejudice such party in any other proceedings before a court or arbitrator.
- 4) If any member of the Lok Adalat violates the confidentiality and the ethical concerns which are akin to any other judicial proceedings, such member shall be removed from the panel of members of Lok Adalat.

19. Failure of Lok Adalat proceedings. –

If a pre-litigation matter is not settled in the Lok Adalat, the parties may be advised to resort to other Alternative Dispute Resolution (ADR) techniques or to approach a court of law and in appropriate cases they may be advised about the availability of legal aid.

20. Compilation of results. –

At the conclusion of session of the Lok Adalat, the officer designated by the Member-Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall compile the results for submission to the State Authority in the proforma given in Appendix-II.

21. Maintenance of panel of names of Lok Adalat Members. –

The Member-Secretary or Secretary of the High Court Legal Services Committee or District Authority or, as the case may be, the Chairman of the Taluk Legal Services Committee shall maintain a panel of names of retired judicial officers, advocates and social workers to work in Lok Adalats.

22. Procedure for maintain record of cases referred under Section 20 of the Act or otherwise.

- 1) The officer designated by the Member-Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall maintain a permanent register wherein all the cases and pre-litigation matters received by him by way of reference to the Lok Adalat shall be entered giving particulars of:
 - (i) Date of receipt;
 - (ii) Nature of the case or pre-litigation matter;
 - (iii) Other particulars, if any;
 - (iv) Date of compromise or settlement and the manner in which the case or matter was finally disposed of; and
 - (v) Date of return of the case file.
- 2) A copy of the award, if passed, duly certified in the manner stated in regulation 17 shall be kept in the office of the Authority or Committee, as the case may be, as a permanent record.
- 3) Records other than the original of the awards of pre-litigation Lok Adalats may be destroyed after a period of three years from the date of disposal of the matter by Lok Adalat.

23. Appearance of lawyers and the procedure to be followed in the cases before Lok Adalat. –

The appearance of lawyers on behalf of the parties at the Lok Adalat shall not be barred and an effort shall be made to encourage the parties to be present personally. The lawyers may be advised to avoid wearing their robes and bands during the proceedings before the Lok Adalat.

24. Application of regulation. –

The above regulations shall be applicable in the same manner with appropriate changes to the Lok Adalats organised by the National Legal Services and the Supreme Court Legal Services Committee.

BEFORE THE LOK ADALAT

HELD AT _____

[Organized by _____ Authority/ _____ Committee under Section 19, of Legal Services Authorities Act 1987 (Central Act)]

Petitioner/Plaintiff/Complainant : Defendant/Respondent : No. of proceedings of the _____ Court/Authority/Committee Present:-

Name of Judicial Officer / : Retired Judicial Officer

Name of Members: (1)

(2)

AWARD

The dispute between the parties having been referred for determination to the Lok Adalat and the parties having compromised/settled the case/matter, the following award is passed in terms of the settlement :

.....
.....
.....
.....

The parties are informed that the court fee, if any, paid by any of them shall be refunded.

Petitioner/Plaintiff/Complainant

Defendant/Respondent

Judicial Officer

Member

Member

Date:

(Seal of the Authority/Committee)

APPENDIX-II

**PROFORMA
DISPOSAL OF CASES IN LOK ADALAT**

Place:			Date:		
			Nature of Cases disposed of		
Sl.No.	Case No.	Name of parties	Civil	Claims	Criminal
Total					

THE NATIONAL LEGAL SERVICES AUTHORITY (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS, 2010

(As amended vide notification F.No. L/61/10/NALSA dated 22.10.2018)

- In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987) and in pursuance of the provisions in section 4 of the Act to make available free and competent legal services to the persons entitled thereto under section 12 of the said Act, the Central Authority hereby makes the following regulations, namely: -

1. Short title, extent and commencement. –

- 1) These regulations may be called the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.
- 2) They shall be applicable to Supreme Court Legal Services Committee, State Legal Services Authorities, High Court Legal Services Committees, District Legal Services Authorities, and Taluk Legal Services Committees in India.
- 3) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions. –

- 1) In these regulations, unless the context otherwise requires, -
 - (a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987);
 - (b) “Form” means a Form annexed to these Regulations;
 - (c) “Front Office” means a room in the Legal Services Institution where legal services are made available;
 - (d) “Legal Practitioner” shall have the meaning assigned to it in clause (i) of section 2 of the Advocates Act, 1961 (25 of 1961);
 - (e) “Legal Services Institution” means the Supreme Court Legal Services Committee, a State Legal Services Authority, the High Court Legal Services Committee, District Legal Services Authority or the Taluk Legal Services Committee, as the case may be;
 - ¹(ea) “Monitoring and Mentoring Committee” means the Committees set up under regulation 10;
 - (eb) “Panel Lawyer” means a legal practitioner empanelled as a Panel lawyer under regulation 8;
 - (f) “Para-Legal Volunteer” means a para-legal volunteer trained ²under the 'National Legal Services Authority Scheme for Para Legal Volunteers' and empanelled by a Legal Services Institution;

¹ Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018. ² Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

³ Inserted vide notification dated 31/7/2012, published in the Gazette of India on 25/8/2012.

- ³(fa) “Retainer Lawyer” means a Panel Lawyer designated as the Retainer Lawyer under sub regulation (9) of regulation 8;
 - (g) “Secretary” means the Secretary of the Legal Services Institution;
 - (h) “Section” means the section of the Act;
 - (i) “State regulation” means regulation made by the State Authorities under the Act.
- 2) All other words and expressions used but not defined in these regulations shall have the same meanings assigned to them in the Act.

3. Application for legal services.-

- 1) An application for legal services may be presented preferably in Form-I in the local language or English.
- 2) The applicant may furnish a summary of his grievances for which he seeks legal services, in a separate sheet along with the application.
- 3) An application, though not in Form-I, may also be entertained, if reasonably explains the facts to enable the applicant to seek legal services.
- 4) If the applicant is illiterate or unable to give the application on his or her own, the Legal Services Institutions may make arrangement for helping the applicant to fill up the application form and to prepare a note of his or her grievances.
- 5) Oral requests for legal services may also be entertained in the same manner as an application under sub-regulation (1) and (2).
- 6) An applicant advised by the para-legal volunteers, legal aid clubs, legal aid clinics and voluntary social service institutions shall also be considered for free legal services.
- 7) Requests received through e-mails and interactive on-line facility also may be considered for free legal services after verification of the identity of the applicant and on ensuring that he or she owns the authorship of the grievances projected.

4. Legal Services Institution to have a front office.-

- (1) All Legal Services Institutions shall have a front office to be manned by ⁴[a Retainer Lawyer on rotational basis and] one or more para-legal volunteers available during office hours. ⁵Provided that persons with the qualification of Masters degree in Social Work or Diploma or Masters' degree in psychiatry or psychology from any recognised institute or university may also be called to the front office as and when necessary.

⁶(2) *****

- ⁷(3) The Para-Legal Volunteers in the front office shall render services such as issuing of simple notices, drafting of applications and petitions, providing basic information on the course of action to be taken in a situation and to act as an intermediary between

⁴Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018. ⁵Inserted vide notification dated 31/7/2012, published in the Gazette of India on 25/8/2012. ⁶Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018. ⁷Inserted vide notification dated 31/7/2012, published in the Gazette of India on 25/8/2012.

the persons in need of legal services and the legal services institutions to enable such persons to gain access to justice.

- ⁸(4) The Para-Legal Volunteers or the panel lawyer or the retainer lawyer, as the case maybe, in the front office may obtain secretarial assistance from the staff of the Legal Services Institutions.

⁹(5) *****

- ¹⁰5. **Proof of entitlement of free legal services.** – A self-certificate of the applicant, alongwith self-attested copy of relevant documents or certificates, if any, that he falls under the categories of persons entitled to free legal services under Section 12 of the Act shall ordinarily be sufficient.

¹¹(2) *****

¹²(3) *****

6. Consequences of false or untrue details furnished by the applicant. –

The applicant shall be informed that if free legal services have been obtained by furnishing incorrect or false information or in a fraudulent manner, the legal services shall be stopped forthwith and that the expenses incurred by the Legal Services Institutions shall be recoverable from him or her.

¹³7. **Scrutiny and evaluation of the application for free legal services.-**

- (1) The application for legal services, for eligibility of the applicant and existence of a prima facie case to prosecute or to defend, shall be scrutinised by the Member-Secretary or Secretary, as the case may be, or any officer, deputed by him:

Provided that 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:

Provided further that in case, there is some difficulty to determine the prima facie case to prosecute, the Member-Secretary or Secretary may for this purpose, seek opinion from a panel lawyer having more than seven years standing at the Bar:

Provided further that in case of the Supreme Court Legal Services Committee, the Secretary shall seek opinion from an Advocate having more than fifteen years standing at the Bar.

- (2) A decision on application for legal services shall be taken immediately, but not more than seven days from the date of receipt of the application.

⁸Inserted vide notification dated 31/7/2012, published in the Gazette of India on 25/8/2012. ⁹Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018. ¹⁰Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018. ¹¹Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018. ¹²Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018. ¹³Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

- (3) If the applicant is not covered under the categories mentioned in section 12, he or she shall be advised to seek assistance from any other body or person rendering free legal services either voluntarily or under any other scheme.
- (4) The Legal Services Institution shall maintain a list of such agencies, institutions or persons who have expressed willingness to render free legal services.
- (5) Any person aggrieved by the decision or order of the Member-Secretary or the Secretary, as the case may be, he may prefer appeal to the Executive Chairman or Chairman of the Legal Services Institution and the decision or order in appeal shall be final.
- (6) In case the Member-Secretary or Secretary of the Legal Services Institution decides to provide legal services through a panel lawyer, the choice of the panel lawyer, if expressed by the applicant, may be considered.

¹⁴**8. Selection of legal practitioners as panel lawyers. –**

- (1) Every Legal Services Institution shall invite applications from legal practitioners for their empanelment as panel lawyers and such applications shall be accompanied with proof of the professional experience with special reference to the type of cases which the applicant-legal practitioners may prefer to be entrusted with.
- (2) The applications received under sub-regulation (1) shall be scrutinised and selection of the panel lawyers shall be made by the Executive Chairman or Chairman of the Legal Services Institution in consultation with the Attorney General [for the Supreme Court], Advocate General [for the High Court], District Attorney or Government Pleader [for District and Taluka level] and the Monitoring and Mentoring Committee set up under regulation 10:

Provided that the Executive Chairman or Chairman of the Legal Services Institution may also suo moto empanel any legal practitioner;
- (3) No legal practitioner having less than three years' experience at the Bar shall ordinarily be empanelled.
- (4) District Legal Services Authorities and Taluk Legal Services Committees shall get the panel approved from the Executive Chairman of the State Legal Services Authority.
- (5) The Executive Chairman or Chairman of the Legal Services Institution shall take into consideration the competency, integrity, suitability, and experience of lawyers for the empanelment.
- (6) There may be representation of the Scheduled Castes, the Scheduled Tribes, women and differently abled lawyers in the panel.

¹⁴Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

- (7) The Executive Chairman or Chairman of the Legal Services Institution may maintain separate panels for dealing with different types of cases like Civil, Criminal, Constitutional Law, Environmental Law, Labour Laws, Matrimonial disputes, Juvenile Justice, etc.
- (8) The Member-Secretary or Secretary, as the case may be, may assign a case to a panel lawyer of a subject matter other than for which he has been empanelled.
- (9) The Chairman of the Legal Services Institution may, in consultation with the Executive Chairman of the State Legal Services Authority or National Legal Services Authority, as the case may be, prepare a list of legal practitioners from among the panel lawyers to be designated as Retainers.
- (10) The Retainer lawyers shall be selected for a period fixed by the Executive Chairman on rotation basis or by any other method specified by the Executive Chairman;
- (11) The strength of Retainer lawyers shall not exceed, -
 - (a) Twenty in the Supreme Court Legal Services Committee;
 - (b) Fifteen in the High Court Legal Services Committee;
 - (c) Ten in the District Legal Authority;
 - (d) Five in the Taluk Legal Services Committee.
- (12) The honorarium payable to Retainer lawyer shall not be less than, -
 - (a) Rupees forty thousand per month in the case of Supreme Court Legal Services Committee;
 - (b) Rupees twenty five thousand per month in the case of State Legal Services Authority or High Court Legal Services Committee;
 - (c) Rupees fifteen thousand per month in the case of District Legal Services Authority;
 - (d) Rupees ten thousand per month in the case of the Taluk Legal Services Committee:Provided that the honorarium specified in this sub-regulation is in addition to the honorarium or fee payable by the Legal Services Institution for each case entrusted to the Retainer lawyer.
- (13) The panel prepared under sub-regulation (2) for the period of three years shall also be reviewed and updated periodically by the Executive Chairman or the Chairman, as the case may be, keeping in view the performance of the panel lawyers.
- (14) The Legal Services Institution shall be at liberty for withdrawing any case from a Retainer Panel Lawyer during any stage of the proceedings.
- (15) If a panel lawyer is desirous of withdrawing from a case he shall state the reasons thereof to the Member-Secretary or the Secretary, as the case may be, and the panel lawyer may be permitted to do so by an order.

¹⁵ Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

- (16) The panel lawyers shall not ask for or receive any fee, remuneration or any valuable consideration in any manner, from the person to whom he has rendered legal services under these regulations.
- (17) If the panel lawyer engaged is not performing satisfactorily or has acted contrary to the object and spirit of the Act and these regulations, the Legal Services Institution shall take appropriate steps including withdrawal of the case from such lawyer and his removal from the panel.
- (18) The panel lawyers shall undergo training periodically as per modules prepared by the National Legal Services Authority and the State Legal Services Authority.
- (19) The participation in the training programme shall be a relevant consideration for the retention or continuation of panel lawyers.

¹⁵**9. Legal services by way of legal advice, consultation, drafting and conveyancing. –**

- (1) The Executive Chairman or Chairman of the Legal Services Institution may maintain a separate panel of senior lawyers, law firms, retired judicial officers, mediators, conciliators and law professors in the law universities or law colleges for providing legal advice and other legal services like drafting and conveyancing.
- (2) The Executive Chairman or Chairman of the Legal Services Institution, as the case may be, may maintain a separate panel of retired senior bureaucrats, senior executives, retired police officials, doctors, engineers, psychiatrists, marriage counsellors, chartered accountants, educationists and other experts of the specialised field for legal services and honorarium payable to them shall be decided by the Executive Chairman of State Legal Services Authority or the Chairman of the Supreme Court Legal Committee, as the case may be.
- (3) The Member-Secretary may send a request to Senior Advocates to volunteer their pro bono professional services for rendering advice as and when required.”.

¹⁶**10. Monitoring and Mentoring Committee. –**

- (1) Every Legal Services Institution shall set up a Monitoring and Mentoring Committee for close monitoring of the court based legal services rendered and the progress of the cases in the legal aided matters and to guide and advise the panel lawyers.
- (2) The Monitoring and Mentoring Committee at the level of the Supreme Court shall consist of, -
 - (i) A sitting or retired judge of the Supreme Court or a Senior Advocate as may be nominated by the Chairman, Supreme Court Legal Services Committee;
 - (ii) Secretary, Supreme Court Legal Services Committee;
 - (iii) A renowned Academician or an Advocate-on-Record having ten years of practice to be nominated by the Chairman of the Supreme Court Legal Services Committee;

¹⁶Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

- (iv) The Legal Service Counsel-cum-Consultant, Supreme Court Legal Services Committee.
- (3) The Monitoring and Mentoring Committee at the level of the High Court shall consist of-
 - (i) a sitting or retired Judge of the High Court or a Senior Advocate as may be nominated by the Chairman, High Court Legal Services Committee;
 - (ii) Secretary, High Court Legal Services Committee.
- (4) The Monitoring and Mentoring Committee at the State or District Legal Services Authority shall consist of, -
 - (i) Member-Secretary or Secretary of the Legal Services Institution, as the case may be;
 - (ii) One serving judicial officer from the State Higher Judicial Service;
 - (iii) One retired judicial officer or one Advocate of fifteen years' standing or more.
- (5) The Monitoring and Mentoring Committee at the Taluk Legal Services Committee shall consist of, -
 - (i) Chairman of the Taluk Legal Services Committee;
 - (ii) One retired judicial officer;
 - (iii) One advocate of 10 years standing or more.
- (6) The members of the Monitoring and Mentoring Committee shall render their services on the days as may be required and fixed by the Executive Chairman or Chairman of the Legal Services Institution and the members except serving Judicial Officers shall be paid the honorarium as fixed by the Executive Chairman.

¹⁷**11. Procedure of the Monitoring and Mentoring Committee. –**

- (1) Whenever court based legal aid is provided to an applicant, the Member-Secretary or Secretary as the case may be, shall send the details in Form II to the Monitoring and Mentoring Committee at the earliest.
- (2) The Legal Services Institution shall provide adequate staff and infrastructure to the Monitoring and Mentoring Committee for maintaining the records of the day-to-day progress of the legal aided cases.
- (3) The Monitoring and Mentoring Committee shall assist the Legal Services Institution in organising training programmes for panel lawyers from time to time to enhance the skill of the panel lawyers.
- (4) The Monitoring and Mentoring Committee shall mentor the panel lawyers and guide them in providing quality legal services.
- (5) The Monitoring and Mentoring Committee shall maintain a register for legal aided cases for monitoring the day-to-day progress of the case and the end result (success

¹⁷ Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

or failure) in respect of cases for which legal aid is allowed and the said register shall be scrutinised every month by the Member-Secretary or Secretary or the Chairman, as the case may be.

- (6) The Legal Services Institution may request the Presiding Officer of the court to allow access to the registers maintained by the court for ascertaining the progress of the cases.
- (7) The Monitoring and Mentoring Committee shall keep a watch on the progress of the case by calling for reports from the panel lawyers within such time as may be determined by the Committee.
- (8) If the progress of the case is not satisfactory, the Committee may advise the Legal Services Institution to take appropriate steps.
- (9) The Committees shall meet at least once in a fortnight.
- (10) The Monitoring and Mentoring Committee may meet as and when the meeting is convened by the Member-Secretary or the Secretary as the case may be.

12. Monitoring and Mentoring Committee to submit bi-monthly reports.-

- (1) The Monitoring and Mentoring Committee shall submit bi-monthly reports containing its independent assessment on the progress of each and every legal aid case and the performance of the panel lawyer or Retainer lawyer, to the Executive Chairman or Chairman of the Legal Services Institution.
- (2) After evaluating the reports by the Committee, the Executive Chairman or Chairman of the Legal Services Institution shall decide the course of action to be taken in each case.
- (3) It shall be the duty of the Member-Secretary or Secretary of the Legal Services Institution to place the reports of the Monitoring Committee before the Executive Chairman or Chairman of the Legal Services Institution and to obtain orders.

13. Financial assistance. –

- (1) If a case for which legal aid has been granted requires additional expenditure like payment of court fee, the fee payable to the court appointed commissions, for summoning witnesses or documents, expenses for obtaining certified copies etc., the Legal Services Institution may take urgent steps for disbursement of the requisite amount on the advice of the panel lawyer or Monitoring and Mentoring Committee.
- (2) In the case of appeal or revision the Legal Services Institution may bear the expenses for obtaining certified copies of the judgment and case records.

¹⁸ Omitted vide notification dated 6/8/2014, published in the Gazette of India on 18/10/2014.

14. Payment of fee to the panel lawyers.-

- (1) Panel lawyers shall be paid fee in accordance with the Schedule of fee, as approved under the State regulations.
- (2) The State Legal Services Authority and other Legal Services Institution shall effect periodic revision of the honorarium to be paid to panel lawyers for the different types of services rendered by them in legal aid cases.
- (3) As soon as the report of completion of the proceedings is received from the panel lawyer, the Legal Services Institution shall, without any delay, pay the fees.

15. Special engagement of senior advocates in appropriate cases. –

- (1) If the Monitoring and Mentoring Committee or Executive Chairman or Chairman of the Legal Services Institution is of the opinion that services of senior advocate, though not included in the approved panel of lawyers, has to be provided in any particular case the Legal Services Institution may engage such senior advocate.
- (2) Notwithstanding anything contained in the State regulations, the Executive Chairman or Chairman of the Legal Services Institution may decide the honorarium of such senior advocate.

¹⁸[*****]

16. Evaluation of the legal aid cases by the National Legal Services Authority and State Legal Services Authorities. –

- (1) The Supreme Court Legal Services Committee shall send copies of the bi-monthly reports of the Monitoring and Mentoring Committee of the Supreme Court Legal Services Committee to the Central Authority.
- (2) The High Court Legal Services Committees, the State Legal Services Authorities shall submit copies of the bi-monthly reports of their Monitoring and Mentoring Committees to their Patron-in-Chief.
- (3) The District Legal Services Authorities and Taluk Legal Services Committees shall submit copies of the bi-monthly reports of their Monitoring and Mentoring Committees to the Executive Chairman of the State Legal Services Authority.
- (4) The State Legal Services Authorities shall also send consolidated half- yearly reports of the Monitoring Committees, indicating the success or failure of each of the legal aided cases, to the Central Authority.
- (5) In appropriate cases, the Executive Chairman of the National Legal Services Authority may nominate and authorise the members of its Central Authority to supervise, monitor or advise the Legal Services Institution for effective and successful implementation of these regulations.

FORM –I

National Legal Services Authority
(Free and Competent Legal Services) Regulations, -2010
(see regulation-3)
The Form of Application for Legal Services
(This may be prepared in the regional language)

Registration No.

1. Name:
2. Permanent Address :
3. Contact Address with phone no. if any, e-mail ID, if any:
4. Whether the applicant belongs to the category of persons mentioned in section -12 of the Act :
5. Monthly income of the applicant:
6. Whether proof has been produced in support of income/eligibility u/s 12 of the Act :
7. Nature of legal aid or advice required:
8. A brief statement of the case, if court based legal services is required :

.....
Signature of the applicant

Place:

Date:

Form-II

*National Legal Services Authority
(Free and Competent Legal Services) Regulation, 2010
(see regulation-11)*

*Information furnished to the Monitoring and Mentoring Committee about the legal Services
provided*

- (I) Name of the Legal Services Institution:
- (ii) Legal aid application number and date on which legal aid was given:.....
.....
- (iii) Name of the legal aid applicant :
- (iv) Nature of case:(civil,
criminal, constitutional law etc.).
- (v) Name and roll number of the lawyer
assigned to the applicant :
- (vi) Name of the Court in which the case is to be filed/defended:
.....
- (vii) The date of engaging the panel lawyer:
- (viii) Whether any monetary assistance like, court fee, advocate commission fee, copying :
.....charges etc. has been given in advance?
- (ix) Whether the case requires any interim
orders or appointment of commission? :
- (x) Approximate expenditure for producing
records, summoning of witnesses etc. :
- (xi) The expected time for conclusion of
the proceedings in the Court :

MEMBER-SECRETARY / SECRETARY

Dated

NATIONAL LEGAL SERVICES AUTHORITY (LEGAL SERVICES CLINICS) REGULATIONS, 2011*

NOTIFICATION

In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987) and in pursuance of the provisions in section 4 of the said Act the Central Authority hereby makes the following regulations, namely: -

1. Short title and commencement.-

- (1) These regulations may be called the National Legal Services Authority (Legal Services Clinics) Regulations, 2011.
- (2) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions. -

- (1) In these regulations, unless the context otherwise requires,
 - (a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987);
 - (b) “District ADR centre” means the District Alternative Dispute Resolution Centre established with the funds of the 13th Finance Commission and includes any other similar facilities like Nyayaseva Sadans at the district level;
 - ¹(c) [“legal services clinic” means the facility established by the District Legal Services Authority to provide basic legal services to the villagers with the assistance of Para-Legal Volunteers or Lawyers, as the point of first contact for help and advice and includes legal services clinics set up under regulation 3 and regulation 24;]
 - (d) “legal services institution” means a State Legal Services Authority, District Legal Services Authority or the Taluk Legal Services Committee, as the case may be;
 - (e) “panel lawyer” means the panel lawyer selected under regulation 8 of the National Legal Services Authority (Free and Competent Legal Services) Regulations 2010;
 - (f) “para-legal volunteer” means a para-legal volunteer trained as such by a legal services institution;
 - (g) “retainer lawyer” means a retainer lawyer selected under regulation 8 of the National Legal Services Authority (Free and Competent Legal Services) Regulations 2010;
 - (h) “section” means the section of the Act;

* Vide Noti. No.L/08/11 NALSA, dated 10-8-2011, published in the Gazette of India, Ext. Pt. III, S.4, dated 18-8-2011. ¹
Substituted by Noti. No.L/08/11 NALSA, dated 10-8-2014 (w.e.f. 6-12-2014).

- (2) All other words and expressions used in these regulations but not defined shall have the same meanings as assigned to them in the Act.

3. Establishment of legal aid clinic.-

Subject to the financial resources available, the District Legal Services Authority shall establish legal aid clinics in all villages, or for a cluster of villages, depending on the size of such villages, especially where the people face geographical, social and other barriers for access to the legal services institutions.

4. Eligibility criteria for free legal services in the ¹[legal services clinic].-

Every person who fulfils the criteria specified in section 12 shall be eligible to get free legal services in the ¹[legal aid clinics].

5. The personnel manning the legal aid clinic.-

- (1) Every legal aid clinic established under regulation 3 shall have at least two para-legal volunteers available during the working hours of the legal aid clinics.
- (2) The legal services institution having territorial jurisdiction or the District Legal Services Authority may depute trained para-legal volunteers to the legal aid clinics.
- (3) When lawyers are deputed to the legal aid clinic, it shall be the duty of the para-legal volunteers engaged in such clinic to assist the lawyers in drafting petitions, applications, pleadings and other legal documents.
- (4) The State Legal Services Authority may encourage para-legal volunteers to obtain diploma or degree in law for betterment of their prospects in the long run.

6. Deputing lawyers to the legal aid clinic. –

- (1) The nearest legal services institution having territorial jurisdiction may depute its panel lawyers or retainer lawyers to the legal aid clinic.
- (2) If the matter handled by any such lawyer requires follow-up and continuous attention for a long duration, the same lawyer who had handled the matter may be entrusted to continue the legal services.

7. Frequency of visit by lawyers in the legal aid clinic. –

Subject to the local requirements and availability of financial resources, the legal services institution having territorial jurisdiction may decide the frequency of the lawyers' visit in the legal aid clinics and if the situation demands for providing continuous legal services, such legal services institution may consider arranging frequent visits of lawyers in the legal aid clinic.

8. Selection of lawyers for manning the legal aid clinics.-

The Panel lawyers or retainer lawyers with skills for amicable settlement of disputes, shall alone be considered for being deputed to the legal aid clinic:

¹ Substituted by Noti. No.L/08/11 NALSA, dated 10-8-2014 (w.e.f. 6 -12 -2014).

Provided that preference shall be given to women lawyers having practice of at least three years.

9. Legal services in the legal aid clinic. –

- (1) Legal services rendered at the legal aid clinic shall be wide ranging in nature.
- (2) The legal aid clinic shall work like a single-window facility for helping the disadvantaged people to solve their legal problems whenever needed.
- (3) Besides legal advice, other services like preparing applications for job card under the Mahatma Gandhi National Rural Employment Guarantee (MGNREG) Scheme, identity card for different government purposes, liaison with the government offices and public authorities, helping the common people who come to the clinic for solving their problems with the government officials, authorities and other institutions also shall be part of the legal services in the ¹[legal services clinic]:

Provided that the ¹[legal services clinic] shall provide assistance by giving initial advice on a problem, assistance in drafting representations and notices, filling up of forms for the various benefits available under different government schemes, public distribution system and other social security schemes:

Provided further that, in appropriate cases, the legal services sought for by the applicants in the ¹[legal services clinic] shall be referred to the legal services institutions for taking further action.

10. Functions of para-legal volunteers in the legal aid clinic.-

- (1) The para-legal volunteers engaged in the ¹[legal services clinic] shall provide initial advice to the persons seeking legal service, help such people, especially the illiterate, in drafting petitions, representations or notices and filling-up the application forms for various benefits available under the government schemes.
- (2) Para-legal volunteers shall, if necessary, accompany the persons seeking legal services to attend the government offices for interacting with the officials and for solving the problems of such persons.
- (3) If services of a lawyer is required at the ¹[legal services clinic], the para-legal volunteers shall, without any delay, contact the nearest legal services institution to make available the services of a lawyer.
- (4) In case of emergency, the para-legal volunteers may take the persons seeking legal services in the ¹[legal services clinic] to the nearest legal services institutions.
- (5) Para-legal volunteers shall distribute pamphlets and other materials in aid of legal education and literacy to the persons seeking legal services in the ¹[legal services clinic].

¹ Substituted by Noti. No.L/08/11 NALSA, dated 10-8-2014 (w.e.f. 6 -12 -2014).

- (6) Para-legal volunteers shall take active part in the legal awareness camps organised by the legal services institutions in the local area of the ¹[legal services clinic].

11. Location of ¹[legal services clinic]. –

- (1) ¹[legal services clinics] shall be located at places where the people of the locality can have easy access.

- (2) The legal services institutions may request the local body institutions, such as the village *panchayat*, to provide a room for establishing ¹[legal services clinics]:

Provided that if no such rooms are available, the District Legal Services Authority may take a room on rent till alternative accommodation is available for establishing the ¹[legal services clinic].

12. Assistance of the local body institutions in obtaining a convenient room for the ¹[legal services clinic]. –

- (1) The State Legal Services Authority shall call upon the local body institutions like the village *panchayat*, *mandal* or block *panchayat*, municipality and corporation etc, to provide space for the functioning of the ¹[legal services clinics].

- (2) Since the ¹[legal services clinic] is for the benefit of the people in the locality, the State Legal Services Authority may impress upon the local body institution and the district administration the need to co-operate with the functioning of the ¹[legal services clinics].

13. [Signboard exhibiting the name of the ¹[legal services clinic]]. –

- (1) There shall be a signboard, both in English and in the local language, depicting the name of the legal services clinic including as Village Legal Care and Support Centre, wherever applicable, working hours and the days on which the legal services clinic shall remain open.

- (2) Working hours of the legal services clinic shall be regulated by the legal services institution having territorial jurisdiction, in consultation with the District Legal Services Authority:

Provided that subject to the local conditions and requirements of the people in the locality, legal services clinics shall function on all Sundays and holidays.]

14. Infrastructure in the ¹[legal services clinic]. –

- (1) Every ¹[legal services clinic] shall have at least the basic and essential furniture like a table and 5 to 6 chairs.

- (2) If the ¹[legal services clinic] is established in the building of the local body institutions, such local bodies may be requested to provide the essential furniture for use in the ¹[legal services clinic].

¹ Substituted by Noti. No.L/08/11 NALSA, dated 10-8-2014 (w.e.f. 6 -12 -2014).

- (3) If the ¹[legal services clinic] is established in hired premises, the District Legal Services Authority may provide the furniture required in the ¹[legal services clinic]:
Provided that if the District Legal Services Authority has its own building to establish ¹[legal services clinic], the infrastructural facilities shall be provided by such Authority.

15. Publicity. –

- (1) Local body institutions shall be persuaded to give adequate publicity for the ¹[legal services clinic].
- (2) The elected representatives of the local body institutions may be persuaded to spread the message of the utility of ¹[legal services clinic] to the people in his or her constituency or ward.

16. Para-legal volunteers or lawyers in the ¹[legal services clinic] shall attempt to resolve disputes amicably. –

- (1) The para-legal volunteers or the lawyers engaged in the ¹[legal services clinic] shall attempt to amicably resolve the pre litigation disputes of the persons brought to the ¹[legal services clinic].
- (2) If the para-legal volunteers or the lawyers feel that such dispute can be resolved through any of the ADR mechanisms, they may refer such disputes to the legal services institution having territorial jurisdiction or to the District ADR centre.

17. Honorarium for the lawyers and para-legal volunteers rendering services in the ¹[legal services clinic].-

- (1) Subject to the financial resources available, the State Legal Services Authority in consultation with the National Legal Services Authority may fix the honorarium of lawyers and para-legal volunteers engaged in the ¹[legal services clinic]:
Provided that such honorarium shall not be less than Rs.500/- per day for lawyers and Rs.250/- per day for the para-legal volunteers.
- (2) Special consideration may be given in cases where the ¹[legal services clinic] is situated in difficult terrains and in distant places where transport facilities are inadequate.

18. The nearest legal services institutions to organise lok adalats at the ¹[legal services clinic] or near to its premises. –

- (1) The nearest legal services -institution having territorial jurisdiction or the District Legal Services Authority may organise [lok adalats for pending and for pre-litigation disputes] at the ¹[legal services clinic] or in its vicinity.
- (2) The lok adalats organised for pre-litigation settlement of the disputes sent from the ¹[legal services clinic] shall follow the procedure prescribed in sub section (2) of

¹ Substituted by Noti. No.L/08/11 NALSA, dated 10-8-2014 (w.e.f. 6 -12 -2014).

section 20 and also the provisions in the National Legal Services Authority (Lok Adalats) Regulations, 2009.

19. Administrative control of the ¹[legal services clinic].-

- (1) ¹[legal services clinic] shall be under the direct administrative control of the District Legal Services Authority
- (2) The State Legal Services authority shall have the power to issue instructions and guidelines on the working of the ¹[legal services clinic].

20. Maintenance of records and registers.-

- (1) Lawyers and para-legal volunteers rendering service in the ¹[legal services clinic] shall record their attendance in the register maintained in the ¹[legal services clinic].
- (2) There shall be a register in every ¹[legal services clinic] for recording the names and addresses of the persons seeking legal services, name of the lawyer or para-legal volunteer who renders services in the ¹[legal services clinic], nature of the service rendered, remarks of the lawyer or para-legal volunteer and signature of persons seeking legal services.
- (3) The records of the ¹[legal services clinic] shall be under the control of the Chairman or the Secretary of the legal services institution having territorial jurisdiction over it.
- (4) The District Legal Services Authority may require the ¹[legal services clinic] to maintain other registers also, as may be required.
- (5) It shall be the duty of the para-legal volunteers and the lawyers in the legal aid clinic to hand over the registers to the legal services institution having territorial jurisdiction as and when called for.

21. Use of mobile lok adalat vehicle. –

- (1) The lawyers rendering legal services in the ¹[legal services clinic] or the para-legal volunteers may request the District Legal Services Authority to send the mobile lok adalat van with members of the lok adalat bench to the ¹[legal services clinic] for settlement of the disputes identified by them.
- (2) The mobile lok adalat van fitted with the facilities for conducting the proceedings of the lok adalat may also be used for conducting lok adalat at the ¹[legal services clinic] or at a place near to it or even at village congregations such as *melas* and other festive occasions.

22. ¹[Legal services clinic] run by the law students. –

The above regulations shall *mutatis mutandis* be applicable to the student ¹[legal services clinic] set up by the law colleges and law universities:

Provided that students of law colleges and law universities also may make use of the ¹[legal services clinic] established under these regulations with the permission of the District Legal Services Authority.

23. Law students may adopt a village for legal aid camps. –

- (1) Law students of the law colleges or law universities may adopt a village, especially in the remote rural areas and organise legal aid camps in association with the ¹[legal services clinic or Village Legal Care and Support System Care] established under these regulations.
- (2) The law students may, with the assistance of the para-legal volunteers engaged in the ¹[legal services clinic], conduct surveys for identifying the legal problems of the local people.
- (3) The surveys referred to in sub-regulation (2) may include gathering information relating to the existing litigations and unresolved pre-litigation disputes also.
- (4) The surveys referred to sub-regulation (2) may also focus on the grievances of the local people which would enable the National Legal Services Authority to take necessary steps by way of social justice litigation as provided in clause (d) of section 4.
- (5) The law students conducting such surveys shall send reports to the State Legal Services Authorities with copies to the legal services institutions having territorial jurisdiction and also to the District Legal Services Authority.

24. ¹[Legal services clinic] attached to the law colleges, law universities and other institutions:

- (1) The law colleges, law universities and other institutions may set up ¹[legal services clinic], as envisaged in clause (k) of section 4 attached to their institutions as a part of the clinical legal education.
- (2) The law colleges, law universities and other institutions establishing such ¹[legal services clinic] shall inform the State Legal Services Authority about the establishing of such ¹[legal services clinic].
- (3) The State Legal Services Authority shall render the required technical assistance for the operation of such ¹[legal services clinic] and shall take measures to promote the activities of such ¹[legal services clinic].
- (4) The law students in the final year classes may render legal services in such ¹[legal services clinic] under the supervision of the faculty member of their institution.
- (5) The State Legal Services Authority may organise alternative dispute resolution camps, including lok adalats, to resolve the problems of the people who seek legal aid in such ¹[legal services clinic].
- (6) The District Legal Services Authority may issue certificates to the students who complete their assignment in such ¹[legal services clinic].

25. Services of para-legal volunteers trained by the Legal Services Authorities may be made available in the ¹[legal services clinic] run by the Law Colleges, Law Universities etc. –

Trained para-legal volunteers may be deputed to the ¹[legal services clinics] established under regulation 24 for assisting the persons seeking free legal services and for interacting with the students and the members of the faculty.

26. The State Legal Services Authorities to conduct periodical review of the functioning of ¹[legal services clinic].-

- (1) The State Legal Services Authority shall collect monthly reports from the District Legal Services Authorities, law colleges and law universities on the functioning of ¹[legal services clinic] working in their jurisdiction.
- (2) The State Legal Services Authority shall conduct periodical review of the working of such ¹[legal services clinic] at least once in three months or more frequently.
- (3) The State Legal Services Authority may issue directions from time to time for improving the services in the ¹[legal services clinic] to ensure that members of the weaker sections of the society are provided legal services in an efficient manner
- (4) The State Legal Services Authority shall send quarterly reports about the functioning of the ¹[legal services clinic] within their jurisdiction to the National Legal Services Authority.

¹Substituted by Noti. No.L/08/11 NALSA, dated 10-8-2014 (w.e.f. 6 -12 -2014).

SCHEME FOR PARA-LEGAL VOLUNTEERS (REVISED)

INTRODUCTION

During the year 2009 National Legal Services Authority (NALSA) brought out a scheme called the Para-Legal Volunteers Scheme which aimed at imparting legal training to volunteers selected from different walks of life so as to ensure legal aid reaching all sections of people through the process of Para-Legal Volunteers Scheme; ultimately removing the barriers into access to justice. The Para-Legal Volunteers (PLVs) are expected to act as intermediaries bridging the gap between the common people and the Legal Services Institutions to remove impediments in access to justice. Ultimately, the process aims at Legal Services Institutions reaching out to the people at their doorsteps rather than people approaching such Legal Services Institutions.

The western concept of 'Paralegals' cannot be totally adopted to Indian conditions having regard to illiteracy of large sections of the community: The hours of training as applicable to a regular academic course, cannot be adopted. It should be more like a bridge course conceptualised in a simple and need-based module. The PLVs have to be trained in the basics of different Laws which would be applicable at the grassroot level with reference to their day-to-day life, the subtle nuances employed in the working of a judicial system, and the functioning of various other stakeholders like the Police, officials from Social Welfare Department, Woman and Child Welfare Department and other departments dealing with different beneficial schemes of Central and State Governments including the protection officers involved with Domestic Violence and Juvenile Justice Acts.

With the basic knowledge in the laws and other available welfare measures and legislation, they would be able to assist their immediate neighbourhood; Those who are in need of such assistance, so that a person, who is not aware of such right is not only made to understand his rights, but also will be able to have access to measures involving implementation of such rights.

PLVs are not only expected to impart awareness on laws and the legal system, but they must also be trained to counsel and amicably settle simple disputes between the parties at the source itself; which could save the trouble of the affected travelling all the way to the Legal Services Authority/ADR Centres. If the dispute is of such a nature, which cannot be resolved at the source with the assistance of PLVs, they could bring such parties to the ADR Centres, where, with the assistance of the Secretary in charge either it could be referred to Lok Adalat or Mediation Centre or Legal assistance could be provided for adjudication in a court of law; depending upon the nature of problem.

Though initially the NALSA scheme of training of the PLVs included the legal fraternity of Advocates, Advocate community, later on experience revealed, the same to be unfeasible on account of conflict with the professional status of Advocates. The reality that marginalised people

living in distant places will not have the benefit of lawyer PLVs also contributed to the practice being discontinued, and NALSA deciding that Advocates shall not be enlisted or engaged as PLVs.

The past experience gained from the working of the system after 2009 and also ground realities ascertained from the paralegals in the respective jurisdiction showed us that there has to be a re-look into the entire matter and who best could fit the role of a Para-Legal Volunteer. Initially, the training programme of PLVs was only for two-three days. Since the obligations of PLVs were vast in nature, it was felt, there has to be longer duration of training provided to the PLVs. At the same time, the training curriculum for PLVs adopted by NALSA cannot be such as to be training PLVs to become full-fledged lawyers. PLVs are not expected to conduct themselves as legal professionals. The aim of the training should concentrate on basic human qualities like compassion, empathy and a genuine concern and willingness to extend voluntary service without expectation of monetary gain from it. Then the line separating PLVs from professional lawyers should be zealously guarded.

MODALITIES

1. Ideally every Taluk Legal Services Committee (TLSC) shall have a panel of PLVs; of a maximum number of 25 (50) on their roll at any given point of time. The District Legal Services Authority (DLSA) shall have 50 (100) active PLVs on their roll.
2. PLVs shall be literate, preferably matriculate, with a capacity for overall comprehension.
3. Preferably PLVs shall be selected from persons, who do not look up to the income they derive from their services as PLVs, but they should have a mind-set to assist the needy in the society coupled with the compassion, empathy and concern for the upliftment of marginalised and weaker sections of the society. They must have unflinching commitment towards the cause which should be translated into the work they undertake.

GROUPS from whom Para-Legal Volunteers can be selected

1. Teachers (including retired teachers)
2. Retired Government servants and senior citizens.
3. M.S.W students and teachers.
4. Anganwadi Workers.
5. Doctors/Physicians.
6. Students & Law Students (till they enroll as lawyers).
7. Members of non-political, service oriented NGOs and Clubs.
8. Members of Women Neighbourhood Groups, Maithri Sanghams and other Self Help Groups including of marginalized/vulnerable groups.
9. Educated prisoners with good behaviour, serving long term sentences in prisons.
10. Any other person whom the District Legal Services Authority or Taluk Legal Services Committee deems fit to be identified as PLVs.

Selection of PLVs - District Level

Selecting the PLVs shall be by a Committee chaired by the Chairman of the District Legal Services Authority. The Secretary shall be one of the Members of the Committee. The Committee shall consist in all of three members including the Chairman and the Secretary shall be one of the Members of the Committee. The third member, to be appointed at the discretion of the Chairman of the DLSA, shall be one capable of identifying suitable persons, who could be trained as PLVs. This selection process shall not be entrusted to any other body.

Selection of PLVs - Taluk Level

The Chairman of the District Legal Services Authority shall constitute a Committee consisting of the Chairman of DLSA, Member Secretary of DLSA and the Chairman of TLSC and a fourth person at the discretion of the Chairman of DLSA. The place of interview for Taluk Level PLVs shall be at the discretion of the Chairman of DLSA. The Member Secretary of DLSA shall co-ordinate with the selection process.

Empanelment process

Applications may be invited from the local residents by the respective DLSAs and TLSCs or Sub Divisional Legal Services Committee. There could be an advertisement, if required. Copies of either the advertisement or notice calling for applications could be sent to the offices of the Bar Association, Notice Board of the Court premises, Legal Services Authority Offices and District Panchayat Offices. The advertisement shall state the qualifications required for selection as PLVs as stated above with last date for the receipt of applications at the office of DLSA. There shall be a column in the application, wherein the candidate has to express willingness or place of preference to work at either district-level or taluk-level or village-level. In the advertisement there shall be clear mentioning that the work of PLVs does not carry any salary, remuneration or wages except honorarium fixed by the DLSA from time to time.

Method of Selection

The Selection Committee is entitled to use its discretion and shortlist the number of candidates for interview depending upon the number of applications received. Preference shall be given to women while selecting PLVs. Representation from suitable applicants belonging to SC/ST, minority and other backward classes must be ensured.

Training of PLVs

Under the supervision of Chairman of DLSA, PLVs shall undergo training programme, totally under the control of the Member Secretary. The training shall be held at a convenient place subject to discretion of the Chairman of DLSA. The number of PLVs to be trained at any given point of time in a training programme shall not exceed 50. Wherever the State Judicial Academy has facilities for training, the same may be availed of. The expenses for the training shall be incurred by the Judicial Academy for providing such facility to be reimbursed by the State Government/DLSA concerned.

Trainers/Resource Persons

1. In consultation with the State Legal Services Authority, the Chairman of DLSA shall identify the trainers for training the PLVs and other resource persons.
2. Suitable persons from the members of the Bar with training skills shall be included in the list of resource persons.
3. Others could include:
4. NGOs associated with the activities of Legal Services Authority, i.e., persons, who are exposed to the nature of work of the Legal Services Authority.
5. Master Trainers of mediation.
6. Law Teachers from Law Colleges.
7. Post-Graduate students of Law.
8. Retired Professors of Law.
9. Retired Judicial Officers.
10. Revenue Officers.
11. Officers from Social Welfare Department,.
12. Public Prosecutors.
13. Police Officers.
14. Psychiatrists/Psychologists/Mental Health experts.

Nature of Training

Training that is to be provided to the PLVs would be in accordance with the curriculum prescribed by the NALSA and will be in the following formant:

- (a) Orientation Programme.
- (b) Basic training.
- (c) Refresher course.

There shall be periodical refresher training in order to assess the quality of work turned out by the PLVs. The Legal Services Authorities need to assess the work of PLVs and assist them to identify the deficits and how to tackle the problems faced by the PLVs after their experience in the field. There shall be annual congregation of PLVs so as to facilitate an exchange of experience. There shall be district-wise half-yearly meetings of PLVs to resolve their doubts and facilitate the acquisition of knowledge and upgradation of their skills as per the module.

PLVs shall create awareness among citizens of the benefits of settlement of pending cases through Lok Adalats including the fact that the parties are entitled to refund of court fee and that there shall be no appeal.

Topics for Training

A uniform training module for PLVs shall be prepared by NALSA which shall be applicable to the entire country and the module shall have a special emphasis on the conduct and behaviour of PLVs. The module so prepared shall be translated into regional languages.

Identity Cards

After completion of the training by the District Legal Services Authority, the PLVs may be subjected to a written and oral test before the PLVs are declared to have successfully completed the training. On being declared successful, they may be given identity cards bearing the emblem of the District Legal Services Authority. The identity card shall have (i) serial number; (ii) name and address of the PLV; (iii) contact number of the PLV; (iv) photograph of the PLV; (v) the date of issue and the period of validity of the identity card. It shall be clearly printed on the reverse side of the identity card that the loss of the identity card should be reported to the nearest Police Station as also its recovery.

- a) The identity card shall not be used for availing of travelling concession either in bus or in any mode of transport.
- b) It shall not be used for availing of any governmental benefits or loan by the holder of the card.
- c) The identity card shall not be used for availing of any other facilities, except for the purpose of identification of the person as PLV.

Validity of Identity Cards

The validity of the identity card shall be for a period of one year. A new card shall be issued to the PLV, if the Chairman, District Legal Services Authority finds him/her eligible to continue as PLVs for more than one year.

Mentors for PLVs

DLSA and TLSC shall maintain a panel of Mentors/Guides whom the PLVs could contact in case of any clarification or assistance in connection with the discharge of their duties as PLVs. There shall not be more than ten PLVs for one Mentor.

Monthly Reports

A monthly report of the existing PLVs, PLVs newly recruited and the training given to the PLVs shall be submitted by the DLSA to the SLSA. The SLSA shall submit a consolidated report of the details of the number of PLVs trained, the resource persons engaged, expenses incurred and the refresher courses, if any, organised, pertaining to each month, to the National Legal Services Authority before 15th day of every month.

NALSA shall cause the copies of such reports sent to the National Committee for Para-Legal Training and Legal Aid Activities set-up by the Chief Justice of India.

The SLSAs shall submit to the NALSA a consolidated District-wise report on the activities of the PLVs, specifically the number of persons attended and the nature of advice given and action taken.

Duties of Trained Para-Legal Volunteers

1. Para-Legal Volunteer shall educate people, especially those belonging to weaker sections of the society, to enable them to be aware of their right to live with human

- dignity, to enjoy all the constitutionally and statutorily guaranteed rights as also the duties and discharge of obligations as per law.
2. Para-Legal Volunteers shall make people aware of the nature of their disputes/ issues/problems and inform them that they can approach the TLSC/DLSA/HCLSC/SLSA/SCLSC so as to resolve the dispute/issue/problems through these institutions.
 3. Para-Legal Volunteers shall constantly keep a watch on transgressions of law or acts of injustice in their area of operation and bring them immediately to the notice of the TLSC through telephonic message or a written communication or in person to enable effective remedial action by the Committee.
 4. When the PLV receives information about the arrest of a person in the locality, the PLV shall visit the Police Station and ensure that the arrested person gets legal assistance, if necessary, through the nearest legal services institutions.
 5. The PLVs shall also ensure that the victims of crime also get proper care and attention. Efforts shall be made by the PLVs to secure compensation for the victims of crime under the provisions of Section 357-A Cr.P.C.
 6. PLVs shall, with proper authorization from the DLSA/TLSC visit jails, lock-ups, psychiatric hospitals, children's homes/observation homes and shall ascertain the legal service needs of the inmates and intimate the authorities concerned about any absence noticed of basic essential necessities with special emphasis on hygiene.
 7. PLVs shall report violations of child rights, child labour, missing children and trafficking of girl children to the nearest legal services institutions or to the child welfare committee.
 8. Para-Legal Volunteers shall assist the DLSA/TLSC for organizing legal awareness camps in their area of operation.
 9. Para-Legal Volunteers shall give information to the people of their locality about the legal services activities of SLSA/DLSA/TLSC/HCLSC/SCLSC and shall provide their addresses to the people so as to enable them to utilize the free services rendered by the above organizations to the eligible persons.
 10. Para-Legal Volunteers shall generate awareness amongst people about the benefits of settlement of disputes including pre-litigation stage through Lok Adalats, Conciliation, Mediation and Arbitration.
 11. Para-Legal Volunteers shall make people aware of the benefits of inexpensive settlement of disputes relating to Public Utility Services like P&T, Telephones, Electricity, Water Supply, Insurance and hospital services through Permanent Lok Adalat (PLA).
 12. Para-Legal Volunteers shall submit monthly reports of their activities to the DLSA/TLSC under whom they are working in the prescribed format.

13. A diary to record the daily activities shall be maintained by each PLVs. The diary shall be printed and given to PLVs by the District Legal Services Authority. Such diary shall be verified and endorsed by the Secretary, DLSA or the Chairman, TLSC as the case may be.
14. Para-Legal Volunteers shall see that publicity materials on legal services activities are exhibited at prominent places in their area of activity.

Expenses incurred by Para-Legal Volunteers

Reasonable expenses incurred by Para-Legal Volunteers e.g, Bus/Train fare, Postage, Telephone charges etc., may be reimbursed by the TLSC/DLSA/SLSA, on production of proof. Travel expenses limited to the lowest classes by road/rail/steamer to the legal aid beneficiaries brought by the Para-Legal Volunteers also may be reimbursed at the discretion of the Chairman.

The rate of daily honorarium payable to PLVs on the days of their engagement as such in metro-cities may be as determined by the SLSA.

The PLVs are not entitled to any travel expenses when they use the transport provided by SLSA/DLSA/TLSC.

Para-Legal Volunteers to work in the 'Front Offices' of the DLSA/TLSCs.

The Secretary, DLSA or TLSC may depute one or more PLVs to operate the 'front offices' of the legal services institutions.

Para-Legal Volunteers to work in the 'Legal Aid Clinics' of the DLSA/TLSCs.

The Secretary, DLSA or TLSC may depute PLVs in the Legal Aid Clinics set up under the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011. The PLVs engaged in the Legal Aid Clinics shall functioning such clinics in accordance with the provisions of the aforesaid regulations.

Honorarium for the PLVs rendering services in the Legal Aid Clinics and Front Offices.

The State Legal Services Authority in consultation with the National Legal Services Authority may fix an honorarium for the PLVs engaged in the legal aid clinics.

However, such honorarium for those who have rendered services on any day shall not be less than Rs.250/- per day.

The PLVs who bring legal aid applicants from the distant villages to the legal services institutions at the Taluk/District level and to the District ADR Centers shall also be eligible to receive honorarium for such day at the same rate.

PLVs shall also be eligible for honorarium if on any particular day they assist persons in connection with the PLV work by accompanying such persons to various offices including Courts, however, subject to proof.

Para-Legal Volunteers to assist in the legal literacy classes and camps.

The PLVs in consultation with the nearest legal services institutions shall organise micro-legal literacy camps in the area of their operation by organising legal literacy classes for small

groups of persons including labourers, women, children members of SC/ST etc. It shall be the duty of the PLVs to distribute information booklets and other publications of the Legal Services Authorities during the legal literacy classes.

Resolving local disputes through ADR mechanism.

The PLVs shall take efforts to bring the parties of the locality involved in disputes, to settlement, by using the machinery of Lok Adalat, Mediation or Conciliation at the District ADR Centers. If no District ADR Center has been set up in the District, the legal services institutions shall take steps for organising a suitable ADR mechanism like Lok Adalat, mediation, conciliation etc. in the village itself in coordination with the PLVs. The PLVs who bring such cases to the ADR process shall be entitled to receive the prescribed honorarium on the day when such proceedings are held.

Para-Legal Volunteers in Jails.

A few educated well-behaved prisoners serving long term sentences in the Central Prison and District Prisons may be identified for being trained as Para Legal Volunteers. Their services shall be available to the other prisoners in the jail including the under trial prisoners. The training of such PLVs may be conducted along with the other PLVs.

Payment.

They will be entitled to be paid as PLVs for the services rendered at the prescribed rate of honorarium payable to other PLVs.

Disqualifications of Para-Legal Volunteers and their removal.

- 1) The PLVs shall be disqualified and removed from the
- 2) panel if he/she:
- 3) Fails to evince interest in the Scheme.
- 4) Has been adjudged insolvent.
- 5) Has been accused of an offence.
- 6) Has become physically or mentally incapable of acting as PLVs.
- 7) Has so abused his/her position or misconducted in any manner as to render his/her continuance prejudicial to the public interest.
- 8) If she/he is an active political enthusiast of apolitical party. Any such Para-Legal Volunteer may be removed by the Chairman, District Legal Services Authority after suitable enquiry and intimation of the same should be sent to the State Legal Services Authority.

National level meetings of Para-Legal Volunteers.

The State Legal Services Authority may select suitable PLVs for attending the National Level programmes relating to PLVs to be organised by the National Legal Services Authority as the case may be. The State Legal Services Authority may recommend the names of PLVs who have given outstanding service for considering such PLVs for National awards to be instituted by the National Legal Services Authority.

The District Legal Services Authority to maintain a database of all Para-Legal Volunteers in the District.

The District Legal Services Authority shall maintain a directory of Para-Legal Volunteers and the same shall be updated periodically. The directory shall contain the details of the para-legal volunteers of District Authority and Taluk/Mandal/Sub-divisional Committees, their names, addresses, telephone/cell phone number, e-mail id (if any), number and date of expiry of the identity card issued.

The State Legal Services Authority to maintain a database of all Para-Legal Volunteers in the State.

The State Legal Services Authority shall maintain a directory of Para-Legal Volunteers and the same shall be updated periodically. The directory shall contain the district wise details of the names of para-legal volunteers, their addresses, telephone/cell phone numbers, e-mail ID (if any), number and date of expiry of the identity card issued.

The Legal Services Authorities to work in co-ordination with the National Committee for Para-Legal Training and Legal Aid Activities set up by the Chief Justice of India.

The State, District and Taluk level legal services institutions shall work in coordination with the National Committee for Para-Legal Training and Legal Aid Activities set up by the Chief Justice of India. The directions, if any, given by the Hon'ble Chairman of the National Committee for Para-Legal Training and Legal Aid Activities shall be binding on all legal services institutions in the country.

National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and other Institutions) Scheme, 2013

Background

Section 4(k) of the Legal Services Authorities Act, 1987 mandate the National Legal Services Authority to develop, in consultation with bar Council of India, programmes for clinical legal education and promote guidance and supervise the establishment and working of legal services clinics in universities, law colleges and other institutions.

The National Legal Services Authority has already notified the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011 with the object of setting up of legal aid clinics in villages or for a cluster of villages, similar to the primary health centres set-up in the rural areas for the benefit of the rural population. These regulations are applicable *mutatis mutandis* to student legal aid clinics. Regulations 22 to 26 of the National Legal Services Authority (Legal Aid Clinic) Regulations, 2011 pertain to the legal services clinics in the law colleges and universities.

The legal services clinics envisaged in Section 4 (k) of the Legal Services Authorities Act, 1987 aims at two objects. One is to improve the clinical legal skills of the students and the second is to inculcate an attitude amongst the students to provide effective legal services to the poor and marginalized people.

It need to be mentioned that the Bar Council of India, being acutely aware of the need to provide practical experience of legal practice to the Final year students of law, has provided in Clause 11 of the Schedule III to its Rules on Standards of Legal Education and Recognition of Degrees in Law for the purpose of enrolment as advocates and inspection of Universities for recognizing its degrees in law, that each institution shall established a Legal Aid Clinic to be run by the students under the supervision of a Senior Faculty Members in co-operation with the Legal Services Authorities.

Thus, the Legal Services Clinics Scheme under Section 4 (k) of the Legal Services Authorities Act, 1987 needs to be framed adopting holistic approach providing a collaborative programme by involving Statutory bodies under the Legal Services Authorities Act 1987 and Advocates Act 1961 and extending support to universities, law colleges and other institutions in establishing and running legal services clinics.

It is in this background, scheme has been drawn up:-

1. This Scheme may be called the National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and other Institutions) Scheme, 2013.
2. The objectives of the schemes are:
 - a. To set up nationwide collegiate Legal Services Clinics to familiarize law students of the country to the problems faced by the masses ignorant about their rights

- and remedies under the law.
- b. Out to the marginalized and the vulnerable communities through the collegiate Legal Services Clinics.
 - c. To spread legal awareness among students and people at large through aware camps, seminars, debates, legal counselling, posters making and street plays.
 - d. To expose students to community services.
 - e. To introduce the students to socio-economic impediments to access to justice.
 - f. To provide the students a platform for the empowerment of socially and economically backward groups or individuals.
3.
 - (a). Every university, law college and other institution shall set up one or more Legal Services Clinics in their respective Institution.
 - (b) Depending on the needs of the people of any particular locality, the head of the Institutions may set up off campus Legal Services Clinics on or temporary basis.
 - (c) Adequate publicity of the existence of the Legal Services Clinic and its locations and working hours shall be given by the respective Institution.
 4.
 - (a) Every Legal Services Clinic shall have at least one furnished room within the institution facilitating client counselling.
 - b) The Legal Services Clinic shall have a work station for the students in the Legal Services Clinic, installed with computer with internet and printer to facilitate research, preparation of cases, presentation, publication of legal aid literature, etc.
 - (c) There shall be a class room adjoining to the workstation where the faculty members of the Legal Services Clinic may address the students, guide them or give them instruction and clear their doubts.
 - (d) Endeavour should be made to provide a people friendly environment at the Legal Services Clinic.
 5.
 - (a) Each Legal Services Clinic shall have one or more Faculty member who possesses special skills and interest in clinical legal education to guide and supervise the students.
 - (b) Each Legal Services Clinic shall also have one or more part time Guest Faculty member drawn from experienced lawyers including those on the panel of the Legal Services Institutions and retired judicial officers and functionaries of the Legal Services Institutions.
 - (c) The honorarium payable to the Guest Faculty shall be determined by the SLSAs and shall be payable by the District Legal Services Authorities concerned.

6.
 - i. Client counselling and fellow up assistance to special reference to marginalized communities.
 - ii. Arranging workshop for various functionaries of the legal system such as lawyers, students, NGOs and government agencies.
 - iii. Carrying out field surveys
 - iv. Organising street plays and poster exhibition on socio-legal issues.
 - v. Adopting village or villages or slum areas for legal services activities.
 - vi. Guiding parties to the local Legal Services Institution for litigation-related legal assistance at the Court or at the ADR Centre.
 - (b) The students may take the help of or extend help to para-legal volunteers selected by the State/District Legal Services Authority in carrying out any of the activities under sub clause (a).
 - (c) The District Legal Services Authority shall make available the services of para legal volunteers in the Legal Services Clinics.
 - (d) The District Services Authority shall also assign a Panel/Retainer Lawyer to attend the Legal Services Clinics at such frequency as may be found appropriate.
 - (e) The travel and incidental expenditure shall be met from the funds given by the District Legal Services Authority.
 - (f) The students shall always be conscious that they are only to provide the initial advice and assistance as provided for under national Legal Services Authority (Legal Aid Clinics) Regulation, 2011.
 - (g) The Chairperson and/or the Secretary of the District Legal Services Authority must visit at least one Legal Services Clinic in the District in a month in order to monitor the work being done.
7. If in the course of their activities at the Legal Services Clinic as provided under Clause 6 of this scheme, students identify issues that affect large groups of people, they may file Social Justice Litigation in the name of their Legal Services Clinic with the approval of the concerned Legal Services Institutions.
8.
 - (a) Every University, Law College and other institutions shall provide in their annual budget for a specific sum money as grant to the Legal Services Clinic which may include any grant given to the Law College or institution by the UGC or by the University to which it is affiliated for the purpose of legal aid activities.
 - (b) The District Legal Services Authority shall also regularly provide such monthly sums not more than Rs. 10000/-, and as may be fixed by the State Legal Services Authority, for running of the Legal Services Clinic.
 - (c) The Legal Services Clinic may receive donations from individuals or from other bodies. Such donations shall be received only by the of the Law Colleges or other

institutions for which receipts shall be issued. The donations so received can be used not only for meeting the expenses of running the Legal Services Clinic but also for its infrastructure development.

- (d) The Head of the college/university or other institutions where the Legal Services Clinic is functioning shall furnish an utilisation certificate signed by him at the end of every financial year for the funds received from the District Legal Services Authority.
 - (e) The Head of the university, college or other institution shall maintain proper and audited accounts of the funds received and spent in respect of the Legal Services Clinic.
 - (f) The District Legal Services Authority shall have the powers to inspect the accounts of the collegiate Legal Services Clinic functioning in the colleges, universities and other institution.
- 9. Every Legal Services Clinic shall maintain records, of including the attendance of students, as required under Regulation 20 of the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011.
 - 10. The District Legal Services Authority may provide staff and infrastructure support as may be feasible including computers and the stationary required by the Legal Services Clinic for its day to day functioning.
 - 11. District Legal Services Authority shall send half yearly reports on the functioning of the Legal Services Clinics under its jurisdiction to the State Legal Services Authority.
 - 12. The State Legal Services Authority shall conduct a half-yearly review of activities in the Legal Services Clinics in the Law colleges and universities and other institutions by inviting the Heads of the institutions, or his/her representatives and a representative of the students from each clinic. At these Meets, good work done may be appreciated and commendation certificates given to the best Legal Services Clinic.
 - 13. The State Legal Services Authority shall furnish the details of the working of the legal Services Clinics in the prescribed format to the National Legal Services Authority on yearly basis.

THE NAGALAND STATE LEGAL SERVICES AUTHORITY RULES, 1998

In exercise of the powers conferred by section 28 of the Legal Services Authority Act, 1987 (No. 39 of 1987), as amended by the Legal Services Authorities (Amendment) Act, 1994 (No. 59 of 1994), the Government of Nagaland makes the following rules, namely

1. Short title and commencement :

- a) These rules may be called "The Nagaland State Legal Services Authority Rules, 1998"
- b) They shall come into force on the date of their publication in the Nagaland Government Gazette.

2. Definitions :

In these Rules unless the context otherwise requires:

- a) "Act" means the Legal Services Authorities Act, 1987 (No. 39 of 1987) as amended by Legal Services Authorities (Amendment) Act, 1994 (No. 59 of 1994);
- b) "Chairman" means the Executive Chairman of the State Authority, or, as the case may be, the Chairman of the District Authority;
- c) "District Authority" means the District Legal Services Authority constituted under Section 9 of the Act;
- d) "High Court Legal Services Committee" means a High Court Legal Services Committee constituted under Section 8A of the Act;
- e) "Member" means the member of the State Authority appointed under clause (c) of the Sub-section (2) of Section 6 of the Act. or as the case may be;
- f) "Secretary" means the Member-Secretary of the State Legal Services Authority constituted under section 6 of the Act, or as the case may be, the Secretary of the High Court Legal Services Committee constituted under Section 8A of the Act, or as the **case may be, the Secretary** of the District Legal Services Authority constituted under Section 9 of the Act;
- g) "State Authority" means the State Legal Services Authority constituted under Section 6 of the Act; (h) all the words and expressions used in these Rules but not defined shall have the meaning respectively assigned to them in the Act;

3. The number, experience and qualifications of other members of the State Authority under clause (c) of sub section (2) of Section 6.

- 1) The State Authority shall have not more than fifteen members.
- 2) The following shall be ex-officio members of the State Authority
 - (i) Advocate General of the State;
 - (ii) The Secretary in the Department of Finance;

- (iii) The Secretary in the Department of Law and Justice;
 - (iv) The Director General of Police of the State;
 - (v) Two Chairman of the District Authority, as may be nominated by the State Government, in consultation with the Chief Justice of the High Court.
- 3) The State Government may nominate, in consultation with the Chief Justice of the High Court, other members from amongst those **possessing the experience and** qualification prescribed in sub-rule (4) of this rule.
- 4) A person shall not be qualified for nomination as a member of the State Authority unless he is:
- a) an eminent social worker who is engaged in the upliftment of the weaker sections of the people including Scheduled Castes, Schedule Tribes, women, children, rural and urban labour; or
 - b) an eminent person in the field of law; or
 - c) a person of repute who is specially interested in the implementation of the Legal Services Schemes.

4. The powers and functions of the Member-Secretary of the State Authority under Sub-section (3) of Section 6.

The powers and functions of the Member-Secretary of the State Authority, inter alia, shall be:

- a) To give free legal services to the eligible and weaker sections;
- b) To work out modalities of the Legal Services Schemes and programmes approved by the State Authority and ensure their effective monitoring and implementation;
- c) To exercise the powers in respect of Administrative; Housekeeping, Finance and Budget matter as head of the Department in the State Government**
- d) To manage the properties, records and funds of the State Authority;
- e) To maintain true and proper accounts of the State Authority including checking and auditing in respect thereof periodically;
- f) To prepare Annual Income and Expenditure Account and balance-Sheet of the said Authority;
- g) To liaise with the Social Action Groups and District and Taluk Legal Services Authorities;
- h) To maintain up to date and complete statistical information including programmes made in the implementation of various Legal Services Programmes from time to time;
- i) To process proposals for financial assistance and issue Utilisation Certificate thereof;
- j) To organised various Legal Services Programmes as approved by the State Authority and convene Meetings/ Seminars and Workshops connected with legal Services Programmes and preparation of Report and follow-up action thereon;

- k) To produce video/documentary films, publicity material, literature and publications to the Legal Services Programmes;
- l) To lay stress on the resolution of Rural Disputes and to take extra measures to draw schemes for effective and meaningful legal services for settling Rural Disputes at the door-steps of the rural people;
- m) To perform such of the functions as are assigned to him under the Schemes formulated under Section 4 (b) of the Act; and
- n) To perform such other functions as may be expedient for efficient functioning of the State Authority.

5. The terms of office and other conditions relating there to, of members and member-Secretary of the State Authority under sub-section (4) of Section 6.

- 1) The members of the State Authority nominated under sub rule (3) of Rule 3 by the State Governments shall continue for a term of two years and shall be eligible for re-nomination.
- 2) A member of the State Authority nominated under sub rule (3) of Rule 3 **may be removed by the State** Government if in the opinion of the State Government; he is not desirable to continue as a member.
- 3) If any member nominated under sub-rule (3) of Rule 3 **cease to** be a member of the State Authority for any **reason**, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be a member for the remaining term of **the member** in whose place he is nominated.
- 4) All members nominated under sub-rule (3) of Rule 3 shall be entitled to payment of travelling allowance and daily **entities** allowance in respect of journeys performed in connection with the work of the State Authority and shall be paid by **the State** Authority in accordance with the **rules as are** applicable to the Grade 'A' officers, **as amended** from time to time.
- 5) If the nominated member is a government employees, .. he shall be entitled to only one set of travelling allowance **and daily allowance either from his parent department**, or, as the case may be, from the State Authority.
- 6) The member-Secretary of the State Authority shall be the whole time employee and shall hold office for a term not exceeding five years.
- 7) In all matter like age of retirement; pay and allowance; benefits and entitlement and disciplinary matters, the Member-Secretary shall be govern by the State **Government** Rules and he shall be on deputation to the State Authority.

6. The number of officers and other employees of the State Authority under sub-section (5) of Section 6.

The State Authority shall have such number of officers and other employees for rendering secretarial assistance and for day-to-day functions as may be notified by the State Government from time to time.

7. The conditions of service and the salary and allowance of officers and other employees of the State Authority under sub-section (6) of Section 6.

- 1) The officers and other employees of the State Authority shall be entitled to draw pay and allowances in the scale of pay indicated against each post as may be notified by the State Government from time to time.
- 2) In all matters like age of retirement, pay and allowances, benefits and entitlement and disciplinary matters, the **officers and other employees of the State Authority** shall be governed by the State Government Rules **as are** applicable to person holding equivalent posts.
- 3) The officers and other employees of the State Authority shall be entitled to such other facilities, **allowances and** benefits as may be notified by the State Government from time to time.

8. The experience and qualifications 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 an officer of the High Court not below the rank of Joint Registrar.

9. The number of Officers and other employees of 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 rendering **secretarial** assistance and for its day-to-day functions as **may be** notified by the State 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 as may be notified by the State Government from time to time.
- 3) In all matters like age of retirement, pay and allowances, benefits and entitlement and disciplinary matters, the officers and other employees of the High Court Legal Services Committee shall be governed by the State Government Rules as are applicable to persons holding equivalent posts.
- 4) The officers and other employees of the High Court Legal Services Committee shall be entitled to such other facilities, allowances and benefits as may be notified by **the State Government** from time to time.

10. The number, experience and qualifications of members of the District Authority under clause (b) of sub-section (2) of Section 9.

- 1) The District Authority shall have not more than eight members.
- 2) The following shall be ex-officio members of the District Authority :

- (i) District Magistrate;
 - (ii) Superintendent of Police
 - (iii) Additional Deputy Commissioner (Judicial)
 - (iv) Public Prosecutor/Government Pleader.
- 3) The State Government may nominate, in consultation with the Chief Justice of the High Court, other members from amongst those possessing the qualifications and experience prescribed in sub-rule (4) of this rule.
- 4) A person shall not be qualified for nomination as a member of the District Authority unless he is:
- a) an eminent social worker who is engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, women, children and rural labour;
 - b) an eminent person in the field of law, or
 - c) a person of repute who is specially interested in the implementation of the Legal Services Schemes.

11. The number of officers and other employees of the District Authority under sub-Section (5) of Section 9.

The District Authority shall have such number of officers and other employees for rendering secretarial assistance and for its day-to-day functions as may be notified by the State Government from time to time.

12. The conditions of service and the salary and allowances of the officers and other employees of the District Authority under sub-section (6) of Section 9.

- 1) The Officers and other employees of the District Authority shall be entitled to draw pay and allowances in the scale of pay as may be notified by the State Government from time to time.
- 2) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the Officers and other employees of the District Authority shall be governed by the State Government Rules **as are** applicable to persons holding equivalent posts.
- 3) The Officers and other employees of the District Authority shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government from time to time.

13. The upper limit of annual income of a person entitling him to Legal Services under clause (h) of Section 12, if the case is before a court, other than the Supreme Court.

Any bonafide residents of the State of Nagaland whose annual income from all sources does not exceed Rs.25,000/ (Rupees Twenty five thousand) * or such higher amount as may be notified by the State Government from time to time, shall be entitled to legal services under clause (h) of

Section 12 of the Act.

14. The experience and qualifications of other persons of Lok Adalats other than referred to in sub-section (4) of Section 19.

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

- a) an eminent social 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;
- b) a lawyer of standing; or
- c) a person of repute who is especially interested in the implementation of the Legal Services Schemes and Programmes.

**GOVERNMENT OF NAGALAND
DEPARTMENT OF JUSTICE AND LAW, KOHIMA**

Dated Kohima, the 26th September, 2000

No. LAWIACT-3/96 : In exercise of the powers conferred by section 29-A of the Legal Service Authorities Act. 1987 (No. 39 of 1987), the Nagaland State Legal Services Authority hereby makes the following Regulations:

**THE NAGALAND STATE LEGAL SERVICES AUTHORITY
(TRANSACTION OF BUSINESS AND OTHER PROVISIONS)
REGULATIONS, 2000**

1. Short title and commencement :

- 1) These regulations may be called the Nagaland State Legal Services Authority (Transaction of Business and other Provisions) Regulations, 2000.
- 2) They shall come into force with effect from the date of publication in the official Gazette.

2. Definition :- In these regulations, unless the context otherwise requires :

- a) "Act" means the Legal Service Authorities Act. 1987
- b) "Central Authority" means the National Legal Services Authority constituted under section 3;
- c) "Chief Justice" means the Chief Justice of Gauhati High Court;
- d) "Court" means a Civil, Criminal or Revenue Court and includes Tribunal or any other authority constituted under any law for the time being in force to exercise judicial or quasi-judicial functions ;
- e) "District Authority" means a District Legal Services Authority constituted under section 9;
- f) "Executive Chairman" means the Executive Chairman of the State Authority;
- g) "High Court" means the Gauhati High Court, Kohima Bench;
- h) "High Court Committee" means the Gauhati High Court, Kohima Bench Legal Services Committee constituted under section 8 - A;
- i) "Legal Services" includes the rendering of any service in the conduct of any case or other legal proceeding before any Court or other authority or tribunal and the giving of advice on any legal matter
- j) "Member-Secretary" means Member-Secretary of the State Authority ;
- k) "Member" means a member of the State Authority;
- l) "Patron-in Chief" means the Chief Justice ;
- m) "Section" means a section of the Act'
- n) "State Authority" means the Nagaland State Legal Services Authority;

3. **Functions of the State Authority:**

The State Authority shall give effect to the policy and directions of the Central Authority and shall perform all such functions as are specified in clauses (a), (b) and (c) of sub section 2 of Section 7 and shall also perform all or any of the following functions namely :

- a) Coordinate and monitor the implementation of the direction of the Central Authority through the High Court Committee and District Authority;
- b) Organise Lok Adalats including Lok Adalats for High Court cases;
- c) Carry out schemes and programmes for promoting the cause of legal aid, legal literacy and other legal services with the help of , and in coordination with governmental agencies ; and non-governmental voluntary social service Institutions, Universities and other bodies engaged in the work of promoting the cause of legal services to the poor;
- d) Organise and encourage special legal aid, legal advice, legal literacy and other legal services schemes and programmes in particular, within the areas predominantly inhabited by scheduled tribes and other weaker sections of the society and also within farflung areas of the State;
- e) Carry forward the schemes, plan programmes of the legal aid, legal literacy and other legal services which were in progress or in hand by the Nagaland State Legal Aid and Advisory Board for the benefit of the poor and other weaker sections of the society in the field of law;
- f) Formulate and undertake preventive and strategic legal aid programmes in coordination with the Government and the High Court towards reducing and discouraging litigation and making **certain areas free** from litigation;
- g) Formulate, in consultation with the Central Authority, schemes and programmes as are considered appropriate for providing legal services to the poor and other weaker sections of the society;
- h) Give appropriate directions to the District Authorities to promote the cause of legal services to the poor and other weaker sections of the society and in the matter of securing cooperation from the governmental and non-governmental voluntary social service Institutions, Universities and other bodies engaged in such work.

4. **Meeting of the State Authority**

- 1) The State Authority shall meet once in every three months; provided that the Executive Chairman may convene a meeting of the State Authority when **never** any business is to be transacted.
- 2) A meeting of the State Authority shall ordinarily be held at Kohima ; however it may be held at such other place within the State as may be directed by the Executive Chairman.

- 3) Annual general meeting of the State Authority shall be convened ordinarily in the month of April every year or in such other month as may be directed by the Executive Chairman. Besides other Business, annual statement of accounts, annual progress or performance report about plans, programmes and schemes of the State Authority shall be placed before the State Authority **for consideration and approval**.
- 4) A meeting of the State Authority shall be presided over by the Executive Chairman.
- 5) The quorum for a meeting shall be six members including the Chairman,
- 6) For every meeting of the State Authority, at least two weeks notice shall be given to the members to attend the meeting; however an emergent meeting may be convened by the Member Secretary in accordance with the directions of the Executive Chairman on short notice.
- 7) The State Authority may regulate its own procedure.
- 8) One or more persons who are engaged or interested in the upliftment of the weaker sections of the society, who are considered suitable by the Executive Chairman, may be invited for any meeting in order to seek their views, cooperation and help. Such person shall have no right to vote at such meeting.
- 9)
 - (a) All policy and other important matters shall be brought before the State Authority for its consideration and decision.
 - (b) Any specific matter or matters as may be desired or required by the State Authority, general or otherwise to be placed before it, shall be placed before the State Authority for its consideration and decision.
 - (c) In respect of emergent matters, the Executive Chairman may exercise the powers and perform the functions and discharge the duties of the State Authority. The Executive Chairman shall, however place such matters before the State Authority for its information and approval.
- 10) All the decisions of the State Authority shall be **taken** by majority of the members present and voting and in **case** of tie, the person presiding over the meeting shall have second or casting vote.
- 11) It shall be the duty of the Member-Secretary to record or cause to be recorded the minutes of the meeting in the register to be maintained for the purpose.
- 12) The non-official members shall be entitled to payment of travelling allowance and daily allowance in respect of the journeys performed in connection with the work of the State Authority at the rates admissible to Class | Officer of the State Government.

5. Maintenance of accounts :

- 1) The Member-Secretary shall have the accounts and other relevant records of the receipts and expenditure to be maintained properly and in accordance with rules and directions of the Central/State Government and Comptroller and Auditor General of India.

- 2) The Member-Secretary of the State Authority shall operate the Bank Accounts of the State Authority in accordance with the directions of the Executive Chairman.
- 3) The State Authority may require the High Court Committee and District Authorities to maintain proper accounts and other relevant records of the receipt and expenditure and prepare annual statement of accounts for the purpose of audit and inspection.

6. Legal Services :

- 1) Legal Aid, Legal Advice or other legal services may, with approval of the Executive Chairman be provided by the Member-Secretary to any bonafide resident of Nagaland.
- 2) The persons to be aided under sub-regulation (1): above shall submit an application together with an affidavit in Form-I appended to this regulation.
- 3) Every such person shall execute an undertaking-cum-declaration in Form-II appended in this Regulation, that in the event of awarding cost in a decree or final order in his favour to "repay" by way of reimbursement to the State Authority all cost, charges and expenses incurred by the State Authority in giving him legal services. The Member-Secretary of the State Authority is authorised to effect such reimbursement. The cost of charges and expenses so recovered shall be credited to the Fund of the State Authority.

FORM – I
(See sub-regulation (2) of Regulations 6)
AFFIDAVIT

I.....age about.....year Son/daughter/wife
of ShriResident of
.....do hereby
solemnly affirm and state as under :

- (a) I am a citizen of India
- (b) I belong to a member of a Schedule Tribe
- (c) I am a victim of trafficking in human beings or a beggar as referred to in article 23 of the Constitution;
- (d). I am eligible for legal services as I am a woman or child;
- (e) I am a mentally ill or otherwise disable person;
- (f) I am a person under circumstances of underserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- (g) I am an industrial workman; or
- (h) I am in custody; and
- (i) My annual income from all sources is below Rs.25,000/- (Rupees twenty five thousand) only.

DEPONENT

FORM – 11
(See sub-regulation (3) of Regulations 6)
UNDERTAKING-CUM-DECLARATION

I,.....age about.....years Son/ daughter/wife of
ShriR esident
ofdo hereby
undertake and declare as under :

1. I shall comply with any requisition and direction that may be made by the Member-Secretary.
2. I shall furnish full and true information of all facts of my case to the legal service advocate to be provided by the State Authority.
3. I seek to approach the honourable High Court or Court of.....
 1. in appeal from the judgement of
 2. in writ jurisdiction for
 3. for bringing or defending the action in the nature of

(Delete whatever is not applicable)
4. Thereby agree that in the event of the Court passing a decree or order in my favour awarding cost to me or other monetary benefit or advantage 1 shall repay by way of reimbursement to the State Authority all cost charges and expense incurred by the State Authority in giving me legal services. I hereby also authorize the Member-Secretary of the State Authority to do all such acts and things as may be necessary for recovery or realization of the amount decreed or ordered to be paid to me and to reimburse the same for the above mentioned purpose.
5. I hereby also declare that in case of any benefit under a decree or order granted in my favour the High Court Court shall be at liberty to divert such amount to the State Authority in giving me legal services and I shall also supply true information to the State Authority in this regard.
6. I agree that my case be listed before Lok Adalat in Hon'ble High Court/ Courts, in any state, it is considered by the State Authority that my matter can be reconciled or settled through Lok Adalat.

APPLICANT

NOTIFICATIONS

On victim compensation under Nagaland Victim Compensation Scheme, 2012.

Dated Kohima, the 18th December, 2012.

No. CON-1/ G/ 6/ 2011 :: In exercise of the powers conferred by section 357A of the Code of Criminal Procedure, 1973 (Act-2 of 1974), the Governor of Nagaland in co-ordination with the Central Government is pleased to frame a scheme for providing funds for the purpose of compensations to the victims or his dependents who have suffered loss or injury as a result of crime and who require rehabilitation, namely:-

1. Short Title: This Schememaybecalledthe Nagaland Victim Compensation Scheme, 2012.

2. Definitions:—

- (1) "Act" means the code of criminal Procedure, 1973 (2 of 1974).
- (2) "Schedule" means schedule appended to this scheme.
- (3) "State" means State of Nagaland.
- (4) "Victim" means a person who himself has suffered loss or injury as a result of crime and requires rehabilitation and includes dependent family members.

3. Victim Compensation Fund:-

- 1) There shall be constituted a fund namely Victim Compensation Fund from which amount of compensation under this Scheme shall be paid to the victim or his / her dependents who have suffered loss or injury as a result of crime and require rehabilitation.
- 2) The State Government shall allot a separate budget for the purpose of the scheme every year.
- 3) The fund shall be operated by the Secretary, Relief & Rehabilitation in Home Department.

4. Eligibility for Compensation:-

A victim shall be eligible for the grant of compensation if:-

- (1) The offender is not traced or identified, but the victim is identified, and where no trial takes place, such victim may also apply grant of compensation under sub-section (4 of the Section 357-A of the Act).
- (2) The victim/ claimant shall report the crime to the officer in charge of station Judicial Magistrate of the area; provided that such officers, if for the reasons to be recorded in writing may condone the delay in Reporting.

- (3) The victim/ claimant co-operates with the police and prosecution during investigation and trial of the case.

5. Procedure for grant of Compensation:-

- (1) Whenever a recommendation is made by the Court or an application is made by any victim or his dependent under sub-section a of Section 357A of the Act to the District Legal Service Authority, the District Legal Service Authority shall examine the case and shall verify the contents of the claim with regard to the loss or injury caused to victim arising out of the reported criminal activity and may call for any other relevant information necessary in order to determine genuineness. After verifying the claim, the District Legal Service Authority shall after due enquiry award compensation within two months, in accordance with the provisions of this Scheme.
- (2) Compensation under the scheme shall be paid subject to the condition that if the trial Court while passing judgment at later date, orders the accuse persons to pay any amount by way of compensation under sub-section (3) Section 357 of the Act, the victim/ claimant shall remit an amount equal to the amount of compensation, or the amount ordered to be paid under the said sub-section (3) of Section 357 of the Act, whichever is less to the State Government Treasury challan. An undertaking to this effect shall be given by the victim/claimant before the disbursal of the compensation amount. (Format appended as Scheduled -II).
- (3) The District Legal Service Authority shall decide the quantum or compensation to be awarded to the victim or his dependents on the basis of loss caused to the victim medical expenses to be incurred on treatment, minimum sustenance amount required for rehabilitation including such incidental charges, as funeral expenses etc. The compensation may vary from case to case depending on fact of each case. The basis on which the quantum of compensation has been fixed shall be specified in Writing.
- (4) The quantum of compensation to be awarded under the scheme shall be disbursed to the victim or his dependents, as the case maybe, from the fund. The District Legal Service Authority shall communicate the quantum of compensation awarded to the Secretary, Relief & Rehabilitation under Home Department, who shall pay the compensation from the fund so earmarked by the State Government.
- (5) Compensation received by the victim from the state in relation to the crime in question, namely, insurance, ex-gratia Cash Doles, cash relief and/or payment received under any other Act or State-run Scheme, shall be considered as part of the compensation amount under these Scheme and if the eligible compensation amount exceeds the payments received by the victim from collateral sources mentioned above, the balance amount shall be paid out of fund.
- (6) The case covered under Motor Vehicle Act, 1988 (59 of 1988) wherein compensation

is to be awarded by the Motor Accident Claims Tribunal, shall not be covered under the scheme.

- (7) The District Legal Service Authority, to alleviate the suffering of the victim, may order for immediate First Aid facility or medical benefits to be made available free of cost on the certificate of the Police Officer not below the rank of the Officer-in-Charge of the Police Station or magistrate of the area concerned, or any other interim relief as it may deem fit.
- (8) A format for the certificate may be appended as schedule-(III)

6. Order to be placed on record.

Copy of the order of compensation passed under this scheme shall be mandatorily placed on record of the trial court to enable the court to pass order of compensation under sub-section (3) of Section 357 of the Act.

7. Recovery of compensation awarded to the victim or his dependents:-

- (1) The State Legal Services Authority, if deem fit shall institute proceedings before the competent court of law in consultation with the concerned Public Prosecutor for recovery of the compensation granted to the victim or his dependents from the person responsible for causing loss or injury as a result of the crime committed by them.
- (2) The amount so recovered shall be deposited in the Victim Compensation Fund.

SCHEDULE-I

Sl. No.	Particulars of Loss or Injury	Maximum Limit of Compensation
1.	Loss of Life	₹ 2,00,000/-
2.	Loss of any limb of part of body resulting 80% or above handicap.	₹ 1,00,000/-
3.	Loss of any limb or part of body resulting 40% & below 80% handicap.	₹ 75,000/-
4.	Rape of Minor.	₹ 1,00,000/-
5.	Rape.	₹ 50,000/-
6.	Rehabilitation.	₹ 50,000/-
7.	Loss of any limb or part of body resulting below 40% handicap.	₹ 75,000/-
8.	Loss of injury causing severe mental agony to Women and child victims in case like Human Trafficking.	₹ 1,00,000/-
9.	Simple loss or injury to child. victim	₹ 20,000/-

SCHEDULE – II

UNDERTAKING

I, Shri/ Smti/ Kumari _____
S/o,D/o _____ of
Town/Village _____ being the victim of crime under FIR
No. _____ and case No. _____, do hereby solemnly
undertake the following. In the event of any Court of Law in the country in its decision, pertaining
to the above said case No. _____ adjudicates for granting compensation to me, the
victim of the above said crime, I shall re-imbrues an amount not greater than the compensation
received by me from the Victim compensation Fund.

(Victim / Dependent)

Signature with date : _____.

Name : _____.

Full Address : _____.

: _____.

: _____.

: _____.

Mobile No. (if any) : _____.

SCHEDULE – III

MEDICAL CERTIFICATE

Name & Signature of the victim _____.

I, Dr./Shri./Srnti./Kurnari _____ under sub-section 7 of the Section 5 of the Nagaland Victim Compensation Scheme 2012, after careful personal observation, hereby certify that Dr./Shri/ Smti/ Kumari a victim of crime under FIR No. _____ and Case No. _____ whose signature is given above suffered injuries and I consider that immediate First Aid/Medical benefits is absolutely necessary for the restoration of his / her health.

Signature with date : _____.

Name of the Medical Officer : _____.

Designation : _____.

Station : _____.

(SEAL)

Witness if any:

OC (Police Station)/ Magistrate.

Signature & Date : _____.

Name : _____.

Designation : _____.

Station : _____.

(SEAL)

SCHEDULE OF FEE & HONORARIUM, 2019

FEE SCHEDULE-HIGH COURT-2019

(LEGAL AID WING)

A. HIGH COURT/SESSIONS COURT/DISTRICT COURT/MAGISTRATE COURT/ CIVIL JUDGES & QUASI JUDICIAL BODIES

(FOR EMPANNELED LEGAL SERVICES ADVOCATE)

Sl.No.	Description of work	Fee Schedule		
		Non Effective Hearing	Effective Hearing	Maximum Limit of Fee (Per Case)
HIGH COURT				
1.	Criminal/Criminal appeal and Writ etc	Rs.750/-	Rs.1,000/-	Rs.10,000/-
2.	Revisions	Rs.750/-	Rs.1,000/-	Rs.8000/-
	Minimum fee is Rs.3,000/- However, if there are more numbers of effective or non effective hearings, raising the bill to more than the minimum prescribed fee, then the payment will be made as per the above rates.			
3.	Misc. Applications/I.A, such as Stay , Directions, Exemption, etc.	Rs.1,000/- Fixed.		
4.	Drafting of Writ, Appeal, Petition, Counter affidavit, Reply, Rejoinder, Replication.	Rs.1,500/-Fixed.		
5.	Drafting and Hearing of Bail Application.	Rs.1,500/- Fixed.		

SESSIONS COURT				
1.	Criminal Case punishable with death or life imprisonment or imprisonment of more than 10 years.	Rs.500/-	Rs.750/-	Rs.8,500/-
2.	Other Criminal Session Trial cases	Rs.500/-	Rs.750/-	Rs.7,500/-
Minimum fee is Rs.2,500/- However, if there are more numbers of effective or non effective hearings, raising the bill to more than the minimum prescribed fee, then the payment will be made as per the above rates .				
3.	Appeal	Rs.500/-	Rs.750/-	Rs.5,000/-
4.	Revision	Rs.500/-	Rs.750/-	Rs.5,000/-
Minimum fee is Rs. 2000/- However, if there are more numbers of effective or non effective hearings, the bill to more than the minimum prescribed fee, then payment will be made as per the above rates.				
5.	Drafting and Hearing of Bail Application.	Rs.1,000/- Fixed.		
MAGISTRATE COURT				
1.	Summons Trial/Warrant Trial	Rs.500/-	Rs.750/-	Rs.7,500/-
Minimum fee is Rs. 2,500/ - However, if there are more numbers of effective or non effective hearings, raising the bill to more than the minimum prescribed fee, then payment will be made as per the above rates .				
2.	Drafting and Hearing of Bail Application.	Rs.1,000/- Fixed.		
3.	Application under DV Act/ Maintenance Petition/Complaint	Rs. 750/-		

DISTRICT COURT				
1.	Suits	Rs.500/-	Rs.750/-	Rs.9,000/-
2.	Appeals/ Revision	Rs.500/-	Rs.750/-	Rs.5,000/-
	Minimum fee is Rs. 2,000/ - However, if there are more numbers of effective or non effective hearings, raising the bill to more than the minimum prescribed fee, then payment will be made as per the above rates .			
3.	Drafting of Suits, Written Statement, Rejoinder, Replication, Appeal.	Rs.1,000/-		
4.	Drafting of Misc Applications/ Applications under DV Act/IA/ Revision Petition and any other petitions for Maintenance/ Succession, Probate, etc.	Rs.750/-		
CIVIL JUDGES COURT				
1.	Suits	Rs.500/-	Rs.750-	Rs.8,000/-
2.	Execution	Rs.400/-	Rs.600/-	Rs.5,000/-
	Minimum fee is Rs. 2,000/ - However, if there are more numbers of effective or non effective hearings, raising the bill to more than the minimum prescribed fee, then payment will be made as per the above rates .			
3.	Drafting of Suits, Written Statement, Rejoinder, Replication.	Rs.1,000/-		
4.	Drafting of Misc Application/IA/Reply.	Rs.750/-		

QUASI JUDICIAL BODIES: FORUMS/ TRIBUNALS/ LABOUR COURT/COMMISSION/JJB, ETC.				
1.	Appearance	Rs. 500/-	Rs.750/-	Rs.5,000/-
2.	Cases taken up before the JJB per day.	Rs.500/-	Rs.750/-	Rs.5,000/-
	Minimum fee is Rs.2,000/ - However, if there are more numbers of effective or non effective hearings, raising the bill to more than the minimum prescribed fee, then payment will be made as per the above rates .			
3.	Drafting of Petition/Reply/ Written Statement.	Rs. 800/- Fixed		

- Any other legal aid services assigned to PLs and PLVs by the Secretary, before any authority and for which no specific fee is provided :

	Minimum	Maximum
Panel Lawyer	Rs.1000/-	Rs.5,000/-
Para Legal Volunteers	Rs.500/-	Rs. 2000/-

- Actual expenditure incurred by panel lawyers for postage, photocopy, paper books, publication of notice etc supported by vouchers will be reimbursed. In the absence of vouchers, the Secretary of the concerned LSA may fix and reimburse a reasonable sum.*
- In the event of case assigned to Legal Services Advocate only for legal opinion or where the Legal Services opines that no case is made out, he/she shall be paid a consolidated fee of Rs.1,200/- and in such case, any advance paid for case preparation, same shall be adjusted.*
- Fee payable in any case not specifically covered in the Schedule shall be determined by the Member Secretary, whose decision shall be final.*

NOTE: Effective and Non-Effective Hearing**Effective Hearing:**

- A hearing in criminal case where charge or notice, as the case may be is framed against the accused.
- It is a hearing which results in recording of testimonies of witnesses in a criminal case including cross examination, recording of statement of the accused U/S 281 or 313, examination of defence witnesses if any, argument on important Misc. application or final arguments.
- Similarly, in civil cases, it would be the date on which plaint/ petition/ written statement is filed or the issues are framed, witnesses are examined by way of filing affidavit, or otherwise, cross examination or a stage on which any important Misc. application is argued or final arguments.
- Either both parties in case are heard by the court resulting in passing of an order that decides substantial legal right of the parties which may be challenged in Appeal or Revision, as the case may be.
- Effective hearing also means hearing on merits of the case.

Non-effective Hearing:

- That if any case is adjourned or only interlocutory directions are given or only judgment is delivered by the court, it would not constitute an effective hearing.
- While evaluating any hearing as effective or non-effective, lenient view shall be taken in favour of effective hearings.
- Non effective hearing includes adjournments on genuine grounds or at the instance of the court but not mere listing/posting of the case without being taken up for hearing by the court.
 - *The fee schedule is devised in a way that provides financial incentives for attending to more "effective hearing" than "non-effective hearing" but the empanelled advocates shall be duty bound to appear on all "non-effective hearings".*
 - *In case of Criminal or Civil Trials, revision or appeal, the billing for "non effective hearing" shall not be more than 07 occasions in the lifetime of the matter.*

LEGAL LITERACY WING:**B) MISC. LEGAL SERVICES WORK**

Sl.No.	Description of Work	Honorarium
1.	PLVS engagement in any legal services work:	
	Such as awareness campaign, street plays, surveys, etc. per PLV.	Rs.500/-
2.	Resource Persons in Legal Literacy/Awareness Programmes:	
	Senior Advocates/Judicial Officers	Rs.2,000/-

	Associate Professors/ Assistant Professor/ Subject expert or specialist (per program)	Rs.1,500/-
	Legal Services Advocate (per program)	Rs.1,000/-
	PLVs , as resource person (per program)	Rs.800/-
3.	Any other activity other than a Resource Person: (Panel Lawyers)	
	Such as duty at legal services camp/ any legal services to be provided to any beneficiary where assistance of legal aid advocate is required for the purpose, etc.	Rs.800/-
4.	Visits to Centers/P.s/JJBs/Jails/CWCs/Observation Homes/LSCs/LLCs, etc:	
	a) Inspection of Children Homes/ Observation Homes by legal aid counsels. (Honorarium shall be payable for not more than four visits in a month to each Observation Homes and there must be at least one visit in a month to each Children Homes assigned to them).	Rs.800/-
	b) Per visit to legal services clinics in jails by PLs subject to 2 times in a month.	Rs.800/-
	c) Per visit to other legal services clinics by PLs subject to 1 time in a month.	Rs.800/-
	d) Per visit to Jail by PLs or PLVs for meeting Legal aid beneficiary/inmate, with the prior approval of the concerned Member Secretary /DLSA Secretary.	Rs.800/-
	e) Per visit to Legal Literacy Clubs by PLVs.	Rs.800/-

LOKADALAT WING:**A) LOK ADALATS**

Sl.No	Members of Lok Adalat:	Honorarium
1.	Chairman/Member Secretary /Secretary, Officers, members of High Court Legal Services Committee.	Rs.5,000/-
2.	Secretary, DLSA, /Judicial Magistrates and Civil Judges/Executive Magistrate.	Rs.4,000/-
3.	Public Prosecutor/Police officers above Rank of Sub Inspector/ Conciliators	Rs. 2,000/-
4.	Panel Lawyers	Rs.1,000/-
5.	Para legal volunteers	Rs.800/-

- When the service of Retired Judicial Officers are obtained from outside the District, due to non availability of such concerned persons, they shall be paid an honorarium as specified in Sl. No.2.
- Any other staff assigned for duty during Lok Adalat shall be paid honorarium as given in Sl.No.5.

General Provisions for Conveyance and Lodging:

Conveyance and lodging charges shall be payable as per the following:

- i) Conveyance within the District Headquarter (Within 2 km radius- Rs.200/-; or beyond 2km radius-Rs.15/km; or actual fare).
- ii) Conveyance outside the District Headquarter or to other Districts- Rs.500/-
- iii) Lodging and food charges per day during any duty viz. assigned to areas where return is not feasible- Rs.800/- (Rs.500/- Lodging & Rs.300/-Food).

Applicability of conveyance and lodging charges with respect to:

LEGAL AID WING

- A) High Court/ Sessions Court/ District Court, Civil Judges & Quasi Judicial Bodies, only **Sl.No. ii) & iii)** shall apply (when Legal Aid Counsels are deputed outside the District Headquarter or to other Districts).

LEGAL LITERACY WING

- B) Misc. Legal Services Work, Sl.No i), ii) & iii) shall apply only with respect to Sl.No.3 & 4.

LOK ADALAT WING

- C) Lok Adalat, only Sl.No. i) shall apply.

GENERAL CONDITIONS

1) Preparation of Bills:

In all the Legal Aided cases, Legal Services Advocates (LSAs) shall submit fee bill only on the basis of number of hearings as per Schedule I-A. In case a matter gets decided or disposed of at an interim stage or otherwise and prior to a case touching the maximum upper fee limit of the case category, the payment shall be made commensurate with the attended effective/non-effective hearings as per Schedule. Likewise, in case a matter requires additional hearings beyond the maximum upper limit, the only maximum fixed fee shall be payable. Provided that in case a LSA, LSC or PLV is found to have furnished false bill mala fide, it would be treated as sufficient ground for immediate disempanelment.

2) Limitation period for filing of Professional Bills:

Professional bill shall be submitted by a LSA within three months of final disposal of case by the concerned Court/Tribunal or of discharge of advocate in the respective case, as the case may be. The Secretary DLSA/Member Secretary, DSLSA may, for the reasons to be recorded in writing,

extend the time limit not exceeding one month, if he/she is satisfied that the circumstances were such which prevented the counsel from submitting the bill within the limitation period.

In respect of other activities mentioned in the fee schedule, bill shall be submitted by the LSA/Resource Person within three months of carrying out or completion (in case the same is of continuing nature) of the respective activity, as the case may be. The Member Secretary /Secretary, DLSA, may, for the reasons to be recorded in writing, extend the time limit not exceeding one month, if he/she is satisfied that the circumstances were such which prevented the counsel from submitting the bill within the limitation period.

This limitation aspect shall be applicable for all bills to be raised against duties/work performed under previous fee schedules as well. It is clarified where the case has already been disposed of, LSA has already been discharged or any other activity (as mentioned above) has been performed by LSA prior to coming into force of revised schedule, then he shall file the respective bill within aforesaid limitation period commencing from coming into force of this Fee-Schedule.

3) **Cost:**

In case cost is awarded by any Court to a Legal Aid Beneficiary, the cost shall be deposited by Legal Aid Beneficiary or by LSA with the concerned District Legal Services Authority only. In case of deliberate non-compliance of this provision within two months of receipt of the cost, Legal Aid may be withdrawn from Legal Aid Beneficiary or LSA would be liable for disempanelment, as the case may be.

4) **Court Fee:**

Court fee will be realized, if the Court so directs on disposal of a petition filed for an indigent person.

The Secretary of District Legal Services Authority shall be empowered to decide applications pertaining to payment of court fee upto Rs. 15,000/- **in a given case. In case where Court Fee exceeds more than Rs. 15,000/-**, approval of Chairperson of concerned District Legal Services Authority shall be obtained.

5) **Clubbed Cases:**

Appeals/Revisions or Petitions arising from one common judgment/order will be considered as one case, if issues are same.

6) **Misc. Work:**

When misc. Applications are filed in a pending case, including transfer petition only drafting and typing charges will be payable and no separate fee will be payable.

7) **Fee payable when beneficiary does not turn up:**

In cases where the legal aid beneficiary does not turn up after legal aid counsel has drafted the pleadings but the case was not filed before the Court/Authority, then fees of Rs.1,200/- and other miscellaneous charges shall be paid on production of draft pleadings.

8) Supporting documents:

In respect of the payment of the fees, the LSA will be required to submit soft copy scan of the work done form of the Trial Court apart from sharing the Web link of the Judgment/order if any. The advocate may also produce certified copies of the proceedings of the respective case.

9) Publication Charges:

In a case where an order is passed by any Court for Summoning of party through publication of summons/notice in any local newspaper or more, the Legal Services Counsel shall file the prescribed Process Fee within 07 days of the issuance of the order, obtain copy of the order and after self attestation by the Legal Aid Beneficiary, submit the same with the concerned DLSA and the charges of the Publication shall be payable by the concerned DLSA by means of RTGS after obtaining the IFSC Code of the Publisher/Newspaper concerned, by Cheque or Pay Order or as the case may be.

10) Final decision on Bills:

In the event of any doubt or difference of opinion regarding the honorarium payable, the decision of the Member Secretary shall be final and binding. However, while processing the professional bills of legal aid counsel, DLSAs would follow the procedure mentioned in circular of Ld. Member Secretary, NSLSA dated.....

11) Applicability:

The revised rates of the Fee/Honorarium shall be applicable for work done w.e.f.....Fee bills already settled will not be re-opened, (unless notified by the Authority).

EARLY ACCESS TO JUSTICE AT PRE-ARREST, ARREST AND REMAND STAGE

1. Introduction:

1.1. Background

Right to free legal aid and assistance is an essential ingredient of reasonable, fair, and just procedure for a person accused of any offence. It is implicit in the guarantee of Article 21. It is, therefore, essential that Access to Justice is available at all stages of the criminal process. Access to Justice during the early stages of the criminal process has its importance. It ensures, amongst other things, protection of the rights of people when they are most vulnerable. It strengthens the criminal justice system.

While availability of services of a trained lawyer at the stage of trial in a criminal prosecution and inferentially, of free legal aid for those who cannot afford a lawyer on their own, is already the norm in most jurisdictions, legal aid during pre-trial stages has its own importance. It ensures amongst other things, protection of the rights of people when they are most vulnerable and thereby strengthens the criminal justice system.

United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems provides for the right to legal aid of any person who is "detained, arrested, suspected of, or charged with a criminal offence punishable by a term of imprisonment or the death penalty" at all stages of the criminal justice process.

In India, the framework of procedural law and the judgements of the Supreme Court of India provide for legal assistance at early stages of the criminal process. The Supreme Court of India has in various judgements recognized the right to legal assistance to persons in custody and 'near custodial interrogation'. The Hon'ble Supreme Court in *Nandini Sathpaty v P.L. Dani*, observed as follows concerning the need for providing legal assistance at early stages:

The spirit and sense of Art. 22 (1) is that it is fundamental to the rule of law that the services of a lawyer shall be available for consultation to any accused person under circumstances of near-custodial interrogation. Moreover, the observance of the right against self-incrimination is best promoted by conceding to the accused the right to consult a legal practitioner of his choice

In the year 2009, section 41D was introduced in the Code of Criminal Procedure in order to give statutory recognition to the right to legal assistance to a person when he is arrested and interrogated. Further, with the introduction of Section 41(A) in Code of Criminal Procedure, a suspect can be called to the police station for questioning/interrogation.

¹Principle 3, Clause 20, Resolution No. 67/187, United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012) available at http://www.unodc.org/documents/justice-and-prisonreform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf

The terms 'custody' and 'arrest' have not been defined in the Code. However, it has been held by the Supreme Court that "in every arrest, there is custody but not vice versa and that both the words 'custody' and 'arrest' are not synonymous terms." Moreover, "police custody" does not commence only when the accused is formally arrested but "would commence from the moment when his movements are restricted and he is kept in some sort of direct or indirect police surveillance." Thus, it also covers an accused who is called for questioning pursuant to a notice of appearance. Therefore, right to a lawyer/legal aid lawyer of suspects arises before questioning, when they become aware that they are the subject of investigation, and are in custodial settings.

Although, a robust framework of rights of suspects and arrested persons exists in India, many of those arrested or detained being poor, ill-educated or disadvantaged for some other reasons, are unaware of such protection. In India, a study estimated that 80 percent of those in prison had only a primary school education or were illiterate. They often lack the knowledge or experience needed to understand and navigate the criminal justice system. They have limited financial resources. The way in which suspects and accused persons are treated has a significant impact on the efficiency and effectiveness of the criminal justice system. "Legal assistance is therefore, as important at pre-arrest stage, during the period between arrest and production in the court and at the stage of Remand, as that at the stage of trial.

1.2 Early stages of legal assistance

'Pre-arrest Stage': The inclusion of Section 41A to the CrPC has created a pre-arrest stage, thereby, necessitating the enforcement of the right to legal aid even prior to arrest when a suspect can be issued a notice of appearance to appear before the police for questioning. In *Armesh Kumar Vs State of Bihar*³ the Hon'ble Supreme Court with regard to section 41A CrPC observed as follows:

"Aforesaid provision makes it clear that in all cases where the arrest of a person is not required under Section 41(1), Cr.PC, the police officer is required to issue notice directing the accused to appear before him at a specified place and time. Law obliges such an accused to appear before the police officer and it further mandates that if such an accused complies with the terms of notice he shall not be arrested, unless for reasons to be recorded, the police office is of the opinion that the arrest is necessary."

Most of the persons called for interrogation to the police station on suspicion of having committed a criminal offence are inherently vulnerable to factors such as- the environment of the police station and the uncertainty of what may happen to them. Providing of legal assistance to such persons can entail following benefits:

- a) Making the suspect feel less isolated or intimidated
- b) Safeguarding his welfare and rights during interrogation.
- c) Providing a check on police aggression.
- d) Avoiding unnecessary arrests

³Directorate of Enforcement v Deepak Mahajan (1994) 3 SCC 440. Also see State of UP v Deoman Upadhyaya AIR 1960 SC 1125;

⁴Paramhansa Jadab v State AIR 1964 Ori 144,

⁵See Open Society foundations and United Nations Development Programme, The Socioeconomic Impact of Pretrial Detention, p. 23

⁶UNDOC's "Early access to legal aid in criminal justice processes: a handbook for policymakers and practitioners" 2014, (2014) 8 SCC 273,

Arrest Stage: The presence of a lawyer at the stage of arrest can make a huge difference to how the accused is treated in police custody. A lawyer at this stage can ensure that the police respect the rights of the accused and prevent unwarranted harm to the accused. It reduces the possibility of beating, torture, coercion for disclosures, wrongful detention, fabrication, false implication and much more. A prompt legal assistance by lawyer at the time a person is arrested by the police may provide:

- a) Assistance to understand why he has been arrested
- b) Protection against intimidation, ill-treatment and torture
- c) Assistance to understand and navigate the criminal justice process
- d) Actualization of procedural rights
- e) Ensuring bail in Bailable offences at the police station itself.

Remand stage: Similarly, at the remand stage, efficient representation to unrepresented arrestees is quite imperative to ensure that unnecessary arrests are challenged, bail applications are filed, unnecessary remands are resisted and procedural rights are protected.

2. **Objectives:** Early access to justice framework is devised primarily with the following objectives:

- 1) To provide legal assistance to needy suspects and arrestees during interrogation and other early stages of investigation.
- 2) To decrease the vulnerabilities of suspects and arrestees.
- 3) To assist in avoiding unnecessary arrests.
- 4) To assist the arrestees in filing bail applications and furnishing bail bonds.

3. **Role of State Legal Services Authorities:**

- 1) All persons in custody, which would obviously include detention at pre-arrest stage and, between arrest and production in the Court, are entitled to free legal services by virtue of section 12 of the Legal Services Authorities Act, 1987. Since a large number of them do not have an opportunity or means to engage a lawyer on their own, Legal Services Authorities have an important role to play in reaching out to them.
- 2) Effective implementation of early access to justice framework requires coordination between the police authorities and legal services authorities. In this regard, State Legal Services Authority shall take up the matter at the highest level with the State Department of Home and Director General of Police to mutually workout the modalities for effective implementation of the framework. So that the right of legal representation at the early stages of criminal justice system is promoted and secured.
- 3) It is also important that wide publicity is given to the rights of persons at pre-arrest, arrest and at remand stage including the right to avail free legal aid from Legal Services Institutions. In this regard, State Legal Services Authorities shall get prepared quality IEC material including the leaflets referred to in the present framework. Hoardings enumerating such rights and phone numbers and addresses

of Legal Services Authorities shall be put up by State Legal Services Authorities at public places, particularly at police stations, in coordination with local authorities. Workshops may be organized for Police and other Investigating agencies on rights of the arrestees and corresponding duties of the Investigating officers.

- 4) Panel Lawyers have a significant role to play in the entire process of early access to Justice. In such a scenario, capacity building programs for panel lawyers specifically touching upon essential aspects of law pertaining to Arrest, Remand and Bail be planned and implemented by State Legal Services Authorities.

4. A framework of providing Legal Assistance at Pre-Arrest, Arrest and Remand Stage:

4.1 Legal assistance at the pre-arrest stage:

In *Sheela Barse v State of Maharashtra* AIR 1983 SC 378, the Hon'ble Supreme Court of India held:

" whenever a person is arrested by the police and taken to the police lock up, the police will immediately give an intimation of the fact of such arrest to the nearest Legal Aid Committee and such Legal Aid Committee will take immediate steps for the purpose of providing legal assistance to the arrested person at State cost provided he is willing to accept such legal assistance."

In view of the fact that the pre-arrest stage has settings of custody, there is no reason why the above mandate to the police to notify the Legal Aid Committee (Now, the DLSA) should not be applicable at this stage also. The framework for providing legal assistance at this stage would therefore be as follows:

4.1.1 Notifying the suspect of the right to a lawyer:

In view of the *Satpathy* case, *supra* and section 41 D Cr.P.C, the police is to notify the suspect of his right to have legal assistance during interrogation. Moreover, the mandate of *Sheela Barse* will remain ineffective unless the suspect is apprised of this right. The police has therefore, to inform the suspect that free legal assistance can be availed from the Legal Services Authorities. It is essential to inform the suspect called for interrogation of the following rights which can be given in the form of leaflet of rights by the police so that the suspect can make informed decision of his right to avail legal assistance:

Your Rights

- 1) You have the right to know why the police has called you for interrogation.
- 2) You have the right to know what the police think you have done.
- 3) You have the right not to answer the questions which have the effect of self-incrimination. However, you have to give accurate details of your name, address and identity.
- 4) You have the right to have a lawyer present if the police interview you. You may avail free legal assistance from the nearest legal services authority.
- 5) You have the right to medical help if you are ill or injured.

All suspects shall be given a copy of a leaflet of rights upon arrival at the police station and shall be allowed to keep it with them for the duration of their stay. The person to be interrogated must be given adequate opportunity to read and understand the information. Legal Services Authorities shall provide enough leaflets to police stations.

4.1.2 Deputing a lawyer to the police station:

Upon receiving the intimation of the request of the suspect to have free legal assistance during interrogation, the legal services authorities as per the duty roaster prepared with regard to various police stations, shall inform the deputed lawyer. Since, duty roasters are expected to be given in advance to the police stations so that police authorities may be able to directly intimate the lawyer. Upon intimation, the lawyer shall go to the concerned police station for providing legal assistance.

4.1.3 Role of the lawyer:

The work of a lawyer in advising and assisting the suspect in the police station can often be difficult and demanding. A lawyer has the following role to play at the police station at pre arrest stage:

- a) The lawyer shall apprise himself of the allegations against the person called for interrogation.
- b) He shall explain the alleged offence and the matter for which the person has been called for interrogation.
- c) He shall provide legal advice and assistance as sought and required in the situation.
- d) He shall not interrupt or obstruct interrogation.
- e) He shall appropriately advise the police, if it proceeds to arrest the suspect unnecessarily and without any basis. In this regard, he shall put the position of law before police officials keeping in view the circumstance of the case.
- f) In case the suspect is a foreigner, the duty lawyer shall inform the police to intimate the concerned High Commission, Embassy/Consulate.
- g) In case, the suspect does not understand the language then arrangement be made for an interpreter, the expenses of which may be borne by the DLSA from Grants in Aid.
- h) He shall ensure that women are not called to the police station or to any place other than their place of residence for questioning.
- i) In case a child has been called to the Police Station, the lawyer shall take necessary steps to safeguard his rights as provided under Juvenile Justice (Care and Protection Act)

4.2 Legal assistance at the arrest stage:

4.2.1 Notifying the suspect of his right to legal assistance:-

In view of *Nandini Sathpaty and Sheela Barse* cases supra and sections 41 A to 41 D Cr.P.C, police is to intimate the arrestee of his right to have legal assistance. A letter of rights in the form of a leaflet may be given to the arrestee. It may contain the following:

Rights of an Arrested Person

- 1) The right to a lawyer on being arrested (Article 22 (1) & Section 41(D) CrPC.
- 2) The right to have the arrest memo prepared as per Section 41B and scrutinized by the Magistrate
- 3) The right to be informed of the grounds of arrest and of the right to bail (Section 50)
- 4) The right of information to any friend, relative or any other person nominated by the arrested person about the arrest and the place of detention (Section 50 A)
- 5) The right to medical examination by a medical officer/registered medical practitioner soon after arrest; by a female medical practitioner in the case of a female accused (Section 54)
- 6) The right against self incrimination (Article 20 (3))
- 7) The right to be produced before a competent Magistrate within 24 hours, excluding the time taken for the journey to the Magistrate (Section 56 read with Section 57)

In case the arrestee wants to avail the legal assistance, an intimation of such requirement shall be given by the police to DLSA and the duty lawyer. In case of women and children in conflict with law, intimation in all cases be given to the DLSA and duty lawyer.

4.2.2 Role of DLSA:

Upon receiving the intimation of request of the arrestee to have free legal assistance during interrogation or interview, the legal services authorities shall inform the deputed lawyer, as per the duty register. Since, duty rosters are expected to be given in advance to the police stations so police authorities shall also directly intimate the duty lawyer. Upon intimation, the lawyer shall go to the concerned police station for providing of legal assistance.

4.2.3 Role of a Duty Lawyer:

A lawyer has an vital role to perform at this stage. His entire functions shall revolve around providing appropriate legal assistance within the permissible limits to the arrestee without disturbing the investigative process and functions of police officers. The role of Duty Lawyer at the police station is enumerated below:

- a) He shall apprise himself of the allegations against the accused and the grounds of arrest.
- b) He shall explain to the Arrestee, the alleged offence and the grounds of arrest.
- c) He shall provide legal advice and assistance as sought and required in the situation.
- d) He shall not interrupt or obstruct interrogation.
- e) In case of bailable offences, he shall take necessary steps for securing the bail of the arrestee at the police station itself. Wherever necessary and feasible, family members or friends of the arrestee be contacted through PLVs for this purpose.
- f) In case the arrestee is a foreigner, the duty lawyer shall inform the police to intimate the High Commission, Embassy/Consulate.
- g) In case, the arrestee does not understand the language then arrangement be made for interpreter, the expenses of which may be borne by the DLSA from Grant in Aid.

- h) He shall ensure that the distinctive needs of women arrestees are met by seeking to ensure that procedures of criminal Justice are complied with. This may include ensuring that they are detained separately from males and that female police officer remains present during interrogation.
- i) In case arrested persons apparently appears to be a child, the lawyer shall take necessary steps to safeguard his rights as provided under Juvenile Justice (Care and Protection Act).

4.3 Legal Assistance at Remand Stage:

The Hon'ble Supreme Court of India in Mohd. Ajmal, Amir Kasab v. State of Maharashtra 8 held as follows:

"The right to access to legal aid, to consult and to be defended by a legal practitioner, arises when a person arrested in connection with a cognizable offence is first produced before a magistrate."

The Hon,ble Supreme Court further held

"We, accordingly, hold that it is the duty and obligation of the magistrate before whom a person accused of committing a cognizable offence is first produced to make him fully aware that it is his right to consult and be defended by a legal practitioner and, in case he has no means to engage a lawyer of his choice, that one would be provided to him from legal aid at the expense of the state. The right flows from Articles 21 and 22 (1) of the Constitution and needs to be strictly enforced."

Thus, arrested person has a right to be represented during remand.

4.3.1 Role of DLSA:

- 1) DLSA shall depute Remand Advocates in the Magisterial Courts, Sessions Court and also in the courts of Executive Magistrate as per the requirement. In other words, deputing of Remand Advocate should be proportionate to the actual requirement which should be periodically reviewed. One lawyer may be deputed for two or more courts keeping in view the workload.
- 2) Duty rosters may be sent to the police stations and to the courts so as to give prior information of the Remand Advocates.
- 3) DLSA shall ensure that duty lawyers attend to the remand work even during holidays and after court hours as and when unrepresented arrestee is produced for remand.

4.3.2 Role of the Lawyer:

- a) **Copy of application for remand:** Before proceeding to represent an unrepresented arrestee, it is quite essential to obtain a copy of the application moved by the prosecution for seeking the remand of an accused. The contents of the application can indicate to the remand lawyer the gist of the allegations and the reasons which the prosecution is putting forth for seeking remand. If prosecution does not supply

the copy of an application, request be made to the concerned court for providing the copy of application for effective representation of the accused. After obtaining the copy of the remand application and the copies of the documents which the prosecution may be relying upon, the remand lawyer shall go through the contents of the same.

- b) **Interaction with arrestee:** Remand Advocate shall in every case, before representing the arrestee, interact with the arrestee. This shall be done with an objective to inform an arrestee about the allegations against him and the grounds being put by the prosecution for seeking remand. It is also required for seeking any information regarding the allegations, date of arrest etc. Interaction can give inputs about many important aspects including the local roots of the arrested person.
- c) **Challenge arrest:** It may happen that the police has arrested a person unnecessarily in a routine manner. In such a scenario, keeping in view section 41 (A) of Code of Criminal Procedure read with important judgements of the Hon'ble Supreme Court such as *In Arnesh Kumar Vs State of Bihar, (2014) 8 SCC 273* and *Joginder Kumar v State of UP [1994 SCC (4) 260]*, the arrest shall be challenged by a Remand Advocate before the court.
- d) **Bail application:** Remand advocate shall file bail applications in appropriate cases. Arrestee be also apprised of the bail application and the next date if the matter is postponed by the court for hearing arguments. In case of grant of bail, the Remand Advocate shall also assist in furnishing of bail bonds. Wherever necessary, family members be also contacted through PLVs, for filing of bail bonds. In case of rejection of the bail, intimation be given to the office of DLSA. Arrestee be also informed about his right to move Higher courts. In case the arrestee takes informed decision for availing the said right, LSA shall provide legal services for filing matter in Higher courts.
- e) **Submission with regard to surety:** If the arrestee is a resident of some other place and obtaining of local surety may be difficult for him, a submission may be made before the court not to order furnishing of local sureties. In this regard reference can be made to the observations of the Hon'ble Supreme Court in *Moti Ram & Ors vs State Of M.P, 1978 AIR 1594, 1979 SCR (1) 335*.
- f) **Translation of documents:** In case the arrestee or the lawyer does not understand the language in which the documents have been prepared by the police, submission be made before the court to provide the translated documents so that arrestee may understand the allegations and the case of the prosecution against him. This will also facilitate effective interaction with arrestee.
- g) **In the case of foreigner arrestee:** In case the arrestee is a foreigner, the remand lawyer shall request the court to direct the police to intimate the concerned High Commission, Embassy/Consulate.

- h) **Non-production of accused on a subsequent remand:** If a person in judicial custody is neither produced in person nor through video conferencing on a subsequent remand then the submission may be made before the court to give remand only on production. The submission be made before the court concerned to direct the concerned authorities to produce the accused.
- i) **In case of Remand through video conference:** During remand by way of video conferencing, Remand Advocate shall inform the accused through VC only that he is representing him. In case accused wants to interact before the remand with a lawyer, permission be sought from the court for such interaction. In case remand is given by the court, the next date be intimated to the inmate. In this regard information be also given to the jail clinic.
- j) **Representation during preventive detention proceedings:** Persons who are produced before Executive Magistrates for the purpose of detention be effectively represented, in case legal aid is required by any such person. In such a case, interaction with such persons, obtaining the copy of application and other documents, preparing a case for resisting preventive detention are some of the pre-requisite steps for effective representation. If the order for preventive detention is passed, the detainee be apprised of his rights to move higher authorities/courts. In case the legal aid is required for moving higher courts, the requisite steps be taken by Legal Services Authorities in this regard.
- k) **Child arrestees:** Remand Advocates shall be duly trained in Juvenile Justice Law. In case arrested person apparently appears to be child in conflict with law, submission be made before the Magistrate to take the steps as per Juvenile Justice Law. Application in this regard be moved before the court. Efforts be also made in coordination with the family members of such person to collect the documents reflecting about his date of birth.
- l) **Persons of unsound mind and mental retardation:** Whenever a person of unsound mind is produced for a remand, the Remand Lawyer shall take steps in accordance with chapter XXV of Code of Criminal Procedure of 1973. Submission for his bail be made in accordance with section 330 CrPC. His rights provided under Mental Healthcare Act, 2017 be also secured such as right to access Mental Healthcare, right to protection from cruel, inhuman and degrading treatment. In this regard office of DLSA shall be duly intimated so that the protections under Mental Healthcare Act, 2017 be actualized.

5. Other roles of Legal Services Authorities:

- 1) **Awareness:** Legal Services Authorities shall spread effective legal awareness amongst the public about the right to free legal assistance at pre-arrest, arrest and remand stage. Awareness shall also be spread about the rights of the arrestees and also about the framework envisaged under Sections 41(A) to 41(D) of Code of Criminal Procedure. Leaflets, hoardings and any other tool may be used for

spreading awareness. Hoardings in coordination with police authorities be affixed in the police stations at conspicuous places. Hoardings shall mention phone numbers and addresses of the nearest Legal Services Authorities. Leaflets as envisaged under the present framework be also provided at the police station.

- 2) **Training:** Legal Services Authorities shall impart specialized training to the duty lawyers engaged for providing legal assistance at pre arrest, arrest and remand stage. Refresher trainings be also organized periodically for the duty lawyers. Trainings may cover topics such as Rights of the arrested persons, jurisprudence of section 41, 41 (A) to 41(D), important judgments of the Hon'ble Supreme Court on Arrest Law, Juvenile Justice Act etc.
- 3) **Duty Roasters:** Legal Services Authorities have to frame fortnightly or monthly duty roasters of advocates and PLVs in such a manner that all the police stations are covered. The Advocates and/or PLVs on duty may make random visits to the respective Police Stations and be available on call on the day of their duty. It needs to be ensured that engagement of duty lawyers shall be proportionate to the requirement. Duty Roasters may also spell out the duties at different periods of the day i.e. during office hours and non-office hours.
- 4) **Honorarium:** Honorarium to duty lawyers be paid timely. The Executive Chairman, SLSA shall decide the amount of honorarium including reimbursement of travelling expenses.
- 5) **Documentation:** It is quite imperative to document the services provided at investigative stage to needy. Accurate and effective documentation will not only help in making effective review but will also reflect about the impact made by such legal assistance.

Periodical review: Legal Services Authorities shall periodically review the early access to justice framework so as to identify the gaps and taking timely and appropriate corrective measures for improving the structure.

**NALSA STANDARD OPERATING PROCEDURE (SOP) for UNDER TRIAL
REVIEW COMMITTEES (UTRCs) WP (C) 406/2013 – In Re-Inhuman
Conditions in 1382 Prisons**

Background

In terms of the Section 12(g) of the Legal Services Authorities Act, 1987, a Person in Custody is entitled to free and competent legal services. In India, as per prison statistics 2015 released by NCRB, there are around 1250 Central, State and Sub-jails, housing around 4.19 lakhs prisoners including 80,000 women. According to NCRB data, 67 % of the above inmates i.e. 2.94 lakhs are UTPs. This percentage of UTPs is one of the highest in the World in so far as the World UTP average in the prisons is only 31 %.

As on 31.12.2017, as per the data received from different Prison Authorities the holding capacity of 1250 prisons in India is 3.78 lakhs and the actual inmates are 4.19 lakhs. Accordingly, the prisons in India are overcrowded by 114 %. Situation in some of the Prisons is so precarious that they are holding more than 150% of their holding capacity. While the situation in States like Tamil Nadu (66%), Telangana (76 %), West Bengal (66 %) is comfortable given to the fact that the States constructed adequate number of prisons but the situation is serious in States like Uttar Pradesh (182%), Uttarakhand (159%), Chhattisgarh (157 %), Maharashtra (144%) where the number of Prisons is quite low.

1158 Legal Services Clinics have been established by the Legal Services Institutions in around 1250 jails.

In this background, Chief Justice R. C. Lahoti (Retired) wrote a letter dated 13.06.2013 addressed to Hon'ble Supreme Court of India highlighting overcrowding in prisons, inadequacy of staff, need of training, unnatural deaths, etc. This letter was registered as Public Interest Litigation by Supreme Court of India on 05.07.2013.

Series of directives on the above subjects were passed by the Hon'ble Supreme Court of India to various Authorities/Departments. On 24.04.2015, Hon'ble Supreme Court of India directed that Prisoners Management Software (PMS) being used in Tihar Jail, Delhi may be improved and deployed in all other jails in the country.

It was followed by the appointment of Director, NALSA as Nodal Officer to assist the Hon'ble Supreme Court Bench. NALSA issued directions to the State Legal Services Authorities and District Legal Services Authorities for helpline release of prisoners who could not furnish the bail bonds. Model Prison Manual was also drafted by Ministry of Home Affairs with the help of NALSA.

On 18th sept. 2015, It was highlighted that the Under Trial Review Committee (UTRC) constituted by the Ministry of Home Affairs shall consider the cases of inmates who have completed half of their sentence in terms of Section 436A Cr. P.C.

On 05th feb. 2016, UTRCs were directed to meet at least once in every quarter starting from 31.03.2016 and Secretary of District Legal Services Authority was made member of the Committee to assist the UTRC.

On 06.05.2016, the domain of UTRC was enhanced much beyond Section 436(A) Cr. P.C. by inclusion of total 14 categories of inmates for consideration of their early release.

On 31.10.2017, NALSA was directed to prepare a Standard Operating Procedure (SOP) for smooth functioning of Under Trial Review Committees (UTRCs) with an aim to ensure that UTPs covered under 14 categories get benefit without delay.

On 12.12.2017, SOP was prepared and as per the directions of Hon'ble Supreme Court of India the same was circulated with the various stakeholders and placed on website of NALSA for inviting suggestions. The suggestions received from different stakeholders were incorporated with the help of Ld. Amicus Curiae.

On 08.05.2018, an SOP containing additional suggestions was placed on Record of Hon'ble Supreme Court of India. Vide an order dated 02.08.2018, NALSA was directed to redraft the SOP.

This redrafted final SOP has been prepared accordingly.

NALSA's STANDARD OPERATING PROCEDURE (SOP) FOR UTRCs

PART-I

Definitions:

- a) "Jail" means Central Jail, District Jail, Sub Jail, Women Jail, Special Jail and borstals.
- b) "Jail Superintendent" includes Deputy Superintendent and Officer In-charge of the jail.
- c) "UTPs" means Under Trial Prisoners who are in custody at the time of preparation of the list of UTPs by the Superintendent and includes inmates who are out on interim bail.
- d) "UTRC" means Under Trial Review Committee chaired by District & Sessions Judge consisting of District Magistrate, Superintendent of Police, Secretary, DLSA and Jail Superintendent, as members.
- e) "E-Prison Portal/ PMS" means E-Prison Portal developed by NIC under directives of Ministry of Home Affairs and includes stand alone Software developed by States for their Jails.
- f) "Secretary DLSA" means Secretary of the concerned District Legal Services Authority appointed u/s 9(3) of Legal Services Authorities Act, 1987 and any other officer officiating as Secretary.
- g) "Bail Applications" Bail applications include applications moved u/s 436A, 437 Cr.P.C. and 439 Cr.P.C. apart from other provisions pertaining to technical bail under the Cr.P.C., namely bail under proviso to Sections 167 and 437 (6) Cr.P.C. and similar provisions in other special enactments.

SOP FOR UTRCS WHERE JAIL RECORDS ARE NOT DIGITIZED AND EVEN IF DIGITIZED NO SOFTWARE FILTERS HAVE BEEN APPLIED.

STEP 1: Reporting of Data of UTPs / Convicts by Prisons.

- 1.1 The Jail superintendent of every jail in the district will collate the data regarding the UTPs lodged in the jail in the format as per **Annexure-A** with the following information and share it with Secretary, DLSA preferably in soft Excel Sheet.

Particulars of UTPs

- 1) Name of the UTP
- 2) Father's name
- 3) Gender / Age
- 4) FIR/Crime No
- 5) Police Station
- 6) District
- 7) Arrested under section-
- 8) Particulars of the Court
- 9) Date of Arrest
- 10) Date of First Remand
- 11) Date of admission in prison
- 12) Date of filing charge sheet.
- 13) Chargesheeted under Section-
- 14) UTP represented by Legal Aid/Private Lawyer
- 15) Name of the lawyer with contact details, if available.
- 16) Whether bail has been granted to the accused, if so when.
- 17) If accused is not released on bail despite grant of bail, reason for the same, if available.
- 18) If the UTP suffering from any disease, mental or physical, details regarding the same.
- 19) Whether UTP is a convict/Under trial in any other case.
- 20) If yes, separate entry in the data sheet be made qua the additional Case.

- 1.2 Particulars of convicts - A separate 'List of Convicts' be prepared as per

Annexure-B with the following information and share it with Secretary, DLSA preferably in soft Excel Sheet: -

- 1) Name of the Convict
- 2) Father's Name
- 3) FIR No.
- 4) Police Station
- 5) District
- 6) Name of the Trial Court

- 7) Date of Conviction
- 8) Duration & Nature of Sentence
- 9) Total Remission Earned
- 10) Date when sentence completed
- 11) Reason for Non-Release
- 12) Whether case considered by Sentence Review Board?
- 13) Reason for not granting pre-mature release
- 14) Additional information or Remark

1.3 The aforesaid detail as on 31st March, 30th June, 30th September, 31st December of every year may be sent by the Jail Superintendent to the Secretary DLSA latest by 7th day of the next following month.

STEP 2: Processing of Data by Secretary, DLSA

2.1 The office of Secretary, DLSA, with the aid of empaneled panel lawyers, Retired Judicial Officers and law students trained as PLVs, if required and available, shall draw list of UTPs/Convicts eligible for consideration by the UTRC out of Data sent to him from Step-I in the light of criteria laid down by Hon'ble Supreme Court in ***WP(C) 406/2013-Re-Inhuman Conditions in 1382 Prisons***, as per detailed hereunder (Para 2.2).

If any further details are required by the Secretary, DLSA from any court or from the Jail Superintendent or from the police authorities, the same may be ascertained by the Secretary DLSA. Thereafter, the Secretary DLSA shall prepare list of eligible UTPs for consideration of UTRC in the Excel Sheet/Soft form as per **Annexure A & B**.

2.2 Cases of UTPs / Convicts falling under following categories shall be considered by the Secretary, DLSA for placing them before the UTRC:-

2.2.1 UTPs / Convicts falling under covered under Section 436A Cr.P.C. [*As per order of Hon'ble Supreme Court dated 24th April, 2015*]

2.2.2 UTPs released on bail by the court, but have not been able to furnish sureties.

[*As per order of Hon'ble Supreme Court dated 24th April, 2015*]

2.2.3 UTPs accused of compoundable offences.

[*As per order of Hon'ble Supreme Court dated 24th April, 2015*]

2.2.4 UTPs eligible under Section 436 of Cr.P.C.

[*As per order of Hon'ble Supreme Court dated 05th February, 2016*]

2.2.5 UTPs who may be covered under Section 3 of the Probation of Offenders Act, namely accused of offence under Sections 379, 380, 381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment. [*As per order of Hon'ble Supreme Court dated 05th February, 2016*]

2.2.6 Convicts who have undergone their sentence or are entitled to release because of

remission granted to them.

[As per order of Hon'ble Supreme Court dated 05th February, 2016]

2.2.7 UTPs become eligible to be released on bail u/s 167(2)(a)(i) & (ii) of the Code read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days.

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

2.2.8 UTPs who are imprisoned for offences which carry a maximum punishment of 2 years.

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

2.2.9 UTPs who are detained under Chapter VIII of the Cr.P.C. i.e. u/s 107, 108, 109 and 151 of Cr.P.C.

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

2.2.10 UTPs who are sick or infirm and require specialized medical treatment. *[As per order of Hon'ble Supreme Court dated 06th May, 2016]*

2.2.11 UTPs women offenders

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

2.2.12. UTPs who are first time offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible.

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

2.2.13. UTPs who are of unsound mind and must be dealt with Chapter XXV of the Code.

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

2.2.14 UTPs eligible for release under Section 437(6) of Cr.P.C, wherein in a case triable by a Magistrate, the trial of a person accused of any non bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case.

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

2.3 The DLSA Secretary must inform the District & Sessions Judge that the complete list has been prepared and request him to convene the UTRC meeting at the earliest. A copy of the list may also be shared with other members of the UTRC so that they can come prepared for the meeting.

STEP 3: Processing of identified cases by UTRC

3.1 The District & Sessions Judge shall convene the UTRC meeting as soon as the intimation is received from the DLSA, Secretary about the completion of the lists.

3.2 UTRC shall consider the cases shortlisted by the Secretary, DLSA and make recommendations for release/ appropriate action.

3.3 Upon processing the individual cases, the recommendations of UTRC may include:-

3.3.1 In case UTPs covered under Section 436A Cr.P.C.:

UTRC may recommend to concerned trial court to take up the matter and consider him/her for release on bail if there are no special reasons to deny bail, with or without sureties.

3.3.2 UTPs released on bail by the court, but have not been able to furnish sureties:

The UTRC may recommend the trial court to examine the reason why the accused is not furnishing surety/ bail bonds and if he/she is unable to do so due to poverty, then the trial court may consider reducing the bail amount on the application of the lawyer under S.440, CrPC or release on personal bond.

3.3.3 UTPs accused of compoundable offences:

The UTRC may recommend to the trial court to consider if the offence can be compounded between the complainant and the accused as per law.

3.3.4 UTPs eligible under Section 436 of Cr.P.C.:

The UTRC may recommend to the trial court to consider releasing such an accused on personal bond in case he is unable to furnish bail bond within seven days of bail order.

3.3.5 UTPs who may be covered under Section 3 of the Probation of Offenders Act, namely accused of offence under Sections 379, 380, 381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment:

The UTRC may recommend to the trial court to consider invoking of Probation of Offenders Act in fit cases as also plea bargaining in appropriate cases.

3.3.6 Convicts who have undergone their sentence or are entitled to release because of remission granted to them:

The UTRC may examine the reason for non-release of the convict and the Officer in-charge of prison may be recommended to look into the matter so that the convict is released as soon as possible.

3.3.7 UTPs become eligible to be released on bail under Section 167(2)(a)(i) & (ii) of the Code read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days:

The UTRC may recommend to the trial court to consider release of the accused in cases where chargesheet is not submitted within the statutory time frame.

3.3.8 UTPs who are imprisoned for offences which carry a maximum punishment of 2 years:

The UTRC may recommend to the trial court to consider releasing of the UTP on bail in such cases.

3.3.9 UTPs who are detained under Chapter VIII of the Cr.P.C. i.e. under Sections 107, 108, 109 and 151 of Cr.P.C.:

The Executive Magistrate/ District Magistrate court may be recommended to release/discharge such persons with or without conditions or to make an order reducing the amount of the security or the number of sureties or the time for which security has been required.

3.3.10 UTPs who are sick or infirm and require specialized medical treatment:

The UTRC may examine the medical condition of the inmate and if it is found that the inmate is very sick and specialized treatment is essential for survival, then the UTRC may recommend the trial court to consider granting bail on medical ground, as provided under S.437, CrPC, even for temporary period.

3.3.11 UTPs women offenders:

Women under trial prisoners who are not accused of serious offences may be considered for release on bail under S.437, CrPC, especially they are first time offenders by the concerned trial courts. The UTRC may also recommend suitable measures under the directions of the Hon'ble Court in R. D. Upadhyay vs State of A.P. & Ors. (AIR 2006 SC 1946).

3.3.12 UTPs who are first time offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible:

The UTRC may request the trial court to consider granting bail to such young offenders. If the person is found guilty in the course of trial, benefit of S.3 or S.4 of the Probation of Offenders Act, 1958, may be given to the accused.

3.3.13 UTPs who are of unsound mind and must be dealt with Chapter XXV of the Code:

UTRC may recommend the trial court to take appropriate steps in accordance with Chapter XXV of the Code and provide adequate treatment to such inmates.

3.3.14 UTPs eligible for release under Section 437(6) of Cr.P.C., wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case:

UTRC may request the trial court to consider granting bail to such UTPs under Section 437(6) of Cr.P.C.

3.4 The UTRC shall enter its recommendation in column no. 21-23 of Annexure-A and column no.15-17 of Annexure-B.

3.4.1 Recommendation of UTRC

3.4.2 Date of recommendation

3.4.2 Brief reasons for UTRC recommendation

3.5 The UTRC shall share recommendations with the concerned Trial Court/Jail

Superintendent and Secretary, DLSA. Jail Superintendent shall bring it to the notice

of UTP/Convict. Secretary, DLSA shall instruct the panel lawyers to move appropriate application in legal aided cases. The Trial Courts may deal with the recommendations in the manner deemed appropriate for each particular case with the assistance of Legal Aid/Private Lawyer.

STEP 4: Follow up:

UTRC shall keep track of the follow up action in recommended cases as detailed in **Annexure-A (Column No.24- 26) & Annexure-B (Column No.18-20)** as under:-

- 4.1 Action taken on recommendation.
- 4.2 Final Outcome
- 4.3 Date of release of UTP/Convict.

STEP 5: Collation of data on quarterly basis by the Secretary, DLSA

Secretary, DLSA shall collate the above data in **Annexure-A & B** and generate quarterly report under the following heads:

- 1) Number of UTPs/Convicts considered by UTRCs in a given quarter/year.
- 2) Number of UTPs/Convicts recommended for bail/release.
- 3) Number of bail/other applications moved post recommendations.
- 4) Number of inmates released pursuant to UTRC's recommendation.

PART-II

SOP for UTRC where Jails are digitized and have Software to filter the cases which are eligible for release

- 5.1 If the jail concerned has appropriate data in digital format and is able to apply the filters, then the Step 1 and Step 2 of Part-I would merge into one and the filtered data shall be shared by Jail Authorities with Secretary, DLSA.
- 5.2 The UTRC can examine the data filtered by the software and make appropriate recommendations, as mentioned in Step 3 of Part-I.
- 5.3 The UTRC shall keep track of the follow up action as per Step 4 of Part-I.

NALSA's ADDITIONAL SUGGESTIONS

In order to expedite Trials and ensure Access to Justice for UTPs/Convicts NALSA suggests following new initiatives:-

Suggestion No.1: Usage of modified 'Custody Warrant'

- NALSA has designed a new Modified Custody Warrant which is annexed as **Annexure 'C'**. The need thereof arose since as on date the Prison Data is maintained only on the basis of case details received by the Jail Authorities from the First Custody Warrant which is in turn based solely on case particulars contained in the FIR. This data is

amenable to change at different stages i.e. stage of filing of Chargesheet, framing of Charge and then passing of final Judgement.

Adoption of this new Modified 'Custody Warrant' is necessary as unless the specific offence in which UTP is kept in detention is regularly updated, the software filters will not be able to give correct results. For example, an accused initially arrested u/S 302 IPC may be finally chargesheeted u/S 304 IPC.

This new Modified Custody Warrant carry the particulars of the Legal Aid Counsel/Private Counsel representing the UTPs at different stages.

Suggestion No.2: Training/sensitization of Remand Court/Trial Court to safeguard the rights of the UTPs to be considered for bail.

It is suggested that judicial academies of respective States may undertake training/sensitization courses of judicial officers with an aim to highlight the reason behind the UTPs: Convicts ratio in prisons which currently stands as 67% : 33% in our country. The world average of UTPs: Convicts ratio stands at only 31%:69%.

The Training of judicial officers may include highlighting importance of - · Compliance of Section 41, 41 A to D Cr.P.C. by police authorities. Release of arrested persons/UTPs in deserving cases by invoking Section 59 of Cr.P.C with or without bond.

- Highlighting importance of 14 situations/criteria laid down by Hon'ble Supreme Court in WP Civil No. 406/2013 "Re-inhuman conditions in 1382 prisons" and their timely compliance for decongestion of jails.

Suggestion No.3: Inclusion of Chief Public Prosecutor in UTRC.

- State is represented by Public Prosecutor in each criminal court i.e. MMs/Sessions. As and when any Bail Application is moved by the UTPs either on merits or on technical grounds, as a matter of routine, it is observed that they are opposed by Public Prosecutors/Additional Public prosecutors/Asstt. Public prosecutors representing the State in the Court. Hence, inclusion of Chief Public Prosecutor of the District in the UTRC would assist in compliance of directions of Hon'ble Supreme Court.

Suggestion No.4: Expanding the mandate of UTRC

- UTRC is mandated to ensure compliance of directions issued by Hon'ble Supreme Court. However to ensure that UTPs' right to speedy trial is upheld, it is proposed that UTRC shall look into the individual cases so as to ascertain as to why a particular criminal trial is not getting concluded in a reasonable time and is getting dragged. Such a review of individual cases would go a long way in identifying the broad reasons which results in the delay of trials. This would also help reduce imbalance of 67%:33% UTPs: Convicts ratio.
- While identifying bottle necks in the Criminal Justice System of a particular district, other facets which can be looked into and addressed by the UTRC may include:

- 4.1 Check on non-compliance of Section 41 Cr.P.C. to curtail avoidable/unnecessary arrests by the Police.
- 4.2 Non production of UTPs before the Remand/Trial Court either in person or via video conferencing facility on account of lack of logistic facilities.
- 4.3 Delay caused by frequent inter-state transfer of UTPs
- 4.4 Non filing of FSL/CFSL report in time.
- 4.5 Failure of police to trace, serve and produce the Public/Expert witnesses.
- 4.6 Delay caused in frequent transfer of investigation related witnesses like police officials, documents.
- 4.7 Non availability of dedicated PPs in each criminal court. 4.8 Rational distribution of criminal cases in different courts within district
- 4.9 Paucity of staff like Ahlmad or stenographer for the criminal court 4.10 Delay caused by lack of efficiency in administrative set up like Copying Agency, Facilitation Centre, Record Room(in case of fetching of old file) etc.
- 4.11 IT Infrastructural need like, Desktop, printer, NIC-net, stationary etc. apart from Data entry professionals.
- 4.12 Popularize ADR methods as also Plea Bargaining for quick disposal.
- 4.13 Suggest segregation of trial in case one or more co-accused are absconding.
- 4.14 Availability of effective and efficient Free Legal Aid Services. 4.15 Seeking Cooperation from the Bar for expediting trial. 4.16 Any other issue which is hampering the early conclusion of criminal trials in the District.

Once the respective UTRCs start taking cognizance of these problems and suggest remedial measures to the concerned Duty Holders, the delay in disposal of criminal cases can be curtailed to a great extent. Learning outcomes of such suggestions can help in Policy formulation for improving efficiency of Criminal Justice System's operation in not only the District but also in the State.

List of eligible UTPs for consideration of UTRC

List of eligible UTPs for consideration of UTRC			Annexure- A
1	2	3	
Name of the UTP	Father's Name	Gender/age	
FIR/ Crime No.	Police Station	District	
Arrested under Section	Particulars of the Courts	Date of Arrest	
Date of Remand	Date of admission in Prison	Date of filing charge sheet	
Chargesheeted under section	UTP represented by Legal aid/private	Name of the Lawyers with contact details, if available	
Whether bail has been granted to the accused, if when	If accused is not released on bail despite grant of bail reason for the same, if available	If UTP suffering from any disease mental or physical, details regarding the same	
Whether UTP is a convict/Under trail in any other	If yes, separate entry in the data sheet be made qua the additional Case		

Contd...

TEMPLATE

ANNEXURE-A

21	22	23	24	25	26
Recommendation of UTRC	Date of recommendation	Brief reason for UTRC recommendation	Action taken on recommendation	Final outcome	Date of release of UTP

·NOTE: Column no. 21 – 26 to be filled by UTRC

TEMPLATE

Annexure-B

Lists of Convicts

1	2	3	4	5	6	7	8	9	10	11	12	13	14
S. NO	Name of the Convict	Father's Name	FIR No.	Police Station	District	Name of the trail court	Date of conviction	Duration & nature of sentence	Total remission earned	Date when sentence completed	Reason for non-release	Whether case considered by sentence review board	Reason for not granting pre-mature release

·NOTE: Column no. 1 – 14 to be filled by Jail Superintendent

15	16	17	18	19	20
Recommendation of UTRC	Date of recommendation	Brief reason for UTRC recommendation	Action taken on recommendation	Final outcome	Date of release of convict

·Note: Column no. 15 -20 to be filled by UTR

Template
Annexure – C

CUSTODY WARRANT

Jail No:.....

Name		FIR No.	
Father's name		U/s as per(FIR)	
Age		Arrested U/s	
Gender		Police station	
Address		District	
Nationality		Date of Arrest	

Photo
Of
Inmate

REMAND DURING INVESTIGATION ADVOCATE. (private/ Legal aid)

S.No.	Date	Remand order by Ld. Judge/ Next time in the court
1.		
2.		
3.		
4.		

- Date of filing of charge sheet.....
- Offence against the Accused.....

REMAND AFTER FILING OF CHARGE SHEET Advocate. (private/Legal aid)

S.No	Date	Remand order by Ld. Judge/ Next time in the court
1.		
2.		
3.		
4.		
5.		

- Date of Committal in Sessions trial case.....
- Date of framing of charge.....
- Charge framed under offences.....

REMAND DURING PROSECUTION EVIDENCE Advocate..... (private/ Legal Aid)

S.No	Date	Remand order by Ld. Judge/ Next time in the court
1.		
2.		
3.		
4.		
5.		

REMAND DURING STATEMENT OF ACCUSED Advocate. (private/ Legal Aid)

S.No	Date	Remand order by Ld. Judge/ Next time in the court
1.		
2.		
3.		

REMAND DURING DEFENCE EVIDENCE Advocate.....(private/ Legal Aid)

S.No	Date	Remand order by Ld. Judge/ Next time in the court
1.		
2.		
3.		

REMAND DURING FINAL ARGUMENTS Advocate.....(private/ Legal Aid)

S.No	Date	Remand order by Ld. Judge/ Next time in the court
1.		
2.		
3.		

- Result of trial :
- Judgment pronounced on :
- If convicted, offence convicted under :
- Sentence imposed : (Attach separate sheet)
- Compensation awarded to victim : (Attach separate sheet)

FRONT OFFICE GUIDELINES

1. Background and Rationale:-

Legal Services Authorities are providing free and competent legal services to weaker and marginalised sections of society. Front office is one of the units of the entire framework to render such services. As per Regulation 2(c) of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 “Front office means a room in the Legal Services Institution where legal services are made available”. Regulation 4 of the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 provides that all Legal Services Institutions shall have a Front Office. In the Front office are deputed Retainer Lawyer, Para Legal Volunteers (PLVs) and Panel Advocates. Moreover, persons with the qualification of Masters Degree in Social Work or Diploma or Masters Degree in psychiatric or psychology may also be called to the Front Office as and when necessary.

It is imperative to make Front Office efficient and effective so that quality and meaningful legal services are rendered to the visitors/legal aid seekers. At present, there is no uniformity in the functioning of Front Offices across the country. Moreover, in most of the Front Offices, legal services of the required standard are not delivered. It is important to strengthen Front Offices so that high-quality legal services are rendered and Front Office work as One Stop Centre for legal aid seekers/beneficiaries.

Hence, arises the need of guidelines suggesting the operational framework for rendering legal services in Front Office.

2. Legal Services through Front Office

Front Office is expected to provide legal services in an effective and expeditious manner. Functions of Front Office include:

- (i) Providing Legal advice;
- (ii) Drafting applications, petitions, replies etc.;
- (iii) Attending legal aid helpline number
- (iv) Receiving and maintaining record with regard to legal aid applications;
- (v) Uploading legal aid applications on Web Portal of NALSA;
- (vi) Maintaining up- to- date data of court based matters and maintaining data in prescribed formats.
- (vii) Updating Legal Aid Beneficiary about particulars of a Panel Lawyer marked for his matter and also updating him regularly about the status of his case.

3. Suggestive framework:

(1) Location :-

As per Regulation 4 of National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, all Legal Services Institutions have to set up a Front

office. The location of the Front Office should be such as is visible to litigants and other people who are visiting courts or the offices of Legal Services Institutions. It should not be far away from the courts. It should not be at a place which is not visible. Front Offices should be setup at the level of State, District and Taluk level legal services institution. Sign boards spelling out Front Office and the time of opening and closing of Front Office be put outside the Front Office.

(2) Infrastructure:-

Front office shall be well painted. It shall have at least one table, three chairs for PLVs, and one/two chairs for Panel Lawyers. It shall have at least two visitors chairs. It shall have a notice board, a computer, a scanner and printer and a legal helpline number. Suggestion box and complaint box be also kept in the Front office. In the waiting area there should be sufficient seating arrangements. Drinking water facility should be made available at the waiting area. DLSA may also subscribe newspaper and news magazines, to be kept in waiting area. LED monitor be also affixed at appropriate place in the Front office for displaying the functions of the Legal Services Authorities, entitlements to free legal services, documentaries related to Legal Services, NALSA Theme Song, Success Stories etc. the LED monitor can also be utilised for video conferencing along with necessary equipment's such as a webcam or a desktop VC facility.

(3) Duty Roasters and list of Panel Advocates and PLVs:

A daily roaster regarding the Front Office should be put on the notice board. It shall clearly spell out the names of the PLVs, Retainer/Panel Lawyers along with their telephone numbers. The duty roster of all the Front offices of SLSA/DLSAs and Taluka shall also be uploaded on the website of the State Legal Services Authorities. Front office shall also have a list of all panel advocates and PLVs of concerned Legal Services Institution along with their addresses and telephone numbers for ready reference. A copy of list containing duty roster of all the Legal Services Clinics be also kept in the Front Office for ready reference. Following points should be kept in view while deputing PLV/Retainer/Panel lawyers etc. at the Front Office.

- (a) **Professionalism:** - The person deputed shall have a professional appearance and attitude. The office of Secretary should take into account the said aspect while deputing a person.
- (b) **Technical prowess:** - The person deputed should be comfortable in using phone system, copier, scanner and printer. Basic technical knowledge of using e-mail, etc. should be possessed by the candidate.

4. Registers and booklets to be kept and maintained in the Front Office:-

Following registers/records are to be maintained in Front Office:

- (i) Front Office Register for visitors
- (ii) Legal Aid Monitoring Register
- (iii) Legal Services Helpline Register

These registers can be maintained in soft version in computers on Excel sheets or any other software deemed fit. The suggestive format is provided in the **Annexures A to C**. In the Front office, shall be kept updated data of court based matters so that legal aid beneficiaries can be apprised about the same. Feedback forms regarding the court based matters be also kept at the Front Office. A suggestive feedback proforma is attached herewith as **Annexure D**

(4) Daily reporting about case proceedings

The panel lawyer shall report at the Front Office about the proceedings conducted in the case and the next date and purpose, if the case is adjourned. This shall be reported on daily basis. The communication in this regard to the Front Office may be sent through email also. The office of DLSA shall mark the duty to a PLV in the Front Office to update the information on the record on daily basis under the supervision/guidance of Retainer Lawyers. If a panel lawyer at the end of the day fails to report about the next date of hearing and the proceedings, he be contacted to provide the same on the morning of next day. Panel Lawyers be sensitized about the importance of updating the record at the Front office on daily basis. PLV maintaining the record shall be trained in data entry. In this regard, PLVs and Retainer Lawyers deputed at the Front Office be trained and sensitized to make use of NALSA portal.

(5) Updating legal aid Beneficiaries:-

Panel Lawyers/Retainer Lawyers/PLVs be trained in updating legal aid beneficiaries regarding court based matters through SMS and Emails. System of updating legal aid beneficiary through SMSs may be adopted. Legal aid beneficiary should be updated about the decision taken on his/her legal aid application, name & phone number of legal aid counsel marked to the applicant in case legal aid is decided to be given. He be regularly updated about the progress of case. Standard format of SMS and Email be devised.

(6) Handling legal Aid Helpline professionally:

- (a) Legal Aid Helpline telephone should be kept in the Front Office. The PLV be trained to attend legal aid calls properly. In case of complex issues, he should refer the call to the panel lawyer/retainer lawyer instead of himself advising on legal matters. With regard to all this, suitable training be provided to PLVs and Retainer Lawyers/ Panel Lawyers who are deputed for the purpose in the Front Office.
- (b) Persons deputed for handling legal aid helpline should be courteous and have good communication skills.
- (c) In this regard, the following points must be kept in view:-
 - i. **Answering a call-** a pleasant buffer phrase such as “Good Morning” or “Thank you for calling Legal Services Authority” may be used.

- ii. **Avoid excuses-** Callers want solution. They do not want excuses. If the person handling the legal aid helpline is not capable of advising on a particular legal problem. Then, he should refer the call to the Retainer/Panel lawyers deputed at the Front Office.

(7) Bare Acts, compilation of welfare schemes etc :-

In the Front Office, be kept Bare Acts of various important enactments such as Code of Civil Procedure, Code of Criminal Procedure, Indian Evidence Act etc. This is important for ready reference of the panel lawyers. A compilation of welfare schemes of Central and State Government be also kept in the office so that visitors also can get knowledge about the existing welfare schemes.

(8) Connect with Legal Services Clinics :-

Front office shall have database of all the Legal Services Clinics including the telephone numbers of the panel advocates and PLVs deputed in the Legal Services Clinics. Any update in the matter falling within the jurisdiction of any Legal Services Clinic be given to the concerned Legal Services Clinic by Front Office so that the legal aid beneficiary escapes from the trouble of travelling to the District or Taluka Headquarters to know about the status of his/her application/case.

(9) Regular Monitoring of Front Office:

Regular monitoring be made of Front Offices at the State, District and Taluka Level. At least in a fortnight, registers be checked and interaction be done with the visitors for assessing the working of Front Office. Suggestions, complaints and the feedback forms be dealt and evaluated on regular basis. Remedial steps be taken to remedy the deficiency, if any noticed.

(10) Maintenance of Digital Record:

Legal Aid applications may be received by way of post, email, web portal or applicant may deliver it in person at the office of Legal Services Authority or in Front Office. The record of all the legal aid applications be maintained at the Front Office. The applications received in hard copy form be scanned and kept in scanned form in the computer. The same be uploaded on NALSA portal . Record in soft copy form of the notices, replies, representations drafted at the front offices be also kept.

(11) Assistance of lawyer having expertise in particular branch of law -

It may happen that the notice to be drafted at the Front Office or legal advice to be rendered may be beyond the specialized field of the Retainer lawyer or panel lawyer deputed at the Front office. In such a scenario, complex legal issues requiring special knowledge of any particular branch of law be referred to the office of Secretary, DLSA which in turn shall depute the lawyers from its panel who are having special knowledge needed to draft the application/ notice or deal with the issue to render correct legal advice.

(1) Promotional Activities:

Public need to be apprised about the existence of Front office and the various legal services being rendered by Front Office. Hence, adequate publicity of Front Office be got done through print and electronic media.

FRONT OFFICE REGISTERS (Annexures A)

MONTH

S. No.	Date	Name & address of visitor	Problem	Action taken	Remarks

LEGAL AID HELPLINE REGISTER (Annexure B)

S. No.	Name & address & phone no. of caller	Date & time of call	Problem discussed	Action taken/advice given	Remarks

LEGAL AID (MONITORING) REGISTER (Annexure C)

DATE :

S. No.	Title of case	Name of Counsel	Name of Party to whom legal aid given	Previous date	Next date	purpose to which case adjourned

Annexure 'D'

Feedback Form

(1) How would you rate the performance of the lawyer assigned to your matter?

- ☐ Bad
- ☐ Average
- ☐ Good
- ☐ Excellent

(2) How responsive was the lawyer who worked on your matter?

- ☐ Bad
- ☐ Average
- ☐ Good
- ☐ Excellent

(3) How were you treated by the members of our staff with whom you came into contact?

- ☐ Bad
- ☐ Average
- ☐ Good
- ☐ Excellent

(4) How would you rate the overall communication on the part of our lawyer/staff?

- ☐ Bad
- ☐ Average
- ☐ Good
- ☐ Excellent

(5) Other Comments.