



# **ASSAM STATE LEGAL SERVICES AUTHORITY**

**"Access to Justice for all"**

## **LEGAL ORIGIN:**

Article 39-A was inserted in the Constitution by Amendment Act, 1976 with effect from 3.1.1977. It enjoins upon the State to secure that the operation of legal system promotes justice on the basis of equal opportunity and in particular to provide free legal aid by suitable legislation or schemes or in any other way and to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Equal justice to all and free legal aid are hallmark of Article 39-A.

Pursuant to these objectives the Legal Services Authorities Act, 1987, was enacted by the Parliament 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 the basis of equal opportunity.

## **ESTABLISHMENT:**

Assam State Legal Services Authority has been constituted as a separate establishment vide Notification No. LGL. 176/94/PT.II/47 dated 07th April, 1998 in terms of Section 6 of Legal Services Authorities Act, 1987 read with Rule 3 of Assam State Legal Services Authority Rules, 1996, which is enacted to effectuate the constitutional mandate enshrined under Article 14 and 39-A of the Constitution of India.

## **OUR VISION:**

Our motto is "ACCESS TO JUSTICE FOR ALL", so that justice is not denied to citizens by reasons of economic or other disabilities. The core value of our Constitutional philosophy, as reflects from the Preamble, is the dignity of individual which is an essence of human rights, demands, not merely the civil or political rights but also economic, social, cultural rights. The main objective, penchant and directions of the Legal Services

Authority is to take real, practical and positive steps to ensure that there is equality and fairness for all in the justice process to fulfil the mandate of Constitution of India. It is, indeed, an enormously onerous task in view of large populace cursed with poverty and illiteracy. Therefore, the role of Legal Services Authority assumes great significance.

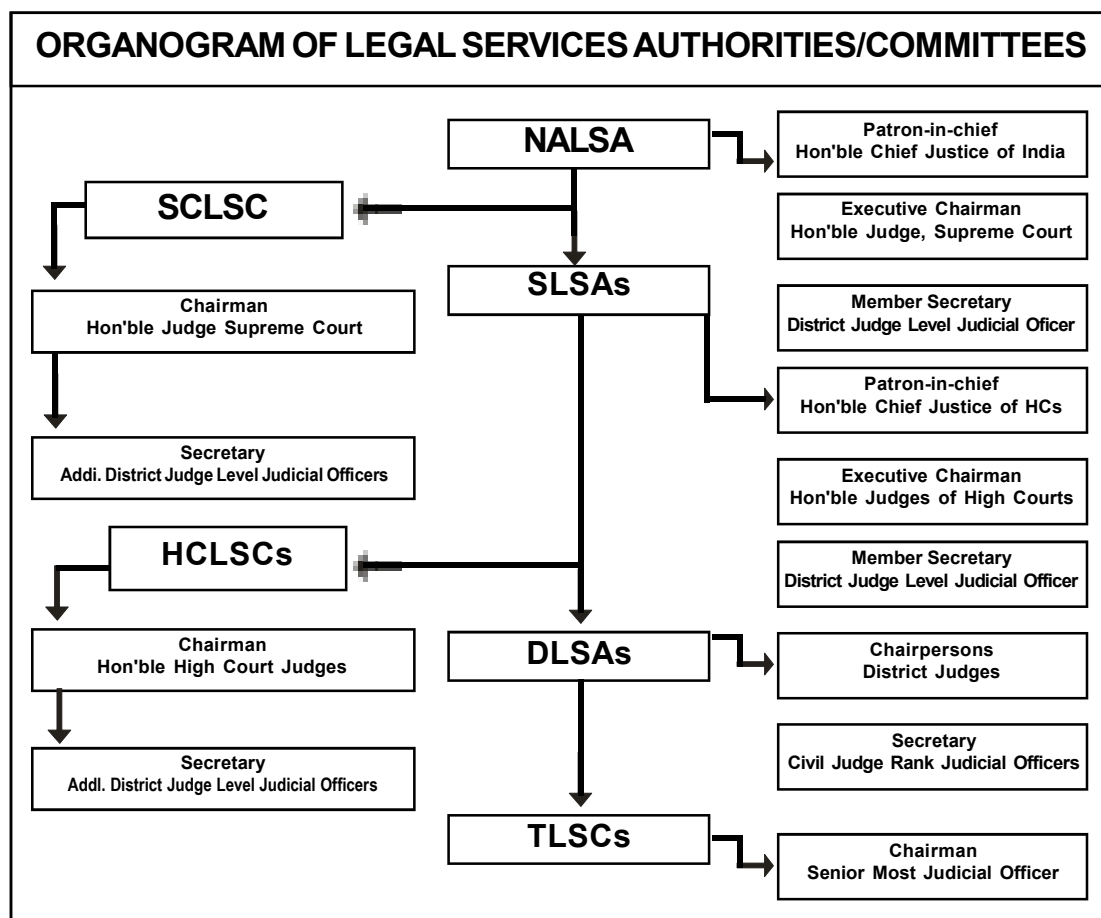
#### OUR MISSION:

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.

#### ORGANISATIONAL STRUCTURE OF ASLSA:

- ❖ Hon'ble Chief Justice of Gauhati High Court is the Patron-in-Chief
- ❖ Hon'ble Judge of Gauhati High Court is the Executive Chairman of the Authority.
- ❖ Hon'ble District Judge Level Officer is the Member Secretary of the Authority.



Assam State Legal Services Authority has also constituted a Committee in the High Court of Gauhati called the High Court Legal Services Committee under section 8A of the Legal Services Authorities Act, 1987, as amended by the Legal Services Authorities (Amendment) Act, 2002.

In Assam there are 33 District Legal Services Authorities established under section 9 of the Legal Services Authorities Act, 1987, as amended by the Legal Services Authorities (Amendment) Act, 2002.

### **DISTRICT LEGAL SERVICES AUTHORITIES UNDER ASLSA**

<b>Sl. No.</b>	<b>DLSAs</b>	<b>Contact No.</b>	<b>Sl. No.</b>	<b>DLSAs</b>	<b>Contact No.</b>
1	Baksa	6901281619	18	Kamrup (Amingaon)	6901281617
2	Barpeta	6901281618	19	Kamrup (Metro)	6901281635
3	Biswanath	6901281620	20	Karbi Anglong	6901281636
4	Bongaigaon	6901281621	21	Karbi Anglong (West)	6901281649
5	Cachar	6901281622	22	Karimganj	6901281637
6	Charaideo	6901281623	23	Kokrajhar	6901281638
7	Chirang	6901281624	24	Lakhimpur	6901281639
8	Darrang	6901281625	25	Majuli	6901281640
9	Dhemaji	6901281626	26	Morigaon	6901281641
10	Dhubri	6901281629	27	Nagaon	6901281642
11	Dibrugarh	6901281627	28	Nalbari	6901281643
12	Dima Hasao	6901281628	29	Sivasagar	6901281644
13	Goalpara	6901281630	30	Sonitpur	6901281645
14	Golaghat	6901281631	31	South Salmara	6901281646
15	Hailakandi	6901281632	32	Tinsukia	6901281647
16	Hojai	6901281633	33	Udalguri	6901281648
17	Jorhat	6901281634			

### **FUNCTIONS OF THE AUTHORITY:**

- To provide free Legal Services to the weaker sections of the society.
- To organize Lok Adalats for amicable settlement of disputes.

- To give effect to the policies and directions of the NALSA (National Legal Services Authority).
- Undertake preventive and strategic legal aid programmes
- To implement Legal Services Programmes in the District (by the District Legal Services Authority).

## **CORRESPONDENCE DETAILS**

Office Address : Assam State Legal Services Authority  
1st Floor, Gauhati High Court, Old Building, Guwahati-781001

Website: <http://aslsa.assam.gov.in>

Email: [assamslsa1@gmail.com](mailto:assamslsa1@gmail.com)

Contact nos.: 69012-81650, 0361-2601843

### **EDITORIAL TEAM**

Editor-in-Chief : Shri Ratnadip Bhattacharjee, Member Secretary, ASLSA

Editor : Smt. Pronita Morang, Deputy Secretary, ASLSA

Deputy Editor : Smt. Anamika Barman, Under Secretary, ASLSA

Members :

- i) Shri Shashanka Kakaty, Accounts Officer, ASLSA
- ii) Shri Satyajit Das, UDA, ASLSA
- iii) Shri Aref Zaman, UDA, ASLSA
- iv) Shri Ashok Kumar Das, LDA, ASLSA
- v) Shri Chandan Kalita, LDA, ASLSA
- vi) Smt. Anamika Kalita, LDA, ASLSA
- vii) Smt. Utpala Sahu Sinha, LDA, ASLSA
- viii) Sri Nabajit Das, LDA, ASLSA
- ix) Sri Parashar Chakraborty, Steno Gr.III

### **DISCLAIMER**

This handbook is a compilation of sourced documents. Although this publication is designed to provide accurate information with regard to the subject matters covered and every effort has been made to ensure that the information in this book is correct at the time of printing, any error, inaccuracy, omission, or any other inconsistency cannot be ruled out and are purely unintentional and due to oversight. It is requested to bring any such mistake or error to the notice of ASLSA for appropriate corrigendum. ASLSA is not responsible for copyright violation, if any. For feedback/suggestions, reach us at [assamslsa1@gmail.com](mailto:assamslsa1@gmail.com).

**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.**



# INDEX

1	The Legal Services Authorities Act, 1987	7
2	The Assam State Legal Services Authority Rules, 1996	29
3	The Assam State Legal Services Authority Regulations, 1998	36
4	The Assam State Legal Services Authority Regulations (1st Amendments), 2010	67
5	The Assam State Legal Services Authority Regulations (2nd Amendment), 2011- Honourarium Payable to Panel Advocates	69
6	Honourarium Payable to the Mediators	76
7	The National Legal Services Authority (Lok Adalat) Regulations, 2009 (With amendments)	81
8	The Nationals Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 (With amendments)	107
9	The Assam Victim Compensation Scheme, 2012 (With amendments)	138
10	The National Legal Services Authority (Legal Aid Clinics) Regulations, 2011	157
11	The National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and other institutions) Scheme, 2013	165
12	Scheme for Para Legal Volunteers (Revised) & Module for the orientation-induction-refresher courses for PLV training	169
13	The Assam Witness Protection Scheme, 2024	181
14	Minutes of the 18th Quarterly Meeting of ASLSA (Agenda no. 07- Fee of Conciliator- Lok Adalat)	197
15	Minutes of the 19th Quarterly Meeting of ASLSA (Item no. 04- Upper limit of expenditure for holding of each Legal Awareness Programme	201
16	Notification for enhancement of Income limit for availing free legal aid under section 12 of Legal Services Authorities Act, 1987	206
17	Early Access to Justice at Pre-Arrest, Arrest and Remand Stage	208
18	Schemes of NALSA	219
19	Front Office Guidelines	227
20	Legal Aid Defense Counsel Scheme 2022 (Modified Scheme 2022)	233
	a. Modified LADC Scheme, 2022	234
	b. Category wise maximum no. of Human Resources to be deployed for each LADCS	246
	c. Format 'B' for monthly performance analysis of LADCS	246
21	Monthly Expenditure Report	249
22	Delegation of Financial Powers to DLSAs	251
23	Revised Format- Information of prisoners who have not been released due to non-payment of fine	253

24	Formats of Reports regarding UTPs not released despite grant of bail	254
	a. UTP Revised format (Attachment C)	254
	b. Guidelines for providing continuous competent legal services to UTPs	255
	c. Monthly report regarding follow up of cases and get UTPs released on bail	258
25	Revised Proforma- UTRC Data in W.P.(C) No. 406/213	260
26	Format A, B & C- Regarding Convict Information Sheet & Quarterly Report Regarding Convict Information Sheet- W.P. (C) no. 1082 of 2020, titled "Suhas Chakma Vs. Union of India & Ors."	263
27	Quarterly Report regarding functioning of Monitoring Committee in connection with Hit & Run Motor Accident Scheme 2022	268
28	Empowered Committee & Oversight Committee for fine of poor prisoners & SOP	274
	a. Constitution of Empowered Committee	
	b. Constitution of Oversight Committee	
29	Monthly & Quarterly Statistical Report/ Mediation Report/ LAC Report	277
	i) Uploading response on portal for "Arbitration and Mediation Centres Annexed to the Commercial Courts"	
	ii) a) Disposal of Mediation Cases	
	b) Mediation Data since Inception (15th June, 2009) for uploading on MCPC Database Software	
	iii) Consolidated Mediation Data	
	iv) Monthly Mediation Data relating to Commercial matters in 6(i) format	
	v) Quarterly Mediation Data relating to Commercial matters in 6(ii) format	
	vi) Monthly Statistical Information (Annexure: A to J)	
	vii) Quarterly Report in connection with implementation of resolutions adopted in Chief Justices' Conference, 2016	
	viii) Monthly Activity Report in Annexure-K	
30.	Reports on functioning of Prison Legal Aid Clinics	307
	a. Format A: Inspection Form: Prison Legal Aid Clinic	
	b. Format B: Inspection & Evaluation Report of the Prison Legal Aid Clinic	
	c. Format C: Report on Functioning of the Prison Legal Aid Clinics	
31.	Guidelines and important information	345
	a. Approval of new LADCS Scheme	
	b. Constitution of District Level Monitoring Committee in connection with Hit & Run Motor Accident Scheme, 2022	
	c. Guidelines & SOP for implementation of the scheme for support to poor prisoners	
	i) Constitution of empowered committee	
	ii) Constitution of oversight committee	
32.	NALSA (Legal Services for Differently Abled Children) Scheme, 2021	362



# THE LEGAL SERVICES AUTHORITIES ACT, 1987

No. 39 of 1987, The 11th October, 1987

[As Amended by Legal Services Authorities (Amendment) Act, 1994] (No.59 of 1994)  
and [Legal Services Authorities (Amendment) Act, 2002 (No.37 of 2002)]

**The 11th October, 1987**

**The 29th October, 1994**

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 the basis of equal opportunity.

Be it enacted by Parliament in the thirty eight year of the Republic of India as follows:-

## CHAPTER I PRELIMINARY

### 1. Short title, extent and commencement:

- (1) This Act may be called the Legal Services Authorities Act, 1987.
- (2) It extends to the whole of India, except the State of Jammu and Kashmir.\*\*\*
- (3) It shall come into force on such date 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:**

- (1) In this Act, unless the context otherwise requires;
  - (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;
  - <sup>3</sup>(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 organized under Chapter VI;
  - (e) "notification" means a notification published in the Official Gazette;
  - (f) "prescribed" means prescribed by rules made under this Act;
  - (ff) "regulations" means regulations made under this Act;
  - (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 provision 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;
  - (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**

### <sup>53.</sup> 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.
  - (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 authorized 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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, [\*\*\*] perform all or any of the following functions, namely:

- (a) lay down policies and principles for making legal services available under the provisions of the Act;
- (b) frame the most effective and economical schemes for the purpose of making legal services available under the provisions of this Act;
- (c) utilize 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) organize 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 negotiation, 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 IV A 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,

- (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 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 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 organizations 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 function 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**

**96. 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 thereby, 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 or any other officer 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 authorized by the Executive Chairman of the State Authority.
- (9) No act or proceeding of a State Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the State Authority.

#### **7. Functions of the State Authority:**

- (1) It shall be the duty of the State Authority to give effect to the policy and directions of the Central Authority,
- (2) 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 Lok Adalats; including Lok Adalats for High Court 10 cases
  - (c) undertake preventive and strategic legal aid programmes; and



- (d) perform such other functions as the State Authority may, in consultation with the Central Authority<sup>11</sup>, fix by regulations.

**<sup>128.</sup> 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.

**8A. 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
  - (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.

**<sup>139.</sup> Constitution of 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) A District Authority shall consist of -
  - (a) the District Judge who shall be its Chairman; and
  - (b) such number of other members, possessing such experience and qualification, 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 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.
  - (4) 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.
  - (5) 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.
  - (6) 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.
  - (7) 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
  - (8) All orders and decisions of the District Authority shall be authenticated by the Secretary or by any other officer of the District Authority duly authorized by the Chairman of that Authority.
  - (9) No act or proceeding of a 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.
- (10) Functions of 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:-
    - (a) <sup>14</sup>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. [\*\*\*]<sup>15</sup> fix by regulations
- 11. 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, wher-

ever appropriate, act in coordination with other governmental and non-governmental institution, 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.

<sup>16</sup>11A.

- (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 "senior-most judicial officer"<sup>17</sup> 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 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 Chief Justice of the High Court for the efficient discharge of its functions.
- (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 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) coordinate the activities of legal services in the taluka;
- (c) organize Lok Adalats within the taluk; and
- (d) 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 traffic king in human beings or begar as referred to in article 23 of the Constitution;
- (c) a woman or a child;

- (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.<sup>18</sup>
  - (e) a person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster;
  - (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, or in a Juvenile home within the meaning of clause (j) of section 2 of the Juvenile Justice Act, 1986, or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987; or
  - (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 to 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 utilized 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;
  - (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'.<sup>19</sup>

**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-
  - (a) all sums of money paid to it or any grants made 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;
  - (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.<sup>20</sup>

**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
  - (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<sup>21</sup>
- (2) A District Legal Aid Fund shall be applied for meeting-
  - (a) the cost of functions referred to. in section 10 and 11B<sup>22</sup>
  - (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 his 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.
  - (5) <sup>23</sup>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**

### **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 organize Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit.
- (2) Every Lok Adalat organized 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, organizing such Lok Adalat.
- (3) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats organized by the Supreme Court Legal Services Committee shall be such as may be prescribed by the Central

- Government in consultation with 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:-
    - (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 organized:

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.

**<sup>24</sup>20. Cognizance of cases by Lok Adalats:**

- (1) Where in any case referred to in clause (i) of sub-section (5) of section 19
    - (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 organizing 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, with atmost 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).

**<sup>25</sup>21. Award of Lok Adalat:**

- (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.

**22. Powers of (Lok Adalat or Permanent Lok Adalat):**

- (1) The "Lok Adalat or Permanent Lok Adalat"<sup>26</sup> 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, while trying a suit in respect of the following matters, namely-
  - (i) the summoning and enforcing the attendance of any witness and examining him on oath;
  - (ii) the discovery and production of any document;
  - (iii) the reception of evidence on affidavits;
  - (vi) the requisitioning of any public record or document or copy of such record or document from any court or office; and
  - (v) such other matters as may be prescribed,
- (2) Without prejudice to the generality of the powers contained in sub-section (1), every<sup>27</sup> 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,
- (3) All proceedings before a "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 (45 of 1860) and every 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, (to of 1974)



## CHAPTER VI A<sup>28</sup>

### 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,
  - (vii) housing and estates<sup>29</sup>
  - (viii) banking and financial<sup>30</sup>

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 Lok Adalat:

- (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.

## **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 not have jurisdiction in the matter where the value of the property in dispute exceeds twenty five<sup>31</sup> lakh rupees:  
Provided also that the Central Government, may by notification, increase the limit of "Twenty Five" lakh rupees specified in the second provision 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 circumstance 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 or 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

**<sup>32</sup>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 Authorities, the District Authorities, the Supreme Court Legal Services Committee, High Court Legal Services Committee, Taluk Legal Services Committees and officers and other employees of such Authori-

ties, Committees "and the Members of the Lok Adalats or the persons constituting Permanent Lok Adalats"<sup>33</sup> shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

**24. Protection of action taken in good faith:**

No suit, prosecution or other legal proceedings shall lie against-

- (a) the Central Government or the State Government,
- (b) the Patron-in-Chief, Executive Chairman, Members or 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 authorized by any of the Patron-in Chief, Executive Chairman, Chairman, Member, Member Secretary referred to in sub- clause (b) to (d), for any thing which is in good faith done or intended to be done under the provisions of this Act or any rule or Regulation made thereunder.

**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 any 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.

**<sup>34</sup>27. Power of the 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 qualification of the Member Secretary of the Central Authority and his powers and functions under sub-section (3) of section 3;

- (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 organized by the Supreme Court Legal Services Committee specified in sub-section (3) of section 19;
- (l) other matters under clause (e) of sub-section (i) of section 22; (l-a) the other terms and conditions of appointment of the Chairman and other persons under sub-section (2) of Section 22B;<sup>35</sup>
- (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 powers, 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;23
- (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;
- (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 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 11 A;
- (l) the number of officers and other employees of the Taluk Legal Services Committee under sub-section (3) of section 11 A;
- (m) the conditions of service and the salary and allowances of officers and other employees of the Taluk Legal Services Committee under sub-section (4) of section 11A;
- (n) 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;
- (o) the experience and qualifications of other persons of the Lok Adalats other than referred to in sub-section (4) of Section 19;
- (p) 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 provision 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 mem-

bers and Secretary of the Supreme Court Legal Services Committee under sub- section (4) of section 3A.

- 29A.** (1) The State 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 provision 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 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 terms 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 terms of office and other conditions relating thereto, of other Members and Secretary of the Taluk Legal Services Committee under sub-section (3) of section 11A.

**30. 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 Legislature.

---

**Footnote:**

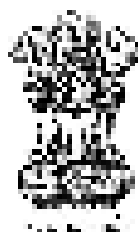
1. Whole Act except Chapter III came into force on 9.11.1995, vide S.O. 893 (E) dated 9.11.1995.
2. Subs. by Act 59 of 1994 Sec. 2, for clause (a) (w.e.f. 29.10.1994).
3. Ins. by Act 59 of 1994, Sec.2 (w.e.f. 29.10.1994)
4. Ins. by Act 59 of 1994, Sec.2 (w.e.f. 29.10.1994)  
\*\*\* The word "except the State of Jammu and Kashmir" Omitted by Act 34 of 2019, Ss 95 and Sch. V (w.e.f. 31-10-2019).
5. Ins. by Act 59 of 1994, Sec.3, for Section 3 (w.e.f. 29.10.1994)
6. The words "subject to the general directions of the Central Government" omitted by Act 59 of 1994, Sec. 4. (w.e.f. 29.10.1994).
7. Subs. by Act 59 of 1994, Sec.4, for clause (j) (w.e.f. 29.10.1994).
8. Subs. by Act 59 of 1994, Sec.4, for "state an District Authorities and other voluntary social welfare institution" (w.e.f. 29.10.1994).
9. Subs. by Act 59 of 1994, Sec.5, for section 6 (w.e.f. 29.10.1994).
10. Subs. by Act 59 of 1994, Sec.6, for "Lok Adalats" (w.e.f. 29.10.1994).
11. Subs. by Act 59 of 1994, Sec.6, for "Central Government" (w.e.f. 29.10.1994).
12. Subs. by Act 59 of 1994, Sec.7, for section 8 (w.e.f. 29.10.1994).
13. Subs. by Act 59 of 1994, Sec.7, for section 9 (w.e.f. 29.10.1994).
14. Subs. by Act 59 of 1994, Sec.8, for clause (a) (w.e.f. 29.10.1994).
15. The words "in consultation with the State Government", omitted by Act 59 of 1994, Sec 8 (w.e.f. 29.10.1994).
16. Ins. by Act 59 of 1994, Sec.9 (w.e.f. 29.10.1994).
17. Subs. by Act 37 of 2002, Sec.2, for "senior Civil Judge" (w.e.f. 11.6.2002).
18. Subs. by Act 1 of 1996, Sec.74, for clause (d) (w.e.f. 7.2.1996). Subs. by Act 59 of 1994, Sec. 10, for clause (h) (w.e.f. 29.10.1994).
19. Subs. by Act 59 of 1994, Sec. 11, for clause (b) (w.e.f. 29.10.1994).
20. Subs. by Act 59 of 1994, Sec. 12, for clause (b) (w.e.f. 29.10.1994).
21. Subs. by Act 59 of 1994, Sec. 13, for clause (b) (w.e.f. 29.10.1994).
22. Ins. by Act 59 of 1994, Sec. 13, (w.e.f. 29.10.1994).
23. Ins. by Act 59 of 1994, Sec. 14, (w.e.f. 29.10.1994).
24. Subs. by Act 59 of 1994, Sec. 15, for section 20 (w.e.f. 29.10.1994).
25. Subs. by Act 59 of 1994, Sec. 16, for sub-section (1) (w.e.f. 29.10.1994).
26. Added by Legal Services Authorities (Amendment) Act No. 37 of 2002 published in Gazette of India vide notification No. 40 dated 12-06-2002.
27. Subs. by Act 37 of 2002, Sec.3, for Lok Adalat (w.e.f. 11.6.2002).
28. Chapter VIA (containing Sections 22A to 22E) Ins. by Act 37 of 2002 (w.e.f. 11.6.2002).
29. Notified by Haryana Government vide Notification No. 20/1/2009-4JJ (1) dated 19.5.2009.
30. Notified by Haryana Government vide Notification No. 20/1/2009-4JJ (1) dated 19.5.2009.
31. Substituted vide notification No. S.O. 2083 (E) dated 15.9.2011 by Ministry of Law and Justice, Government of India.
32. Subs. by Act 59 of 1994, Sec. 17, for section 23 and 24 (w.e.f. 29.10.1994).
33. Substituted by Legal Services Authorities (Amendment) Act No. 37 of 2002 published in Gazette of India vide notification No. 40 dated 12-6-2002.
34. Subs. by Act 59 of 1994, Sec. 18, for sections 27, 28 and 29 (w.e.f. 29.10.1994).
35. Inserted by Legal Services Authorities (Amendment) Act No. 37 of 2002 published in Gazette of India vide notification No. 40 dated 12-6-2002.

\*\*\*\*\*





Registered No. A. 12



**THE ASSAM GAZETTE  
EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

No. 88 Dispur, Wednesday, 08th May, 1996, 18th Vaisakha, 1918 (S.E.)

**NOTIFICATION  
The 19th April, 1996**

No. LGL. 176/94/142. In exercise of the powers conferred by Section 28 of the Legal Service Authorities Act, 1987 (No. 39 of 1987), as amended by the Legal Service Authorities (Amendment) Act, 1994 (No. 59 of 1994), the Governor of Assam is pleased to make the following rules, namely :-

## **ASSAM STATE LEGAL SERVICES AUTHORITY RULES, 1996.**

1. Short title and commencement :-
  - (1) These rules may be called the Assam State Legal Services Authority Rules, 1996.
  - (2) They shall come into force on the date of their publication in the Official Gazette.
2. Definitions
  - (1) In these Rules, unless the context otherwise require, -
    - (a) "Act" means the Legal Services Authorities Act, 1987 (No. 39 of 1987) as amended by Legal Services Authorities 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, or, as the case may be, the Chairman of the Taluk Legal Services Committee;
    - (c) "District Authority" means the District Legal Services Authority constituted under Section 9 of the Act;
    - (d) "High Court Legal Services Committee" means High Court Legal Services Committee constituted under Section 8 A of the Act;
    - (e) "Member" means the member of the State Authority appointed under clause (c) of sub-section (2) of the Section 6 of the Act,
    - (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) "Sub-Divisional, Legal Services Committee" means a Sub-divisional Legal Services Committee constituted under Section 11 A" of the Act;
    - (i) "Taluk or Mandal" means "Civil Sub-Division" and includes a Sadar Sub - Division."
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 Legislative,
    - (iv) The Director General of Police of the State;
    - (v) Chairman, State Scheduled Castes and Scheduled Tribes Commission, and in case there is no such chairman, one person of repute who is Specially interested in the upliftment Schedule Castes and

- Schedule Tribes of the State to be nominated by the State Government.
- (vi) Two Chairmen 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 qualifications prescribed in Sub-Rule (4) of the Rule.
  - (4) A person shall not be qualified for nomination as a member of the State Authority unless he is -
    - a. an eminent person Social Worker who is engaged in the upliftment of the weaker section of the people, including Scheduled Castes, Scheduled 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 Legal Services Schemes.
  - 4. The powers and function of the Member-Secretary of the State 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 section;
    - 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; House-keeping, 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 Accounts and Balance-Sheet of the said Authority;
    - g. to liaise with the Social Action Groups and District and Taluk Legal Services Authority;
    - h. to maintain up-to-date and complete statistical information including progress made in the implementation of various Legal Services Programmes from time to time;
    - i. to process proposals for finance assistance and issue Utilisation Certificate thereof;
    - j. to organize various Legal Services Programmes as approved by the State Authority and convene Meeting/Seminars and Workshops connected with Legal Services Programmes and preparation of Reports and follow-up action thereon;
    - k. to produce video/documentary films, publicity material, literature and

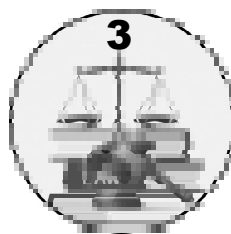
- publications to inform general public about the various aspects of the Legal Services Programmes;
  - l. to lay stress on the resolution of Rural Disputes at the doorsteps of the rural people;
  - m. to perform such of the functions as are assigned to him under the schemes formulated under Section 4(b) of the Act; and
  - n. to perform such other function as may be expedient for efficient functioning of the State Authority.
5. 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
    - (1) The members of the State Authority nominated under sub-rule (3) of rule 3 by the State Government 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 ceases 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 traveling allowance and daily 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 Class-I Officers, as amended from time to time.
    - (5) If the nominated member is a Government employee he shall be entitled to only one of set 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 matters like age of retirement; and disciplinary matters, the Member-Secretary shall be on deputation to the State Authority.
  6. The number of officer 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 its day to day functions as may be notified by the State Government from time to time for discharging of efficient functioning of the State Authority in consultation with the Chief Justice of Gauhati High Court in accordance with the provisions of the Act.
  7. 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) The Officers and other employees of the State Authority shall be entitled to draw pay and allowances in the scale of pay at par with the State Govern-

- ment employees holding equivalent posts;
- (2) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the officers and other employees of the State 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 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 qualification of Secretary of the High Court Legal Services Committee under sub-section (3) of Section 8A. - A person shall not be qualified for appointment as the 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 the High Court Legal Services Committee under sub-section (5) of Section 8A and the conditions of services 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 for discharging of efficient functioning of the High Court Legal Services Committee in consultation with the Chief Justice of the Gauhati High Court in accordance with the provisions of the Act.
    - (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 at par with the State Government employees holding equivalent posts.
    - (3) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters of the Officers and other employees of the High Court Legal Services Committee shall be governed by the State Government rules as are applicable to person 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 not have more than eight members.
    - (2) The following shall be ex-Officio members of the District Authority'-
      - (i) District Magistrate;
      - (ii) Superintendent of Police;
      - (iii) Chief Judicial Magistrate; and
      - (iv) District 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 function as may be notified by the State Government from time to time for discharging of efficient functioning of the District Authority in consultation with the Chief Justice of Gauhati High Court in accordance with the provisions of the Act,
12. The condition of Services 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 at par with the State Government employees holding equivalent posts.
  - (2) In the 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 person 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 number, experience and qualifications of members of the Taluk Legal Services Committee under clause (b) of sub-section (2) of Section II (A)
  - (1) The Taluk Legal Services Committee shall have not more than five members.
  - (2) The following shall be ex-officio members of the Taluk Legal Services Committee: -
    - (a) Sub-Divisional Officer;
    - (b) Sub-Divisional Police Officer;
  - (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 Taluk Legal Services Committee unless he is -
    - (a) An eminent Social worker who is engaged in the upliftment of the weaker section of the people including Scheduled Castes, Scheduled Tribes, Women, children and rural 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.
14. The number of officer and other employees of the Sub-divisional Legal Services Committee under sub-section (3) of section II A. The Sub-divisional 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 for discharging of efficient functioning of the Sub-divisional Legal Services Committee in consultation with the Chief Justice of Gauhati High Court in accordance with the provisions of the Act.
  15. In the matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the officers and other employees of the Sub-divisional Legal Services Committee shall be governed by the State Government rules as are applicable to persons holding equivalent posts.
  16. 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 citizen of India whose annual income from all sources does not exceed Rs. 3,00,000/- (Rupees Three lakh only) 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.
  17. The experience and qualifications of other' persons of the Lok Adalats other than referred to in sub-section (4) of section 19- a person shall not be qualified to be included in Bench of Lok Adalat unless he is -
    - (1) 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; or
    - (2) A lawyer of standing; or
    - (3) A person of repute who is specially interested in the implementation of the Legal Services Schemes and programmes.

\*\*\*\*\*



# THE ASSAM STATE LEGAL SERVICES AUTHORITIES REGULATIONS, 1998

## CHAPTER I PRELIMINARY

### 1. Short title and commencement-

- 1) These regulations may be called the Assam State Legal Services Authorities Regulations, 1998.
- 2) They shall come into force on the date of their publication in the Assam Gazette.

### 2. Definitions

- 1) In this regulations, unless the context otherwise requires,
  - a) 'Act' means the Legal Services Authorities Act, 1987 (Central Act No. 39 of 1987);
  - b) 'Authority' means the Assam State Legal Services Authority or a District Legal Services Authority, as the case may be;
  - c) 'Committee' means the High Court Legal Services Committee or a Taluk Legal Services Committee, as the case may be;
  - d) 'Form' means a form appended to these Regulations;
  - e) "High Court" means the Gauhati High Court;
  - f) 'Legal aided person' means a person to whom legal aid has been provided under these regulation; and
  - g) 'Rules' means the Assam State Legal Services Authorities Rules, 1996.



- 2) All other words and expressions used in these regulation but not defined herein, shall have the same meaning as has been respectively assigned to them in the Act or the rules.

## **CHAPTER II**

### **STATE LEGAL SERVICES AUTHORITY**

#### **3. Other functions of the State Authority-**

In additions to the functions to be performed by the State Authority, as laid down by section 7 of the Act, the State Authority may perform such other functions, as may be fixed in consultation with the Central Authority, for carrying out the schemes and programmes for promoting the causes of legal aid, as envisaged in the Act.

#### **4. Meeting of the State Authority-**

- 1) The State Authority shall meet once in every three month:  
Provided that the Executive Chairman may convene a meeting of the State Authority whenever any urgent business is to be transacted.
- 2) A meeting of the State Authority shall ordinarily be held in Guwahati.
- 3) The 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 businesses, the annual statement of accounts, the annual performance report about the plans, the programmes and the schemes of the State Authority shall be placed before the Annual General Meeting for consideration and approval.
- 4) The Executive Chairman, and in the absence of the Executive Chairman, a person chosen by the members present from amongst themselves, shall preside over the meetings of the State Authority.
- 5) The quorum for a meeting shall be five members including the Executive Chairman or the member presiding over the meeting in the event of absence of the Executive Chairman.
- 6) For every meeting of the State Authority, at least two weeks' notice shall be given to the members. However, an emergent meeting may be convened by the Member-Secretary in accordance with the direction of the Executive Chairman on short notice.
- 7) The procedure of any meeting of the State Authority shall be such as may be adopted by it.
- 8) One or more persons, who are engaged or interested in the upliftment of the weaker section of the society, who are considered suitable by the Executive Chairman, may be invited to any meeting in order to have their views, co-operation and help. Such persons shall, however, be not entitled to vote at such meeting.
- 9) All matters requiring confirmation of the State Authority under the Act or the rules and all policy matters or any specific matter as may be directed by the

Executive Chairman shall be placed before the State Authority for consideration and decision.

- 10) All the decisions of the State Authority shall be taken by the majority of votes of the members present and voting and in case of a tie, the person presiding over the meeting shall have a 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 proceedings of each meeting in a register to be maintained for the purpose and such minutes shall be open for inspection at all reasonable times by the members of the State Authority. After the meeting, a copy of the minutes shall, as soon as possible, be furnished to each of the members.
- 12) All members, including the ex- officio members, shall be entitled to payment of travelling allowances and daily allowances in respect of the journeys performed in connection with the Lok Adalat, legal aid programme and other works of the State Authority from the State Legal Aid Fund at the rate admissible to a class I officer of the Government of Assam.

Provided that the Patron-in-Chief, the Executive Chairman of the State Authority and the Chairman of the High Court Legal Services Committee shall be entitled to draw their travelling allowance and daily allowances from the State Legal Aid Fund for performing the journeys in connection with the Lok Adalats, legal aid programmes and other works of the State Authority from the State Legal Aid Fund at the rate applicable to them under the rules governing their conditions of service.

#### **5. Powers of the Executive Chairman-**

- 1) The Executive Chairman shall be competent to take all decisions as may be required on behalf of the State Authority.
- 2) The Executive Chairman may direct that legal aid, legal advice or other legal services be provided to any person entitled thereto under the Act or the Rules in respect of any matter before any Court, Tribunal or Authority in the State of Assam.
- 3) The Executive Chairman may review the cases where legal services have been refused by the District Authority or the Committee.

#### **6. Fund of the State Authority-**

- 1) The fund of the State Authority shall comprise of the State legal Aid Fund-constituted under section 16 (1) of the Act and all such amounts as may be received by way of grant or costs, charges and expenses recovered from the person to whom legal service has been provided or from the opposite party and any other money, whatsoever, received by the State Authority.
- 2) All amounts credited to the State legal Aid fund shall be kept deposited in a Nationalised Bank in an account, which shall be operated by the Member-Secretary with the prior written approval of the Executive Chairman.

**Explanation:** For the purposes of this regulation, "Nationalised Bank" means any nationalised bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

- 3) For the purpose of meeting the incidental minor charges, such as payments for Court Fee, Stamp Duty or other expenditure necessary for obtaining copies of documents and contingent expenditure etc. a permanent advance of not more than rupees five thousand shall be placed at the disposal of the Member-Secretary.
- 4) All expenditure necessary for carrying out the various functions of the State Authority including the expenses required for its meetings shall be incurred from and out of the fund of the State Authority with the prior written approval of the Executive Chairman.  
Provided that for an expenditure exceeding rupee ten thousand, the approval of the State Authority shall be taken.
- 5) The Member Secretary shall maintain or cause to be maintained the accounts and other relevant records of the receipts and disbursements neatly, properly and in accordance with the direction and procedure of the State Government and the Comptroller and auditor General of India.

### **CHAPTER III HIGH COURT LEGAL SERVICES COMMITTEE**

**7. Number, experience and qualifications of members of the committee under clause (b) of sub-section (2) of section 6A of the Act.-**

- (1) The Committee shall have not more than eleven members including the Chairman thereof.
- (2) The Committee shall consist of the following-
  - i) A sitting Judge of the High Court to be nominated by the Chief Justice, Gauhati High Court;
  - ii) The Advocate General, Assam;
  - iii) The Chairman or any other Member of the Assam Administrative Tribunal;
  - iv) The Chairman or any other Member of the Assam Board of Revenue;
  - v) The Secretary to the Government of Assam Legislative (LW) Department;
  - vi) The Registrar (General), Gauhati High Court; and
  - vii) The President, High Court Bar Association, Gauhati High Court,
- (3) The Chief Justice of the High Court may nominate other members (not exceeding four Members) from among those who are possessing the experience and qualifications prescribed in sub-regulation (4).
- (4) A person shall not be qualified for nomination as member of the Committee unless he is-

- (a) An eminent social worker who is engaged in the upliftment of the weaker section of the society, including Scheduled Castes, Scheduled 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; or
- (d) A serving or retired person of the State Legal Service or the State Judicial Service

**8. Term of office and other conditions of appointment of members of the Committee-**

- 1) The term of the office of the members of the committee nominated under sub-regulation (3) of regulation 7 shall be two years and they shall be eligible for re-nomination.
- 2) A member of the Committee nominated under sub-regulation (3) of regulation 7 may be removed by the Chief Justice of the High Court if the member-
  - (a) Fail without sufficient cause, to attend three consecutive meetings of the Committee; or
  - (b) Has been adjudged an insolvent; or
  - (c) Has been convicted of an offence, which in the opinion of the State Authority, involves moral turpitude; or
  - (d) Has become physically or mentally incapable of acting as a member; or
  - (e) Has so abused his position as to render his continuance in the committee prejudicial to the Public interest: Provided that no member shall be so removed from the committee without being offered a reasonable opportunity of being heard.
- 3) A member may, by writing under his hand addressed to the Chairman, resign from the Committee and such resignation shall take effect from the date on which it is accepted by the State Authority or the expiry of thirty days from the date of tendering the resignation, whichever is earlier, unless otherwise decided by the State Authority.
- 4) If any member nominated under Sub-regulation (8) of regulation 7 ceases to be a member of the Committee 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 so nominated.
- 5) All members of the Committee shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed in connection with the works of the Committee and shall be paid by the committee at the rates admissible to the First Grade Officers of the Government of Assam under the relevant rules governing the travelling allowances and daily allowances in respect of such journeys by the First Grade Officers of the Gov-

ernment of Assam.

**9. Function of the committee-**

- 1) It shall be the duty of the Committee to implement and perform such policies and directions or other functions as may be issued by the State authority from time to time.
- 2) Without prejudice to the generality of the functions referred to in sub-regulation (1), the Committee shall, in consultation with the Executive Chairman of the State Authority, perform all or any of the following functions namely-
  - a) Provide legal services to persons who satisfy the criteria laid down under the Act and the rules; and
  - b) Encourage the settlement of dispute by way of negotiation, arbitration or conciliations.

**10. Function of the Secretary**

- (1) The Secretary shall be the custodian of all assets, accounts, records and funds placed at the disposal of the Committee and shall work under the supervision and direction of the Chairman of the Committee.
- (2) The Secretary shall maintain or cause to be maintained true and proper accounts of the receipts and disbursement of the funds of the Committee.

**11. Meetings of the Committee**

- (1) The Committee shall ordinarily meet once a month on such date and at such place within Guwahati as the Secretary may, with the approval of the Chairman notify.
- (2) The Chairman, and in the absence of the Chairman, a person chosen by the members present from amongst themselves shall preside over the meeting of the Committee.
- (3) The Procedure of any meeting of the District Authority shall be such as may be adopted by it.
- (4) The minutes of the proceedings of such meeting shall be truly and faithfully maintained by the Secretary and such minutes shall be open for inspection at all reasonable times by the members of the Committee. A Copy of the minutes shall, as soon as may be after the meeting, be furnished to each of the members and a copy thereof be forwarded to the State Authority.
- (5) The quorum for the meeting shall be five including the Chairman or the member presiding over the meeting in the event of absence of the Chairman.
- (6) All questions at any meeting of the Committee shall be decided by a majority of the members present and voting and in case of a tie, the person presiding over the meeting shall have a second or casting vote.

**12. Fund, accounts and audit of the Committee-**

- (1) The fund of the Committee shall consist of such amounts as may be allo-

cated and granted to it by the State Authority and also such amounts as may be received by the Committee, from time to time, either by way of grant or costs, charges or expenses recovered from any person to whom legal aid has been provided or the opposite party or otherwise.

- (2) The Fund of the Committee shall be maintained and operated in an account in a Nationalised Bank.

**Explanation:** For the purpose of this regulation, "Nationalised Bank" means any nationalised bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

- (3) For the purpose of meeting the incidental minor charges, such as payments for Court Fee, Stamp Duty and expenditure necessary for obtaining copies of documents etc. permanent advance of rupees two thousand five hundred shall be placed at the disposal of the Secretary of the Committee.
- (4) All expenditure on legal aid or other legal services and also expenditure shall be met from and out of the Fund of the Committee. The Secretary shall operate the bank account of the Committee in accordance with the prior written approval of the Chairman.
- (5) No expenditure shall be incurred from and out of the Fund of the Committee and no amount of the Fund shall be withdrawn from the bank without the prior approval of the Committee.
- (6) The Committee shall cause to be kept and maintained true and correct accounts of all receipts and disbursements and shall furnish quarterly returns to the State Authority.
- (7) The State Authority shall cause the accounts of the Committee audited under the Assam Local Fund (Accounts and Audit) Act, 1939, at least, once a year and any expenditure incurred in connection with such audit shall be paid by the State Authority from the State Legal Aid Fund.

## **CHAPTER IV**

### **DISTRICT LEGAL SERVICES AUTHORITY**

#### **13. Functions of the District Legal Services Authority-**

- (1) The Secretary of the District authority appointed under sub-section (3) of section 9 of the Act, shall act as, and exercise the powers and perform the duties of the Secretary of the District Authority in addition to the duties to be discharged by him as a Judicial Officer.
- (2) The Secretary shall be the principal officer of the District Authority and shall be the custodian of all assets, accounts, records, and funds placed at the disposal of the District Authority.
- (3) The Secretary shall maintain or cause to be maintained true and proper accounts of the receipts and disbursements of the fund of the District Authority.

- (4) The Secretary shall convene meetings of the District Authority with prior approval of the Chairman, attend the meetings and shall be responsible for maintaining a record of the minutes of the proceedings of the meeting.

**14. Meetings of the District Authority-**

- (1) The District Authority shall ordinarily meet once a month on such date and at such place, within the headquarter of the District, as the Secretary may, with the approval of the Chairman, notify.
- (2) The Chairman, and in the absence of the Chairman, a person chosen by the member present of amongst themselves, shall preside over the meeting of District Authority.
- (3) The procedure of any meeting of the District Authority shall be such as may be adopted by it.
- (4) The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the Secretary and such minutes shall be open for inspection at all reasonable times by the members of the District Authority. After the meeting, a copy of the minutes shall, as soon as possible, be furnished to each of the member and a copy thereof shall be forward to the State Authority.
- (5) The quorum for a meeting shall be three including the Chairman or the member presiding over the meeting in the event of absence of the Chairman.
- (6) All questions at the meeting of the District Authority shall be decided by a majority of the members present and voting and in case of a tie, the person presiding over shall have a second or casting vote.

**15. District Legal Aid Fund-**

- (1) The Fund of the District Authority established under section 17 of the Act shall be maintained and operated in an account in a Nationalised Bank,

**Explanation:** For the purpose of this regulation, "Nationalised Bank" means any nationalised bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

- (2) For the purpose of meeting the incidental minor charges, such as payments for Court Fee, Stamp Duty and expenditure necessary for obtaining copies of documents, etc., a permanent advance of rupees one thousand shall be placed at the disposal of the Secretary of the District Authority.
- (3) All expenditure on legal aid or other legal services and also expenditure necessary for carrying out the various functions of the District Authority shall be met from and out of the District Legal Aid Fund in such manner as may be determined by the District Authority with the approval of the State Authority. The secretary shall operate the bank account of the District Authority in accordance with the prior written approval of the Chairman.

- (4) No expenditure shall be incurred from and out of the District Legal Aid Fund and no amount of the Fund shall be withdrawn from the bank without prior approval of the District Authority.
- (5) The District Authority shall cause to be kept and maintained true and correct account of all receipts and disbursements and furnish a quarterly return thereof to the State Authority. Such account shall be audited in accordance with the provisions of section 18 of the Act.

## **CHAPTER V**

### **TALUK LEGAL SERVICES COMMITTEE**

#### **16. Secretary of the Taluk Legal Services Committee-**

- (1) The senior most Upper Division Assistant of the office of the person performing the functions of the Chairman of the Taluk Legal Services Committee shall act as and exercise the powers and perform the duties and functions of the Secretary of the Taluk Legal Services Committee.
- (2) The Secretary shall be the custodian of all assets, accounts, records and funds of the Taluk Legal Services Committee.
- (3) The Secretary shall, with the prior approval of the Chairman, convene meetings of the Taluk Legal Services Committee, attend the meetings and be responsible for maintaining a record of the minutes of the proceedings of the meeting.

#### **17. Meetings of the Taluk Legal Services Committee-**

- (1) The Taluk Legal Services Committee shall ordinarily meet once a month on such date and at such place within the Sub-Division as the Secretary may, with the prior approval of the Chairman, notify.
- (2) The Chairman, and in the absence of the Chairman, a person chosen by the members present from amongst themselves shall preside over the meeting of the Taluk Legal Services Committee.
- (3) The procedure of any meeting of the Taluk Legal Services Committee shall be such as may be adopted by it.
- (4) The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the Secretary and such minutes shall be open for inspection at all reasonable times by the members of the Taluk Legal Services Committee. After the meeting, a copy of the minutes shall, as soon as be possible, be furnished to each of the members and a copy thereof be forwarded to the State Authority.
- (5) The quorum for the meeting shall be three including the Chairman or the person presiding over the meeting in the event of absence of the Chairman.
- (6) All questions at any meeting of the Taluk Legal Services Committee shall be decided by a majority of the members present and voting and, in the case of a tie, the person presiding over the meeting shall have a second or casting



vote.

**18. Fund, accounts and audit of the Taluk Legal Services Committee-**

- (1) The Fund of the Taluk Legal Services Committee shall consist of such amount as may be allocated and granted to it by the District Authority or the State Authority, as the case may be, and also such other amounts as may be received by the Committee from time to time either by way of grant or costs, charges or expenses recovered from the person to whom legal aid has been provided or the opposite party or otherwise.
- (2) The Fund of the Taluk Legal Services Committee shall be maintained and operated in an account in a Nationalised Bank.

**Explanation:** For the purpose of this regulation, "Nationalised Bank" means any nationalised bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

- (3) For the purpose of meeting the incidental minor charges, such as payment for Court Fee, Stamp Duty and expenditure necessary for obtaining copies of the documents etc., a permanent advance of rupees five hundred shall be placed at the disposal of the Secretary of the Taluk Legal Services Committee.
- (4) All expenditure on legal aid or other legal services and also expenditure for carrying out the various functions of the Taluk Legal Services Committee shall be met from and out of the Fund of the Taluk Legal Services Committee. The Secretary shall operate the bank account of the Committee with the prior written approval of the Chairman.
- (5) No expenditure shall be incurred from and out of the Fund of the Taluk Legal Services Committee and no amount of the Fund shall be withdrawn from the bank without prior approval of the Committee.
- (6) The Taluk Legal Services Committee shall cause to be kept and maintained true and correct accounts of receipts and disbursements and furnish a quarterly return thereof to the District Authority as well as to the State Authority. The District Authority shall cause the accounts of the Taluk Legal Services Committee audited under the Assam Local Fund (Accounts and Audit) Act, 1930, at least once a year and any expenditure in connection with such audit shall be paid by the District Authority from the District Legal Aid fund. A copy of the Audit Report shall be furnished to the State Authority.

## **CHAPTER VI LOK ADALAT**

**19. Procedure for organizing Lok Adalat**

- (1) The High Court Legal Services Committee, the District Legal Services Authority or the Taluk Legal Services Committee, as the case may be, shall,

from time to time, collect the list of cases which are proposed to be settled through the Lok Adalats from the High Court or the concerned District or Sub-divisional Court, as the case may be.

- (2) The Secretary of the Taluk Legal Services Committee, on receipt of the list of case from the concerned Courts of the Sub- Division, shall prepare a programme for holding Lok Adalats in respect of the cases falling under the jurisdiction of the Taluk Legal Services Committee and shall forward the same along with the list of the cases to the District Authority of the District. On receipt of the same, the District Authority shall prepare a consolidated programme for holding Lok Adalats in the district level as well as in the Sub-Divisional level and shall forward the same along with the list of the cases to the State Authority. In the similar manner, the High Court Legal Services Committee also shall prepare a programme for holding Lok Adalats in respect of the High Court cases and forward the same to the State Authority along with the list of the cases. The State Authority, on receipt of the programmes and the lists of the cases from the different Authorities and Committees, shall compile these and having regard to the number of cases to be settled through Lok Adalat at a particular level, prepare and finalise a consolidated but detailed programme in respect of the Lok Adalats to be held in the State by the different Authorities and Committees. The State Authority shall circulate the programme of Lok Adalat so fixed among the different Authorities and Committees in the State, who shall in turn convene and organise the Lok Adalats on such date, place and for such cases, as may be fixed in the said programme.

Provided that the State Authority, having regard to the number of cases to be settled through Lok Adalat within the jurisdiction of any Authority or Committee may, by itself convene and organise Lok Adalat in respect of such cases, at such places and time as may be determined or direct any Authority or Committee to convene and organise Lok Adalat for such cases at such place and time as may be directed:

Provided further that the State Authority may convene and organise a common Lok Adalat for the cases falling within the jurisdiction of a District Authority and one or more Taluk legal Services Committee of the district, on such date and at such place and time, as may be fixed or directed by the State Authority.

- (3) In organising Lok Adalats the State Authority, the High Court Legal Services Committee, the District Authority or the Taluk Legal Services Committee, as the case may be, may take such help from such authority or person -as may be required for the smooth conduct of the Lok Adalat.

**20. Notices to the parties concerned-**

The High Court, the District Court, the Sub- Divisional Court and other concerned to the Lok Adalat, shall notify the concerned parties or their counsel, to appear before the Lok Adalat well ahead of time mentioning the date, venue and time of

the Lok Adalat and a copy of such notice shall also be forwarded to the State Authority, the High Court Legal Services Committee, the District Authority or the Taluk Legal Service Committee, as the case may be, who is organising and convening the Lok Adalat, for information and necessary action.

**21. Composition of the Lok Adalat at High Court Level-**

The Chairman of the High Court Legal Services Committee shall constitute the Benches for a Lok Adalat for the High Court cases. Each such Bench shall consist of three members, one of whom shall be presiding Officer thereof, from amongst the persons of the following categories, for conducting the cases in a Lok Adalat-

- (i) A serving or retired Judge of the High Court or any other retired Judicial Officer not below the rank of a District Judge at the time of retirement;
- (ii) A member of the Legal profession having not less than ten years of practice;
- (iii) A local social worker of repute, who is engaged in the upliftment of the weaker sections of the society; as the case may be, may call for the case records of those pending cases which have been referred to the Lok Adalat under section 20 of the Act, from the concerned Court.
- (iv) A serving or retired officer of the State Legal Service not below the rank of Grade I of the service.

**22. Composition of the Lok Adalat at District Level-**

The Chairman of the District authority shall constitute the Benches for a Lok Adalat organised at the district level. Each such bench shall consist of two or three members, one of whom shall be the Presiding Officer thereof, from amongst the persons of the following categories for conducting the cases in a Lok Adalat in respect of the cases falling under the jurisdiction of the District Authority-

- (i) A serving or retired Judicial Officer;
- (ii) A member of the legal profession having, at least ten years of practice;
- (iii) A local social worker of repute, who is engaged in the upliftment of the weaker sections of the society;
- (iv) Any serving or retired person who has been holding or held a post requiring qualification and background of law under the State or any other authority

**23. Composition of the Lok Adalat at Sub-Division Level-**

The Chairman of the Taluk Legal Services Committee shall constitute the Benches for a Lok Adalat convened or organised at the Sub-Division level. Each such Bench shall consist of two or three members, one of whom shall be the presiding officer thereof, from amongst the persons 'of the following categories, for conducting the cases in a Lok Adalat in respect of the cases falling under the jurisdiction of the Taluk Legal Services Committee-

- (i) A serving or retired Judicial Officer;

- (ii) A member of the legal profession having, at least ten years of practice;
- (iii) A local social worker of repute, who is engaged in upliftment of the weaker section of the society;
- (iv) Any serving or retired person who has been holding or held a post requiring qualification and background of law under the State or any other authority.

**24. Expenditure for the Lok Adalat-**

The total expenditure for organising and holding a Lok Adalat shall not exceed rupees five thousand, which shall be inclusive of the expenditure for publicity, light refreshment, etc.

**25. Summoning of records and safe custody thereof-**

- (1) The Member-Secretary of the State Authority, the Secretary of the High Court Legal Service Committee, the Secretary of the Taluk Legal Services Committee,
- (2) If any matter is referred to the Lok Adalat at the pre-litigation stage, the version of each party hereto shall be obtained by the Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, for placing the same before the Lok Adalat.
- (3) The Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, shall be responsible for the safe custody of the records from the time he receives it till its return to the concerned Court.
- (4) Each concerned Judicial Court shall co-operate in the transmission of the case records to the Lok Adalat.
- (5) The case records shall be returned immediately to the respective Court after holding the Lok Adalat, irrespective of whether or not the case is settled by the Lok Adalat with an endorsement by the Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, about the result of the proceeding.

**26. Functioning of the Lok Adalat-**

- (1) The Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, shall assign cases to the Benches of the Lok Adalat after obtaining order from the Executive Chairman or the Chairman, as the case may be,
- (2) The Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, shall prepare a cause list for each Bench of the Lok Adalat and the same shall be duly notified to all concerned.
- (3) Every Bench of the Lok Adalat shall make sincere efforts to bring about a conciliatory settlement to every case put before it without any duress, threat or under influence, allurement or mis-representation.
- (4) In case any Bench of the Lok Adalat can not take up, hear or dispose of any case, it may, in its discretion take up such case or cases to the next or any

such subsequent day as may be, convenient to the Executive Chairman or the Chairman, as the case may be, and the Member-Secretary or the Secretary of the Authority or the Committee concerned. In such a case, the case record may be kept with the permission of the concerned Court.

**27. Remuneration to the Presiding Officer and member of the Benches of Lok Adalat-**

- (1) The Presiding Officer or other member of the Lok Adalat Bench shall be provided with conveyance or conveyance allowance as per actual fare for the journeys from their residences to the place of the Lok Adalat and back.
- (2) (i) the Presiding Officer of the Lok Adalat Bench held at the High Court level, if he is not a sitting Judge, shall also be entitled to an honorarium at such rate as may be determined by the State Authority but not exceeding Rs. 200/- (Rupees two hundred only) per case decided and subject to a maximum of Rs. 500/- (rupees Five hundred only) per day or at such rate as may be revised by the State Authority from time to time:  
Provided that in case there is no disposal of any case in a Bench of the Lok Adalat, the Presiding Officer, if he is not a sitting judge, shall be entitled to a sitting allowance of RS. 200/- (Rupees two hundred only) per day.
- (ii) Each of the other members of the Bench of the Lok Adalat held at the High Court level, if he is not a serving Government servant, shall be entitled to an honorarium at such rate as may be determined by the State Authority but not exceeding Rs. 100/- (Rupees one hundred only) per case decided and subject to a maximum of Rs. 300/- (Rupees three hundred only) per day or at such rate as may be revised by the State Authority from time to time:  
Provided that in case there is no disposal of any case in a Bench of the Lok Adalat, each of the other members, if he is not a serving Government servant, shall be entitled to a sitting allowance of Rs. 100/- (Rupees one hundred only) per day.
- (iii) The Presiding Officer of the Bench of Lok Adalat held at the District or Sub- Division level, if he is not a sitting Judge, shall be entitled to an honorarium at such rate as may be determined by the State Authority but not exceeding Rs. 100/- (Rupees one hundred only) per case decided and subject to a maximum of Rs. 300/- (Rupees three hundred only) per day or at such rate as may be revised by the State Authority from time to time:  
Provided that in case there is no disposal of any case in a Bench of the Lok Adalat, the presiding Officer, if he is not a sitting Judge, shall be entitled to a sitting allowance of Rs. 100/- (Rupees one hundred only) per day.

- (iv) Each of the other members of the Bench of the Lok Adalat held at the district c Sub-Division level, if he is not a serving Government servant, shall be entitle to an honorarium at such rate as may ay be determined by the State Authority but not exceeding Rs. 80/- (Rupees eighty only) per case decided and subject to a maximum of Rs. 250/- (Rupees two hundred fifty only) per day or at such rate as may be revised by the State Authority from time to time:  
 Provided that in case there is no disposal of any case in a Bench of the Lok Adalat, each of the other members, if he is not a serving Government servant, shall be entitled to a sitting allowance of Rs. 80/- (Rupees eighty only). per day.
28. Procedure for effecting compromise, or settlement at Lok Adalat-
  - (1) Every award or order of the Lok Adalat, shall be signed by the presiding Officer and the other members of the Lok Adalat bench.
  - (2) The original award or the order shall form part of the case record and a copy of the award or the order, duly certified by the Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, to be true copy, shall be given to each of the parties free of costs.
29. Award or order to be categorical and lucid-
  - (1) Every award or order of the Lok Adalat shall be categorical and lucid and shall be written in the language used in the local Courts or in English.
  - (2) The parties to the dispute shall be required to affix their signature or thumb impressions, as the case may be, on the statements and or compromise recorded by or to be placed before the Lok Adalat.
30. **Compilation of results-**  
 At the conclusion of the session of the Lok Adalat, the Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, shall compile the records of the disposed of cases so as to make a statement of disposed of cases in Form A and forward the same to the State Authority-
31. **Procedure for maintaining records of cases referred to under section 20 of the Act or otherwise-**
  - (1) The Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, shall maintain a register, wherein all cases received by him by way of reference to the Lok Adalat or otherwise shall be entered stating the particulars as to-
    - (i) The date of receipt and the name of the Court from which received.
    - (ii) Category and subject wise nature of the case;
    - (iii) Such other particulars as may be deemed necessary; and
    - (iv) Date of settlement and the date of return of the case record.
  - (2) When the case is finally disposed of by the Lok Adalat, appropriate entry as to the result thereof shall be made in the register.
32. **Budget-**  
 The expenditure for Lok Adalat convened and organised by the State Authority, the

High Court Legal Services Committee, the District Authority or the Taluk Legal Services Committee, as the case may be, shall be met from and out of the respective Fund of the concerned Authority or the Committee and the State Authority shall, from time to time, provide necessary fund for the purpose to the said Authority or the Committee.

**33. Maintenance of accounts-**

- (1) The Executive Chairman or the Chairman of the concerned Authority or the Committee, as the case may be, shall exercise complete and full control over the expenditure incurred in the Lok Adalat.
- (2) The Member-Secretary or the Secretary of the Authority or the Committee, as the case may be, shall furnish true and proper accounts of the Authority or the Committee concerned quarterly to the State Authority.

**34. Procedure in Lok Adalat-**

- (1) In the Lok Adalat, the parties are not required to be represented by their lawyers. However, a party may, at his option, get represented by a lawyer for the purpose of settlement of the dispute and the Lok Adalat shall not refuse such appearance of lawyer.
- (2) Every Bench of Lok Adalat may evolve its own procedure for conducting the proceedings before it and shall not be bound either by the Code of Civil Procedure, 1908, the Evidence Act, 1872 or the Code of Criminal Procedure, 1973, subject, however, to the principles of natural justice.
- (3) No fee shall be required for any miscellaneous petition, interlocutory petition or any other kind of application to be filed or contested in any case before the Lok Adalat.

**35. Modes of Legal aid-**

Legal aid may be given in all or anyone of the following modes, namely-

- (a) Payment of Court Fee, Process Fee, expenses of witnesses and all other charges payable or incurred in connection with any legal proceeding;
- (b) Representation by a legal practitioner in any legal proceeding;
- (c) Supply of certified copies of judgments, orders, notes of evidences and other documents in legal proceeding;
- (d) Preparation of appeal, including typing and translation of documents in legal proceeding; and
- (e) Drafting of legal documents.

**36. Legal aid not to be given in certain cases-**

Legal aid shall not be given in the following cases, namely-

- (i) Proceeding wholly or partly in respect of
  - a) defamation, or
  - b) malicious prosecution;
- (ii) Proceeding relating to any election;
- (iii) Proceeding incidental to any proceeding referred to in items No. (i) or (ii) or both;
- (iv) Proceeding in respect of offences punishable with fine only;

- (v) Proceeding in respect of economic offences and offences against social laws such as the protection of Civil rights, Act, 1955, the Suppression of Immoral Traffic in Women and Girls Act, 1956 etc.;
- (vi) Where a person seeking legal aid-
  - (a) Is concerned with the proceeding only in representative or official capacity; or
  - (b) Is concerned only with the proceeding jointly with other person or persons, whose interests are identical with the interest of such a person, or any of such person is adequately represented in the proceeding; or
  - (c) Is only a formal party to the proceeding, not materially concerned in the outcome of the proceeding and his interests are not likely to be prejudiced on account of absence or proper representation.

**37. Application for legal aid or advice-**

- (1) Any person desiring legal aid or advice may make an application in Form B addressed to the Member-Secretary or the Secretary of the Authority or the Committee, as the case may be. But if the applicant is illiterate or not in a position to fill in the particulars required in the application, the Member Secretary or the Secretary, as the case may be, or any other officer of the Authority or the Committee or any legal practitioner, whose name appears in the panel of legal aid lawyers of the said Authority or the Committee, as the case may be, or any person authorised by the applicant, shall gather the necessary particulars from the applicant and prepare the application on his behalf and after reading it over and explaining it to him, obtain his signature or thumb impression on it. In such a case shall also put his signature with an endorsement on the body of the application, to the effect that he has prepared it.
- (2) The Authority or the Committee, as the case may be shall maintain a Register of Applications, wherein all applications for legal aid or advice shall be, entered and registered and action taken on such applications shall be noted against the entry relating to each such application.

**38. Disposal of applications-**

- (1) On receipt of an application for legal aid or advice, the Member-Secretary of the State Authority or the Secretary of the High Court Legal Services Committee or of the District Authority, as the case may be, or the Chairman of the Taluk Legal Services Committee, in case of Taluk Legal Services Committee, shall scrutinise the application for the purpose of deciding whether the applicant deserves legal aid or advice in accordance with the provisions of these regulation and for the purpose of arriving at such decision, may require the applicant to submit such further information as may be necessary and also to discuss the matter personally. The application shall be processed as early as possible and preferably within one week.
- (2) The State Authority, the High Court Legal Services Committee, the District Authority or the Taluk Legal Services Committee, to whom an application is



- made, shall consider the application and decide the desirability for accepting or refusing the application and its decision there on shall be the final,
- (3) Where an application is decided to be refused, the reasons therefore shall be entered in the Register of Applications maintained by the State Authority, the High Court Legal Services Committee, the District Authority or the Taluk Legal Services Committee, as the case may be, and information in writing shall be communicated to the applicant.
  - (4) No applications for legal aid or advice shall be allowed, if the Authority or the Committee, as the case may be, is satisfied that-
    - a) The applicant has knowingly made false statement or furnished false information; or
    - b) In a proceeding other than the case relating to criminal prosecution, there is no prima facie case to institute or, as the case may be, to defend the proceeding; or
    - c) The application is frivolous or fictitious; or
    - d) The applicant is not entitled to the same under regulation 36 or any other provision of these regulations; or
    - e) Having regard to all the circumstances of the case, it is otherwise not reasonable to grant it.

**39. Certificate of Eligibility-**

- (1) Where an application for legal aid or advice is allowed, the Member-Secretary of the State authority or the Secretary of the High Court Legal Services Committee, or of the District Authority, as the case may be, and the Chairman, in the case of the Taluk Legal Services Committee, shall issue a Certificate of Eligibility in Form C to the applicant entitling him to legal aid or advice in respect of the proceeding concerned.
- (2) The Certificate of eligibility shall stand cancelled if the legal aid is withdrawn and the legal practitioner to whom the case of the applicant is assigned and also the Court before which the case is pending shall be informed in writing accordingly.

**40. Honorarium payable to legal practitioners of the panel-**

- (1) Subject to the approval of the State Authority, each of the High Court Legal Services Committee, the District Authority and the Taluk Legal Services Committee shall prepare, for a period of two years, a panel of legal practitioners, who are prepared to give legal aid or advice by prosecuting or defending the case on behalf of or by representing or defending the case on behalf of or by representing the legal aided person. The legal practitioners on the panel shall be paid a fixed honorarium at the rate as set out in the schedule appended to these regulations:

Provided that where the matter is disposed of in less than five effective hearing, the honorarium payable shall be half of the rate prescribed in the Schedule:

Provided further that the Executive Chairman of the State Authority, the Chair-

man of the High Court Legal Services Committee, the Chairman of the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, may, having regard to the nature of any particular case dealt with by any legal practitioner, fix in his discretion, a high honorarium.

- (2) No Legal practitioner to whom any case is assigned either for legal aid or for legal advice shall receive any fee or remuneration, whether in cash or in kind or any other advantage, whether monetary or otherwise, from the legal aided person or from any other person on his behalf.
- (3) The Legal practitioner on the panel, who has completed his assignment, shall submit a statement showing the honorarium due to him in connection with the legal proceedings conducted by him on behalf of the legal aided person to the Member- Secretary or the Secretary of the Authority or the Committee, as the case may be, who shall, with the approval of the Executive Chairman or the Chairman, as the case may be, after due scrutiny and countersignature, place the same before the Authority or the Committee, as the case may be, for sanction and, on such sanction having given by the Authority or the Committee, the amount shall be paid by the Member-Secretary or the Secretary, as the case may be, to the Legal practitioner. It shall, however, be open to the legal practitioner to waive the honorarium in whole or in part.
- (4) Notwithstanding anything contained in this regulation, the Court may, in any appropriate case in which no legal practitioner on panel has been engaged, direct engagement of any other legal practitioner as it may deem appropriate and in every such case-
  - a) It shall be the duty of the legal practitioner so engaged to inform the fact of his such engagement to the concerned Authority or the Committee; and
  - b) The provisions of these regulations shall apply to such legal practitioner as they apply to the legal practitioners on the panel

#### **41. Duties of legal aided person-**

- (1) A person seeking legal or receiving legal aid or advice shall comply with any requisition or direction that may be made upon him by the Authority or the Committee, as the case may be, from the date of application for legal aid or advice till the completion or cessation of the legal aid or the cancellation of the Certificate of Eligibility.
- (2) Every such person shall execute an agreement in Form D agreeing that in the event of the Court passing a decree or order in his favour awarding costs or other monetary benefit or advantage to him, to repay, by way of reimbursement, to the Authority or the Committee, as the case may be, all costs, charges and expenses incurred by the Authority or the Committee in giving legal services to him. For facilitating such reimbursement, he shall also execute an Irrevocable power of attorney in Form E, authorising the Member Secretary or the Secretary of the Authority or the Committee, as

the case may be, to do all such acts and things as may be necessary for recovering or realising the amount decreed, awarded or ordered to be paid to him. The costs, charges and expenses, which may be recovered by the Authority or the Committee as aforesaid, shall be credited to the Fund of the concerned Authority or the Committee.

- (3) Every legal aided person or his representative shall attend the office of the Authority or the Committee, as the case may be, as and when required by the said Authority or the Committee or by the legal practitioner rendering legal services to him and disclosures of the real facts of the dispute or the case to the legal practitioner concerned and shall attend the court as and when required, at his own expenses.

#### **42. Cancellation of Certificate of Eligibility-**

- (1) The Authority or the Committee may, either on its own motion or otherwise, cancel the Certificate of eligibility granted by it under regulation 39 on any one or more of the following grounds, namely-
  - (a) In the event of being found that the legal aided person was possessed of sufficient means or that the Certificate of Eligibility was obtained by misrepresentation or fraud;
  - (b) In the event of any material change in the circumstances under which the Certificate of Eligibility was granted to him;
  - (c) In the event of any misconduct, misdemeanour or negligence on the part of the legal aided person in the course of receiving the legal aid;
  - (d) In the event of the legal aided person not co-operating with the Authority or the Committee concerned or with the legal practitioner assigned by the Authority or the Committee or the Court;
  - (e) In the event of the legal aided person engaging a legal practitioner other than the one assigned by the Authority or the Committee unless the engagement is under the direction of any court;
  - (f) In the event of death of the legal aided person, except in the case of civil proceedings, where the right or liberty survives;
  - (g) A report has been received from the legal practitioner assigned to the legal aided person that the legal aided person is not co-operating with him or is guilty of misconduct towards the legal practitioner and such report has been verified and found correct by the Executive Chairman or the Chairman of the Authority or the Committee, as the case may be;
  - (h) In the event of externment of the legal aided person, under any law for the time being in force, from the area or place of his residence or business Provided that no such Certificate of eligibility shall be cancelled without giving due notice thereof to the legal aided person or, to his legal representatives in the event of his death, to show cause as to why the Certificate of Eligibility should not be cancelled.
- 2) Where the Certificate of Eligibility is cancelled on the ground set out in clause

(a) of sub-regulation (1) above, the Authority or the Committee, as the case may be, shall forthwith discontinue the legal aid allowed to him and shall be entitled to recover the amount of the legal aid given from the legal aided person.

**43. Emergency power of Executive Chairman and Chairman-**

Notwithstanding anything to the contrary contained in these regulations, in emergent cases, where the Executive Chairman of the State Authority or the Chairman of the High Court Legal Services Committee or of the District Authority or of the Taluk Legal Services Committee, as the case may be, is of the opinion that such a situation has arisen where immediate action is required to be taken or there is no possibility of immediately convening the meeting of the Authority or the Committee, as the case may be, he may, in anticipation of the approval of the said Authority or the Committee, take such action as he may deem fit, and thereafter, he shall, as soon as possible, place a report of his such action before the Authority or the Committee, as the case may be, for approval.

## **CHAPTER VII MISCELLANEOUS**

**44. Travelling allowances and daily allowances for journeys in connection with Lok Adalat or legal aid programme of High Court Legal Services Committee, District Authority or Taluk Legal Services Committee.**

All members, including the ex-officio members of the High Court Legal Services Committee, the District Authority or the Taluk Legal Service Committee shall be entitled to draw their travelling allowances and daily allowances from the Fund of the Authority or the Committee, as the case may be, of which he is a member, for the Journey performed in connection with Lok Adalat, Legal aid programme or other works of the said Authority or the Committee, at the rate admissible to the Class 1 officers of the Government of Assam.

Provided that no travelling allowance or daily allowance shall be admissible under this regulation to any member or other person if he draws the travelling allowance and the daily allowance from any other source for performing the same journeys.

## **SCHEDULE [See regulation 40 (1)]**

**A. In all cases before the court or the Tribunals (except before the High Court) the honorarium shall be as follows:-**

1. Suits	Rs. 500.00
Probate Proceedings	Rs. 300.00
Drafting of Plaint	Rs. 100.00
Drafting of Written Statement	Rs. 100.00

2.	Original proceedings before Criminal or Revenue court	Rs.300.00
3.	Appeal from original decree	Rs.500.00
4.	Appeal from orders	Rs.200.00
5.	Criminal Appeal or Revision against order of conviction	Rs.500.00
6.	Other revisions	Rs.250.00
7.	Other proceedings	Rs.250.00
<b>B.</b>	<b>In all cases before the High Court, the honorarium shall be as follows :-</b>	
1.	First Appeal	Rs.700.00
2.	Second Appeal up to admission	Rs.200.00
	(a) Hearing	Rs.500.00
3.	Misc. Appeal up to admission	Rs.150.00
	(a) Hearing of Misc Appeal	Rs.250.00
4.	Civil Revision up to admission	Rs.150.00
	(a) Hearing of civil Revision	Rs.250.00
5.	Criminal Revision up to admission	Rs.500.00
6.	Criminal Revision up to admission	Rs.150.00
	(a) Hearing of Criminal Revision	Rs.350.00
7.	Proceeding under section 462 of the Code of Criminal Procedure, 1973 up to admission	Rs.150.00
	(a) Hearing of proceeding under section 482 of the Code of Criminal procedure, 1973	Rs.350.00
<b>C.</b>	<b>In all other cases for advice (per case)</b>	Rs.50.00

**Form A**  
**Statement of Cases Disposed of in Lok Adalat**  
**(See regulation 30)**

1.	Serial No. of the Lok Adalat	:	_____ of _____
2.	Venue of the Lok Adalat	:	_____
3.	Date of the Lok Adalat	:	_____
4.	Lok Adalat organized by	:	_____
5.	Number of total cases referred to the Lok Adalat	:	_____
6.	Number of total cases taken up in the Lok Adalat	:	_____
	a) Civil cases	:	_____
	b) Criminal cases	:	_____
	c) Claim cases	:	_____
	d) Other cases	:	_____
	<b>Total</b>	:	_____
7.	Number of beneficiaries	:	_____
	a) Scheduled Castes	:	_____
	b) Scheduled Tribes	:	_____
	c) Women	:	_____
	d) Others	:	_____
	<b>Total</b>	:	_____

Date : .....

Place : .....

Member Secretary/ Secretary

.....Authority/ Committee

8. The total number of my family members is ..... and they are as shown below,-

	Name	Age	Relationship with the applicant	Occupation (If any)	Annual income (If any)
(1)					
(2)					
(3)					
(4)					

9. The number of dependent member in my family is .....
10. The income, if any of other members of my family residing with me is as under, (details shall be furnished) :-
11. The nature of legal aid or advice required is and the same is in respect of (State the nature of disputes, claims or right and the document right and other relevant particulars thereof.)
12. The proof in support of my aforesaid claim / right / defence / plea is as under, (state in details) : .....
13. I have / have not applied for legal aid or advice previously. (if applied previously, state the details thereabout including the result and if any advice was given, state the advice.) .....  
.....
14. I am willing to furnish such further information and particulars as may be required for the purpose of enabling the ..... Authority/ Committee to consider this application fully.
15. I am am not in a position to bear the expenses of the Court case and the costs of miscellaneous proceedings. (The Applicant may also state the amount, which he is prepared to pay by way of costs and miscellaneous costs or a portion or part thereof.)

16. I shall reimburse the.. costs, charges and expenses incurred by the said, Authority/ Committee all Authority / Committee in giving me legal aid, if the Court passes a decree or order in my favour awarding costs, or other monetary benefit or advantage to me or if I cease to be entitled to get the legal aid under these regulations
17. The above statements are true to the best of my knowledge and belief.

Date : Signature or thumb impression of the Applicant

Place :

Address .....

**FORM C**  
**CERTIFICATE OF ELIGIBILITY**  
**[SEE REGULATION. 39 (1)]**

**THE ASSAM STATE LEGAL SERVICES AUTHORITY / HIGH COURT LEGAL SERVICES COMMITTEE/ DISTRICT LEGAL SERVICES AUTHORITY... TALUK LEGAL SERVICES COMMITTEE**

With reference to the application dated the ..... 20 .....  
this is to certify that Shri/Shrimati .....  
son/ daughter / wife of ..... residing  
at ..... is entitled to receive legal aid / advice  
in respect of the legal proceeding, particulars whereof are given below:-

- (a) Name of the Court / Tribunal/Authority:-
- (b) Number and description of the legal proceeding :-
- (c) Name and address of the opponent :-
- (d) Extent of legal aid or the nature of the legal advice to be given .....  
.....
- (e) Other relevant particulars :

Date : Member Secretary/Secretary

Place : ..... Authority/Committee



**FORM D**  
**FORM OF AGREEMENT TO BE EXECUTED BY THE APPLICANT FOR -**  
**GRANT OF LEGAL AID**  
**[See regulation 41 (2)]**

This Agreement made on this ..... the day of ..... in the year Two Thousand ..... between ..... son/daughter/ wife of ..... aged ..... years, residing at Village/Town ..... Mauza ..... P.S. .... District ..... (hereinafter referred to as "the Applicant", which expression shall mean and include his heirs, successor, assigns, legal representatives or attorney) one Part and the Assam State Legal Services Authority/High Court Legal Services Committee/ ..... District Legal Services Authority/..... Taluk Legal Services Committee (hereinafter referred to as "the Authority / Committee") on the Other Part; and

Whereas in pursuance of section 6 of the Legal Services Authorities Act, 1987, the Government of Assam have constituted a body called "The Assam State Legal Services Authority" (hereinafter referred to as the "State Authority") for the State of Assam vide the Notification No. LGL. 176/941 Pt. II/47 dtd. 7.4.98 published in the Extra-Ordinary issue No. 68 of 1998 of the Assam Gazette to exercise the Powers and to perform the functions conferred on or assigned to a State Authority under the said Act; and

Whereas the State Authority, in exercise of the powers conferred on it by section 29-A of the said Act, has made the regulations called "The Assam State Legal Services Authorities Regulations, 1998" (hereinafter referred to as "the regulations") for the purposes of giving effect to the provisions of the said Act; and

Whereas the applicant has, under the regulations, applied on ..... for legal aid in connection with the (hereinafter referred to as "the proceeding"); and

Whereas the Authority / Committee, having regard to the informations and particulars furnished and the circumstances stated by the Applicant, has considered him to be entitled to the legal aid and has agreed to grant the legal aid under the regulations; and

Whereas under the provisions of the regulations; the Applicant has, under the circumstances mentioned herein, to repay to the ..... Authority/ Committee as and by way of reimbursement the amount of costs, charges and expenses incurred in connection with the said proceeding by the said Authority/Committee for and on behalf

of the Applicant as and by way of legal aid under the regulations and the Applicant is required to execute an agreement for the purpose in the prescribed form being in fact this present;

Now this Agreement witness that and it is hereby agreed and declared by and between the parties hereto as follows :-

1. In consideration of the legal aid being granted to the Applicant as aforesaid, under 1 the regulations, in connection with the said proceeding, the Applicant doth hereby covenant and agree as follows :-
  - (i) In the event of the Applicant succeeding in the said proceeding and the Court passing any decree or order awarding costs in favour of the Applicant or the Court Passing any decree or order for payment to the Application of any amount, whatsoever, the Applicant shall repay to the ..... Authority / Committee as and by way of reimbursement, all costs, charges and expenses incurred by the ..... Authority / Committee for and on behalf of the Applicant in connection with the said proceeding as and by way of legal aid under the regulations.
  - (ii) The ..... Authority/Committee may take such action or proceeding, as it thinks fit, for executing any decree or order passed by the Court in the said proceeding in favour of the Applicant and recovering the amount decreed or ordered in the said proceeding to be paid to the Applicant and appropriate there from the amount of costs, charges and expenses incurred in connection with the said proceeding by the ..... Authority/ Committee and the Applicant doth hereby authorize the ..... Authority/Committee to do so. The Applicant shall render to the ..... Authority/ Committee all such assistance as may be required by it for the purpose.
  - (iii) If the Applicant fails to repay to the ..... Authority / Committee the amount as aforesaid or any part thereof, the same shall be deemed to be arrear of land revenue and the ..... Authority / Committee, may without prejudice to any other right and remedies, recover the same from the Applicant as arrear of land revenue.
2. The ..... Authority / Committee shall bear and pay the stamp duty on this agreement.  
In witness whereof the Applicant has hereto set his hand and the ..... Authority / Committee through its Member-Secretary / Secretary set its hand and affixed its Official Seal hereto on the day and year first hereinabove written.

Signed and delivered by ..... the Applicant  
above named in the presence of the witnesses,-

1.

2.

Signed, sealed and delivered by Shri .....  
Member Secretary / Secretary for and on behalf of the .....  
..... Authority / Committee in presence of the  
witnesses.-

1.

2.

**FORM E**  
**FORM OF IRREVOCABLE POWER OF ATTORNEY**  
**[See regulation 41 (2)]**

Whereas in pursuance of section 6 of the Legal Services Authorities, Act, 1987, the Government of Assam have constituted a body called "The Assam State Legal Services Authority" (hereinafter referred to as "the State Authority") for the State of Assam vide the Notification No LGL. 176/94/Pt. II/ 47 dated 7-4-98 of the Government of Assam in the Legislative (Law) Department and published in the Extraordinary Issue No. 68 of 1998 of the Assam Gazette to exercise the powers and perform the functions conferred on or assigned to a State Authority under the said Act;

And whereas I, Shrimati ..... aged  
of ..... years Son/ daughter/ wife  
resident ..... of Village/Town Mauza  
..... P.S .....  
District ..... Assam, (hereinafter referred to as  
"the Applicant") have, under the said regulations, applied for legal aid in connection with  
..... before the Court/ Tribunal/  
Authority ..... referred to as the "said (here-  
inafter proceeding") which the ..... Authority /  
Committee have agreed to grant to me or in my favour under the said regulations;

And whereas under the provisions of the said regulations, the Applicant, had under certain circumstances mentioned therein, to repay to the Authority / Committee as and by way of reimbursement the amount of costs, charges and expenses incurred in connection with the said proceeding by the ..Authority / Committee for and on behalf of the Applicant as and by way of legal aid under the said regulations;

And whereas as required by the agreement dated ..... which has been executed prior to the execution of this present and made between myself (hereinafter referred to as the "Applicant") on one part and the .....

..... Authority / Committee of the other part, it has been agreed interalia that the Authority/Committee may take such action or proceeding as it thinks fit for executing the decree, award or order passed or that may be passed by the Court / Tribunal/ Authority in the said proceeding in my favour and for recovering the amount decreed, award or ordered or that may be decreed, awarded or ordered in the said proceeding to be paid to me and to appropriate there from the amount of costs, charges and expenses incurred in connection with the said proceeding by the ..... Authority / Committee for and on my behalf as and by way of legal aid under the said regulations and I have hereby authorized the ..... Authority / Committee to do so;

Authority/Committee has agreed to grant legal aid has to execute an Irrevocable Power of Attorney in favour of the ..Authority/Committee appointing the Member-Secretary / Secretary of the Said

Authority / Committee as my Attorney interalia to enable the said Authority / Committee to take such action or proceeding as it thinks fit for executing the decree, award or order passed or that may be passed by the Court / Tribunal/Authority in my favour in the said proceeding and for recovering the amount decreed, awarded or ordered or that may be decreed, awarded or ordered in the said proceeding to be paid to me as aforesaid;

NOW THIS PRESENT WITNESS that I Shri / Shrimati ..... first above named, do hereby irrevocably nominate, constitute and appoint the Member-Secretary/ Secretary of the ..... Authority/ Committee to be my true and lawful Attorney to do, execute and perform for me and on my behalf and in my name or in the name of the Attorney the Following acts, deeds, documents, matters and things, that is to say-

- (1) to ask, demand, recover and receive from the party who has been or may be decreed or ordered in the said proceeding to pay me the amounts specified therein and upon receipt thereof or any part thereof in my name or in the name of the Attorney or on my behalf, as the case may require, to make, sign, execute and deliver such receipts, as the Attorney may deem fit and proper or as may be advised by the ..... Authority / Committee.
- (2) to commence, prosecute and enforce, proceeding for realization of the amount of any decree, award or order passed or that may be passed in the said proceeding in my favour where under any amount has been or may be decreed, awarded or ordered to be paid to me including filing of applications for the execution of the said decree, award or order and for the purpose, to sign, declare and affirm all

applications, petitions, affidavits that may be necessary and appoint or engage any advocate on such terms and conditions, including the fees payable to them, as the Attorney shall think fit and to sign vakalatnama and other necessary authority in. their favour and from time to time to discharge them and to appoint or employ others in their place and stead;

(3) to compromise, refer to arbitration, abandon or submit to judgment in any such Proceedings specified in clause (2) above;

(4) To concur in doing any of the acts, deeds, matters and things hereinbefore mentioned in conjunction with any other person or persons interested in the premises. IN GENERAL, to do all other acts, deeds, matters and things, whatsoever, which are necessary or may be necessary for the recovery or realization of the amount which has been or may be decreed, awarded or ordered to be paid to me in the said proceeding as amply and effectually to all intents and purposes as I would have done of my own had this present not been executed.

AND I HEREBY RATIFY AND CONFIRM AND AGREE TO RATIFY AND CONFIRM whatever the Attorney shall do or purports to do by virtue of this present.

And I Declare that the power hereby created shall be irrevocable till the said amount of costs, charges or other expenses incurred by the ..... Authority / Committee for me and on my behalf as and by way of legal aid granted to me under the said regulations in connection with the said proceeding are fully and effectively repaid to or realized by the ..... Authority / Committee.

IN WITNESSETH WHEREOF I Shri / Shrimati ..... First above named have here onto set my hand on this ..... day of in the Two Thousand ..... year.

Date .....  
Place .....

Signature of the Applicant / Executant

Signature and Delivered by the above named Shri/Shrimati .....  
..... in the presence of:

Witness:

- 1.
- 2.



অসম ৰাজপত্ৰ

**THE ASSAM GAZETTE**

অসাধাৰণ

**EXTRAORDINARY**

প্ৰাপ্ত কৰ্তৃদ্বাৰা প্ৰকাশিত

**PUBLISHED BY THE AUTHORITY**

নং ১১৯ শিলালুৰ, বুধবাৰ, ২১ মাৰ্চ, ২০১২, ১ চৈত্ৰ, ১৯৩৪ (শক)

No.119 Dispur, Thursday, 21st March, 2012, 1st Chaitra, 1934 (S.E.)

**GOVERNMENT OF ASSAM**

**ORDERS BY THE GOVERNOR**

**ASSAM STATE LEGAL SERVICES AUTHORITY**

**NOTIFICATION**

**The 10th August, 2010**

No. ASLSA26/2007/214.- In exercise of the powers conferred under Section 29-A of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987), the Assam State

Legal Services Authority hereby makes the following regulations further to amend the Assam State Legal Services Authorities Regulations, 1998, Published in the Assam Gazette, Extraordinary, dated 20th August, 1998; namely-

1. Short title and commencement
  - (i) This may be called the Assam State Legal Services Authority Regulations (1st amendment) 2010.
  - (ii) It shall come into force from the date of publication in Assam Gazette.
2. Amendment in Regulation 24: In Regulation 24 of the Assam State Legal Services Authorities Regulations, 1998 for the words "Shall not exceed rupees five thousand" the word "shall not exceed rupees ten thousand" shall be substituted.

Sd/-  
A.F.A. BORA,  
Member Secretary,  
Assam State Legal Services Authority





অসম ৰাজপত্ৰ

**THE ASSAM GAZETTE**

অসাধাৰণ

**EXTRAORDINARY**

প্ৰাপ্ত কৰ্তৃদ্বাৰা প্ৰকাশিত

**PUBLISHED BY THE AUTHORITY**

নং ৫১১ ডিস্পুৰ, বুধস্পতিবাৰ, ৯ নবেম্বৰ, ২০২৩, ১৮ কাৰ্ত্তিক, ১৯৪৫ (স.ক.)  
No. 511 Dispur, Thursday, 9th November, 2023, 18th Kartika, 1945 (S.E.)

**GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
ASSAM STATE LEGAL SERVICES AUTHORITY**

**NOTIFICATION  
The 19th July, 2016**

No. ASLSA.26/2007/236.- In exercise of the power conferred under section 29 A of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987) the Assam State Legal Services Authority hereby makes the following regulations further to amend the Assam State Legal Services Authorities Regulations, 1998 published in the Assam Gazette, Extraordinary dated 20th August, 1998, July, 2016; namely-

1. Short title and commencement
  - (i) This may be called the Assam State Legal Services Authorities Regulations (3rd amendment) 2016.
  - (ii) It shall come into force from the date of publication in Assam Gazette.
2. Amendment in schedule: Regulation 40 (1) (Schedule) of the Assam State Legal Services Authorities Regulation, 1998 shall be substituted as-

**HONORARIUM PAYABLE TO ADVOCATES ON THE PANEL OF ASSAM STATE LEGAL SERVICES AUTHORITY**

Sl. No.	Description of work	Proposed Honorarium
<b>1. Drafting Pleadings: (Civil Matters)</b>		
1 (i)	Substantive pleadings writ petition, plaint, facts and grounds of appeal/revision, counter affidavit, written statement, counter claim, reply to counter claim, replication, rejoinder affidavit etc.	Rs. 1500/- subject to a maximum total of Rs. 2500/- per case. Where the pleadings in connected cases or batch matters are substantially similar, the advocate will be entitled to an additional drafting fee of Rs. 1500/- per case subject to a maximum total of Rs. 5000/- per group of connected cases or batch matters.
1 (ii)	Miscellaneous pleadings - application, reply to application, execution petition, reply to execution petition, review petition, reply to review petition, additional or supplementary affidavits or pleadings etc.	Rs. 1000/- subject to a maximum total of Rs. 1500/- per case.  Additional drafting fee Rs 500/-.
1 (iii)	Any other pleadings (for example contempt of Courts Act, Succession Act, Arbitration and Conciliation Act etc.)	At the discretion of the Secretary GHCLSC subject to a minimum of Rs. 1500/- and a maximum of Rs. 2500/- per draft upto a maximum of Rs. 5000/- per case.
<b>2. Acting: (Appellate Side Matters)</b>		
2 (i)	All cases before an Hon'ble Single Judge (inclusive of all miscellaneous applications filed in a case)	Rs. 5000/- on admission of the case and Rs. 7000/- on final disposal of the case

2 (ii)	All cases before a Division Bench (inclusive of all miscellaneous applications filed in a case)	Rs. 5000/- on admission of the case and Rs. 10000/- on final disposal of the case
<b>3. Drafting: (Criminal Matters)</b>		
3 (i)	Criminal Appeal	Rs. 3000/- on one time total payment. Where the pleadings in connected cases or batch matters are substantially similar, the advocate will be entitled to an additional drafting fee of Rs. 2000/- per case, subject to a maximum total of Rs. 8000/- per group of connected cases or batch matters.
3 (ii)	Criminal Revision	Rs. 2000/- fixed per FIR
3 (iii)	Bail application, anticipatory bail application, parole application, suspension application and any other application	Rs. 1500/- fixed per FIR Rs. 500/-
<b>4. Acting:</b>		
4 (i)	All cases before an Hon'ble Single Bench	Rs. 3000/- on admission of the case and Rs. 5000/- on final disposal of the case
4 (ii)	All cases before a Division Bench	Rs. 4000/- on admission of the case and Rs. 6000/- on final disposal of the case
4 (iii)	Bail application, anticipatory bail application, parole application, suspension application and any other application	Rs. 1000/- per FIR subject to a maximum total of Rs. 1500/- per FIR
<b>5. Miscellaneous Expenses</b>		
5 (i)	Typing	Rs. 20/- per page (1+3)
5 (ii)	Photocopy	Rs. 2/- per page
5 (iii)	Clerkage	Rs. 500/- fixed.
5 (iv)	Postage and analogous expenses	On actual basis of receipts per case

**For District Courts of the State of Assam**

Sl. No.	Description of work	Proposed Honorarium
<b>Criminal Cases</b>		
1	In Summons Cases including applications u/s 125 Cr. PC and Prevention of Domestic Violence Act.	Rs. 5000/- per case to be paid in three stages. (i) 1/3 at the time of service of Notice and disposal of application for grant of interim maintenance. (ii) 1/3 on conclusion of evidence of prosecution and defence. (iii) Balance amount on final disposal
2	Warrant Case	(i) 1/3 on framing of charge. (ii) 1/3 on conclusion of evidence of prosecution and defence. (iii) Balance amount on final disposal
3	(i) Sessions cases involving sentence of life, imprisonment or death, including cases under NDPS & Section 376 IPC.  (ii) All other Sessions Cases	Rs. 12000/- per case payable in three stages (i) 1/3 on framing of charge. (ii) 1/3 on conclusion of evidence of prosecution and defence. (iii) Balance amount on final disposal Rs. 9000/- per case payable in three stages as above
4 (i)	Appeal from the Order of Magistrate before Sessions Judge	Rs. 2500/- on admission and Rs. 4000/- on final disposal.
4 (ii)	Criminal Revision before Court of Sessions	Rs. 2000/- per case
5 5(i)	Bail applications Before Metropolitan Magistrate	Rs. 1000/- for every bail application subject to maximum of 3 bail applications per accused in an FIR

5(ii)	Before Sessions Judge  <b>Drafting</b> (i) Sessions etc. (ii) Subordinate Courts	Rs. 1500/- for each bail application including anticipatory bail application subject to a maximum of 3 bail applications per accused in an FIR  Rs. 1000/- Rs. 500/-
<b>6. Civil Cases</b>		
(i)	Suits including cases for maintenance under Hindu Adoption and Maintenance Act. Contested probate/succession matters.	Rs. 12000/- stamp duty etc. on actual.
(ii)	Adoption cases and uncontested succession/probate matters.	Rs. 5000/- + stamp duty etc. on actual.
<b>7</b>	<b>Labour matters/CAT/MACT/</b>	<b>Rs. 15000/- per case.</b>
8. (i)	Suits for injunction or declaration with injunction and	Rs. 8000/- per case
(ii)	Under Urban Area Rent Control Act and	Rs. 5000/- per case
(iii)	Matters relating to land acquisition, Revenue matters and Mutation etc.	
9 (a)	<b>Matrimonial Cases</b>	
(i)	Contested	Rs. 8000/-
(ii)	Divorce by mutual consent	Rs. 1000/- per motion/day
(b)	Application U/S 24/25 of HMA	Rs. 4000/- per case
(c)	Any other case not covered by above	Rs. 3000/- to Rs. 6000/- per case as per decision of Secretary, DLSA
10	Where two or more suits together involve substantially similar or identical question of law or fact and connected labour matters	The fee for first suit shall be paid full as per Clause (1) & (2) and fee for the remaining suits shall be paid at the rate of Rs. 3000/- per suit subject to a maximum total of Rs. 6000/-

11	In suit or any other proceedings including matrimonial cases disposed by compromise/ ADR methods and without full trial.	50% of the actual fee.
12 (i)	Appeal from decree and appeal in respect of public premises including arising out of the public enterprise (Eviction of Unauthorized Occupants) Act.	Rs. 5000/- fixed
(ii)	Appeals from Interim	Rs. 2000/- per appeal
	<b>Orders/Misc appeals</b>	
13	<b>Drafting</b>  Drafting fee such as plaints, written statements, counter affidavits, counter claims, criminal complaints, appeal, revision etc. Misc. applications including bail applications	Rs. 1500/- inclusive of appearance up to completion of pleadings (total)  Rs. 500/- total inclusive of appearance in matters other than Bail. No additional drafting charges will be payable in connected or batch matters arising out of the same FIR
14 (i)	Juvenile Justice Boards	Rs. 700/- per day
(ii)	Child Welfare Committee	Rs. 700/- per day
15	Remand Work (No separate fees for filing any application will be paid during the time of remand)	Rs. 500/- per case attended
16	Special Executive Magistrate (SEM)	Rs. 500/- per day subject to a maximum of Rs. 5000/- per case.
(i)	Clerkage	Rs. 3000/-
(ii)	Typing Charges	Rs. 20/- per page (1+3)
(iii)	Photocopy	Rs. 2/- per page

**ASSAM STATE LEGAL SERVICES AUTHORITY**  
**HONORARIUM PAYABLE FOR WORK OTHER THAN RELATING TO LITIGATION**

<b>Sl. No.</b>	<b>Description of work</b>	<b>Proposed Honorarium</b>
1	Jail Visit	Rs. 600/- per visit subject to a maximum of three visits in a week. Payment will be on the basis of proof of attendance and a brief report of work done.
2	Centre Visit and Visit on Mobile Van	Rs. 700/- per visit subject to a maximum of eight visits in a month including conveyance on proof of work done.
3	Visit to Rape Victims	Rs. 700/- per visit subject to a maximum of four visits in a month. Payment will be on the basis of proof of attendance and work done.
4	Visit to Observation Home of Boys and Girls	Rs. 700/- per visit subject to a maximum of four visits in a month. Payment will be on the basis of proof of attendance and work done.
5	Actual Conveyance / hire charges of three wheeler.	Rs. 700/- per day with minimum of 3 hours including conveyance. Payment will be on the basis of proof of attendance and work done.
6	Actual Conveyance / hire charges of three wheeler.	Subject to a maximum of Rs. 400/- per day as the case may be.
7	Payment of Honorarium to Resource Persons	Rs. 500/- per day with minimum of 3 hours.

**M. K. SAIKIA,**  
Member Secretary, i/c,  
Assam State Legal Services Authority



### **MEDIATION AND CONCILIATION PROJECT COMMITTEE (MCPC)**

Mr. Yajuvender Singh,  
Member Secretary, MCPC,  
Supreme Court of India

Telephone: 011-23115621

Address:  
Room No. 127, 1st Floor, B-Block,  
New Additional Complex Building,  
Supreme Court of India,  
New Delhi-110001  
E-mail: mepe@sci.nic.in

To,

All Mediation Centres/  
High Court Legal Services Committees/  
State Legal Services Authorities

Sir/Madam,

It is stated that the Mediation and Conciliation Project Committee in its meeting held on 15.12.2021 resolved as under:

"The Committee perused the rates of Honoraria revised by the MCPC from time to time and noticed that there has been no increase in the honoraria payable to the Mediators since 2014. Accordingly, the Committee unanimously approved the following rates of honoraria payable to the Mediators throughout the Country.

	<b>Nature of case</b>	<b>Honorarium</b>
A.	On settlement through Mediation	Rs. 5,000/- per case.
B.	Connected cases.	Rs.1,000/- per case subject to a maximum of Rs.3,000/- (regardless of the number of connected cases)
C.	In case of no settlement (in case the party fail to arrive at an amicable settlement despite three effective hearings)	Rs. 2,500/-



It is further stated that the MCPC vide order dated 23.03.2022 further resolved that the decision to enhance the honorarium being paid to the Mediators is recommendatory and it is for the concerned High Court and the State Government to accept the proposal contained in the Resolution dated 15.12.2021 as the adequate fund for mediation is to be made available by the concerned State Government. Therefore, the concerned High Court/State Legal Services Authorities/High Court Mediation Committee to take up the issue for adequate fund for mediation with the concerned State Government.

The MCPC has further resolved that so far as the Honorarium payable to the Mediators is concerned, there shall not be any financial liability either upon the NALSA and/or the Supreme Court Mediation and Conciliation Project Committee.

Thanking you,

Yours sincerely,

(Yajuvender Singh)  
Member Secretary

**GAUHATI HIGH COURT MEDIATION CENTRE  
(PRINCIPAL SEAT)**

Memo No.GHCMC-02/2021 (Pt-1)/985

Dated: Guwahati, the 64th October, 2023

From : Secretary,  
Gauhati High Court Mediation Centre,  
(Principal Seat), Guwahati.  
To: The Member Secretary,  
(Assam State Legal Services Authority/ Arunachal Pradesh State Legal Services Authority/ Nagaland State Legal Services Authority/ Mizoram State Legal Services Authority)  
Sub: Regarding honoraria payable to the Mediators under the jurisdiction of Gauhati High Court.

Sir/Madam,

With regards to the subject cited above, I am directed to inform you that the Mediation and Conciliation Project Committee (MCPC), Supreme Court of India vide letter dtd. 05th April, 2022 (copy enclosed) had resolved to enhance the honorarium being paid to Mediators and has also mentioned that the adequate fund for payment to Mediators is to be made available by the concerned State Government.

Accordingly, the Gauhati High Court vide Notification dtd. 23rd August, 2022 (copy enclosed) had adopted the fee structure as proposed by the MCPC, Supreme Court of India for the Principal Seat as well as the outlying benches. In this regard, you are requested to inform the Secretary, DLSAs to adopt the fee structure as per the Gauhati High Court Notification dtd. 23rd August, 2022 for paying honoraria to the Mediators and you are requested to take up the issue for adequate fund for mediation with the concerned State Government.

This is for your kind information and necessary action(s).

Yours Faithfully,

Secretary,  
Gauhati High Court Mediation Centre  
Dated

Encl: As stated above.

Memo No.GHCMC-02/2021(Pt-I)/

Copy to:-

1. The Registrar,
2. The Secretary  
(Itangar Bench/ Kohima Bench/ Aizawl Bench)  
District Legal Services Authority, (Bajali/Cachar/ Jorhat/ Morigaon/ Barpeta/ Goalpara/ Karimganj/ Kamrup (M)/Dhubri/ hemaji/ Kokrajhar/ Sivasagar/ Nagaon/Bongaigaon/ Darrang/ Lakhimpur/ Udalguri/ Hailakandi/ Dibrugarh/ Golaghat/ Sonitpur/ Tinsukia/ Nalbari/Kamrup, Amingaon/ Baksa/ Chirang/ Biswanath/ Hojai/ South Salmara (Mankachar)/ Karbi Anglong/ West Karbi Anglong/ Dima Hasao/ Majuli/ Charaideo).

Sd/-  
Secretary,  
Gauhati High Court Mediation Centre

**THE GAUHATI HIGH COURT AT GUWAHATI**  
(HIGH COURT OF ASSAM: NAGALAND: MIZORAM AND ARUNACHAL PRADESH)

**N O T I F I C A T I O N**  
**Dated- Guwahati, the 23rd August, 2022**

No. HC.VII-115/2019/7145/A: Hon'ble the Gauhati High Court has been pleased to adopt the following fee structure for Mediators for the Principal Seat at Guwahati, as well as the outlying Benches, as proposed by the 'Mediation and Conciliation Project Committee (MCPC), Supreme Court of India:

	Nature of case	Honorarium
A.	On settlement through Mediation	Rs. 5,000/- per case.
B.	Connected cases.	Rs. 1,000/- per case subject to a maximum of Rs. 3,000/- (regardless of the number of connected cases)
C.	In case of no settlement (in case the party fail to arrive at an amicable settlement despite three effective hearings)	Rs. 2,500/-

By order,  
Sd/- Kanchan Newar  
Secretary, Gauhati High Court Mediation Centre  
Gauhati High Court, Guwahati

Memo No. HC.VII-115/2019/7149-7162/A

dated 23.08.2022

Copy forwarded for information and necessary action to:

1. The L.R.-cum-Commissioner & Secretary to the Govt. of Assam, Judicial Department, Dispur.
2. The Secretary to the Govt. of Assam, Legislative Department, Dispur.
3. The Principal Accountant General (A&E), Assam, Beltola, Guwahati, for information and necessary action.
4. The Registrar (Vigilance / Judicial/ Administration/), Gauhati High Court, Guwahati.
5. The Registrar, Gauhati High Court, Kohima Bench, Kohima/ Aizawl Bench, Aizawl/ Itanagar Permanent Bench, Naharlagun.
6. The Registrar-cum- Principal Secretary to Hon'ble the Chief Justice, Gauhati High Court, Guwahati.

7. The Member Secretary , Assam State Legal Services Authority.
8. The Administrative Officer, Judicial Academy, Assam.
9. The Systems Analyst, Gauhati High Court, Guwahati. He is requested to upload the Notification in the official web site of the Gauhati High Court Immediately.
10. The Private Secretary to Hon'ble Mr. Justice Suman Shyam, Gauhati High Court, Guwahati.
11. The Private Secretary to Hon'ble Mr. Justice Nelson Sailo, Gauhati High Court, Guwahati.
12. The Private Secretary to Hon'ble Mr. Justice Nani Tagia, Gauhati High Court, Guwahati. 13. The Private Secretary to Hon'ble Mr. Justice Kakheto Sema, Gauhati High Court, Guwahati.
14. The CA to Registrar General, Gauhati High Court, Guwahati.

(The list of officers' herein above is not necessarily in order of seniority.)

Secretary, Gauhati High Court  
Mediation Centre  
Gauhati High Court, Guwahati



# **NATIONAL LEGAL SERVICES AUTHORITY**

## **NOTIFICATION**

**New Delhi, the 14th October, 2009**

No. L/28/09-NALSA.- In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Authority hereby makes the following regulations, namely:-

1. Short title and commencement.
  - (i) These regulations may be called The National Legal Services Authority (Lok Adalats) Regulations, 2009.
  - (ii) 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 Adalats" means Lok Adalats to be organised under section 19 of the Act;
  - (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.-
  - (i) Lok Adalats 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.

- (ii) 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 may associate the members of the legal profession, college students, social organisations, charitable and philanthropic institutions and other similar organisations for organising the Lok Adalats.

#### **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 organise the Lok Adalat, well before the date on which the Lok Adalat is proposed to be organised, 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 organised;
- (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 organising 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 organising 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 anyone or both of the following:
  - (i) a member from the legal profession; and
  - (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.
- (b) At High Court Level - The Secretary of the High Court Legal Services Committee 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 anyone or both of the following:
  - (i) a member from the legal profession;
  - (ii) a social worker belonging to the category as mentioned in item (ii) of sub-para (a) above.
- (c) At District Level.- The Secretary of the District Authority organising the Lok Adalats shall constitute benches of the Lok Adalats, each bench comprising of a sitting or retired judicial officer and any one or both of the following:
  - (i) a member from 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.
- (d) At Taluk Level.- The Chairman of the Taluk Legal Services Committee organising the Lok Adalat shall constitute benches of the Lok Adalat, each bench comprising of a sitting or retired judicial officer and any one or both of the following:
  - (i) a member from the legal profession; and
  - (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.

## **7. Allotment of cases to Lok Adalats.-**

- (i) 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.

- (ii) 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 concerned at least two days before the date of holding of the Lok Adalat.
- (iii) 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, the High Court Legal Services Committee, the 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.-**

- (i) 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).
- (ii) 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.

- (iii) 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 Lok Adalat except after giving a reasonable opportunity of being heard to the parties.

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

- (i) 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.

- (ii) 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 Committee, 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.
- (iii) 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:

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

#### **12. Pre-litigation matters.-**

- (i) 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.
- (ii) 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,

- (iii) 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.-**

- (i) 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).
- (ii) Members of Lok Adalat shall not pressurise or coerce any of the parties, to compromise or settle cases or matters, either directly or indirectly.
- (iii) 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 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 by the Lok Adalat.

- (iv) 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.
- (v) 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.
- (vi) 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 award 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 therefor.

**16. Communication between Lok Adalat and parties.-**

- (i) 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.

- (ii) Each party may on its own initiative or at the invitation of the Lok Adalat, submit suggestions for settlement of the dispute.
- (iii) 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.

- (iv) 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 terms of such compromise or settlement.

#### **17. Award.-**

- (i) Drawing up of the award is merely an administrative act by incorporating the terms of settlement or compromise 'agreed by the parties under the guidance and assistance from Lok Adalat.
- (ii) 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-1) 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 receipts, 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.
- (iii) 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.
- (iv) 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.
- (v) 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
- (vi) 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.
- (vii) Lok Adalat shall not grant any bail or a divorce by mutual consent.

- (viii) 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.-**

- (i) 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 matters 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.
- (ii) 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.
- (iii) 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.
- (iv) 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 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 maintaining record of cases referred under section 20 of the Act, or otherwise.-
- (a) 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.
  - (b) 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 Adalats.-**

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 regulations.-**

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

U. SARATH CHANDRAN,  
Member Secretary

## BEFORE THE LOK ADALAT

HELD AT \_\_\_\_\_

[Organised by \_\_\_\_\_ Authority/ \_\_\_\_\_  
Committee under Section 19, of the 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)

**PROFORMA  
DISPOSAL OF CASES IN LOK ADALAT**

<b>Place:</b>			<b>Date:</b>		
			<b>Nature of Cases disposed of</b>		
<b>Sl. No.</b>	<b>Case No.</b>	<b>Name of Parties</b>	<b>Civil</b>	<b>Claims</b>	<b>Criminal</b>
<b>Total</b>					

## **NOTIFICATION**

**New Delhi, the 22nd October, 2018**

F. No. L/28/09/NALSA:- In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Authority hereby makes the following regulations further to amend the National Legal Services Authority (Lok Adalat) Regulations, 2009, namely:

**1. Short title and commencement:**

- (i) These regulations may be called the National Legal Services Authority (Lok Adalat) Amendment Regulations, 2018.
- (ii) They shall come into force on the date of their publication in the Official Gazette.

**2. In the National Legal Services Authority (Lok Adalat) Regulations, 2009 (hereinafter referred to as the principal regulations), in regulation 2,-**

- (i) after clause (b), the following clause shall be inserted, namely:-
- (ba) "pre-litigation matter" means a dispute between the parties which is not filed before the court;"

**3. In the principal regulations, in regulation 6 -**

- (i) in clauses (a), (b), (c) and (d), -
- (A) for the word "both", the word "two" shall be substituted;
- (B) after item (ii), the following items shall be inserted, namely:
  - "(iii) a professional from the field related to the subject matter of the Lok Adalat; and
  - (iv) a Mediator or a professional or a serving or retired senior executive."

**4. After regulation 6 of the principal regulations, the following regulation shall be inserted, namely:-**

**"6A. 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".



5. In the principal regulation, in regulation 10, -
- (i) after sub-regulation (I), the following sub regulation shall be inserted, namely:-  
"(IA) 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.";
  - (ii) after sub-regulation (3), the following sub-regulation shall be inserted, namely:-  
"(4) The need based continuous Lok Adalats may be constituted in order to facilitate regular reference and timely disposal of cases."

**ALOK AGARWAL,**  
Member Secretary  
[ADVT.-III/4/Exty./319/18]

**Note:** The principal regulations were published in the Gazette of India Extraordinary, Part-III, Section 4, vide notification No. L/28/09/NALSA dated the 14th October, 2009.

# MINISTRY OF LAW AND JUSTICE

## (Department of Justice)

### (NATIONAL LEGAL SERVICES AUTHORITY) NOTIFICATION New Delhi, the 28th August, 2019

F. No. L/28/09/NALSA. In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Authority hereby makes the following regulations further to amend the National Legal Services Authority (Lok Adalat) Regulations, 2009, namely :-

**1. Short title and commencement -**

- (1) These regulations may be called the National Legal Services Authority (Lok Adalat) Amendment Regulations, 2019.
  - (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the National Legal Services Authority (Lok Adalat) Regulations, 2009, in regulation 6A, for the words, "judicial officers", the words "presiding judges" shall be substituted.

ALOK AGARWAL,  
Member-Secy.

**Note:** The principal regulation were published in the Gazette of India Extraordinary, Part-III, Section 4, vide notification No. L/28/09/NALSA dated the 14th October, 2009 were last amended vide notification No. L/28/09/NALSA dated the 22nd October, 2018.

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

(As amended vide notification F.No. L/28/09/ NALSA dated 28.08.2019  
published in the Gazette of India on 6.9.2019)

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 Service 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
- (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.

**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 anyone or two 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.
  - <sup>3</sup>(iii) a professional from the field related to the subject matter of the Lok Adalat: and
  - <sup>4</sup>(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 anyone 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;
  - <sup>3</sup>(iii) a professional from the field related to the subject matter of the Lok Adalat; and
  - <sup>4</sup>(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 anyone 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;
  - <sup>3</sup>(iii) a professional from the field related to the subject matter of the Lok Adalat; and
  - <sup>4</sup>(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 anyone 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;
  - <sup>3</sup>(iii) a professional from the field related to the subject matter of the Lok Adalat; and
  - <sup>4</sup>(iv) a mediator or a professional or a serving or retired senior executive.

**<sup>56</sup>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 presiding judges, other

member 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 concerned at least two days before the date of holding of the Lok Adalat.
- (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).

<sup>7</sup>(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 Lok Adalat except after giving a reasonable opportunity of being heard to the parties.

- <sup>8</sup>(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).
- (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 award 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 therefor.



**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-1) 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 Committees 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 Adalats 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 permanent record.
- (3) Records other than the original of the awards of pre-litigation Lok Adalat 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.

APPENDIX-I

**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					

1. Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
2. Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
3. Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
4. Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
5. Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
6. Substituted vide notification dated 28/08/2019. published in the Gazette of India on 06/09/2019.
7. Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
8. Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.



## NATIONAL LEGAL SERVICES AUTHORITY

### NOTIFICATION

New Delhi, the 9th September, 2010

**No. L/61/10/NALSA.-** 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) Regulation, 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;
  - (f) "Para-Legal Volunteer" means a para-legal volunteer trained as such by a Legal. Services Institution;

- (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 a panel lawyer and one or more para-legal volunteers available during' office hours.
    - (2) In the case of court based legal services, such lawyer shall after consideration of the application, forward the same to the Committee set up under regulation 7 and for other types of legal services, the panel lawyer in the front office may provide such legal services.
    - (3) The panel lawyer in the front office, shall render services like drafting notices, sending replies to lawyers' notices and drafting applications, petitions etc.
    - (4) The panel lawyer in the front office may obtain secretarial assistance from the staff of the Legal Services Institutions.
    - (5) In case of urgent matters, the panel lawyer in the. front office may in consultation with the Member Secretary or Secretary of the Legal Services Institutions provide legal assistance of appropriate nature:



Provided that the Committee set up under regulation 7 may consider and approve the action taken by the panel lawyer in the front office.

**5. Proof of entitlement of free legal services.**

- (1) An affidavit of the applicant that he falls under the categories of persons entitled to free legal services under section 12 shall ordinarily be sufficient.
- (2) The affidavit may be signed before a Judge, Magistrate, Notary Public, Advocate, Member of Parliament, Member of Legislative Assembly, elected representative of local bodies, Gazetted Officer, teacher of any school or college of Central Government, State Government or local bodies as the case may be.
- (3) The affidavit may be prepared on plain paper and it shall bear the seal of the person attesting it

**6. Consequences of false or untrue details furnished by the applicant. -** The applicant shall be informed that if free legal services has 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.

**7. Scrutiny and evaluation of the application for free legal services,**

- (1) There shall be a Committee to scrutinise and evaluate the application for legal services, to be constituted by the Legal Services Institution at the level of Taluk, District, State and above,
- (2) The Committee shall be constituted by the Executive Chairman or Chairman.
- (3) No legal practitioner having less than three years' experience at the Bar shall ordinarily be empanelled.
- (4) While preparing the panel of lawyers the competence, integrity, suitability and experience of such lawyers shall be taken into account.
- (5) 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 etc.
- (6) 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.
- (7) 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.
- (8) The strength of Retainer lawyers shall not exceed,-
  - (a) 20 in the Supreme Court Legal Services Committee;
  - (b) 15 in the High Court Legal Services Committee;
  - (c) 10 in the District Legal Authority;
  - (d) 5 in the Taluk Legal Services Committee.

- (9) The honorarium payable to Retainer lawyer shall be,-
    - (a) Rs. 10,000 per month in the case of Supreme Court Legal Services Committee;
    - (b) Rs. 7,500 per month in the case of High Court Legal Services Committee;
    - (c) Rs. 5,000 per month in the case of District Legal Services Authority;
    - (d) Rs. 3,000 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.
  - (10) The panel lawyers designated as Retainers shall devote their time exclusively for legal aid work and shall be always available to deal with legal aid cases and to man the front office or consultation office in the respective Legal Services Institution.
  - (11) The panel prepared under sub-regulation (2) shall be re-constituted after a period of three years but the cases already entrusted to any panel lawyer shall not be withdrawn from him due to re-constitution of the panel
  - (12) The Legal Services Institution shall be at liberty for withdrawing any case from a Retainer during any stage of the proceedings.
  - (13) If a panel lawyer is desirous of withdrawing from a case he shall state the reasons thereof to the Member-Secretary or the Secretary and the latter may permit the panel lawyer to do so.
  - (14) The panel lawyer shall not ask for or receive any fee, remuneration or any valuable consideration in any manner, from the person to whom he had rendered legal services under these regulations.
  - (15) 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.
- 9. Legal services by way of legal advice, consultation, drafting and conveyancing.-**
- (1) The Executive Chairman or Chairman of the Legal Services Institution shall 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 services of the legal aid clinics in the rural areas and in the law colleges and law universities shall also be made use of.
- 10. Monitoring Committee.-**
- (1) Every Legal Services Institution shall set up a Monitoring Committee for close monitoring of the court based legal services rendered and the progress of the cases in legal aided matter.

- (2) The Monitoring Committee at the level of the Supreme Court or the High Court, as the case may be, shall consist of,-
  - (i) the Chairman of the Supreme Court Legal Services Committee or Chairman of the High Court Legal Services Committee;
  - (ii) the Member Secretary or Secretary of the Legal Services Institution;
  - (iii) a Senior Advocate to be nominated by the Patron-in-Chief of the Legal Services Institution.
- (3) The Monitoring Committee for the District or Taluk Legal Services Institution shall be constituted by the Executive Chairman of the State Legal Services Authority and shall consist of, -
  - (i) the senior-most member of the Higher Judicial Services posted in the district concerned, as its Chairman;
  - (ii) the Member-Secretary or Secretary of the Legal Services Institution;
  - (iii) a legal practitioner having more than fifteen years' experience at the local Bar-to be nominated in consultation with the President of the local Bar Association :

Provided that if the Executive Chairman is satisfied that there is no person of any of the categories mentioned in this sub-regulation, he may constitute the Monitoring Committee with such other persons as he may deem proper.

#### **11. Functions of the Monitoring Committee.**

- (1) Whenever legal services aid provided to an applicant, the Member-Secretary or Secretary shall send the details in Form-II to the Monitoring Committee at the earliest.
- (2) The Legal Services Institution shall provide adequate staff and infrastructure to the Monitoring Committee for maintaining the records of the day-to-day progress of the legal aided cases.
- (3) The Legal Services Institution may request the Presiding Officer of the court to have access to the registers maintained by the court for ascertaining the progress of the cases.
- (4) The Monitoring Committee shall maintain a register for legal aided cases for recording the day-to-day postings, progress of the case and the end result (success or failure) in respect of cases for which legal aid is allowed and the said-register shall be scrutinised by the Chairman of the Committee every month.
- (5) The Monitoring Committee shall keep a watch of the day-to-day proceedings of the court by calling for reports from the panel lawyers, within such time as may be determined by the Committee.
- (6) If the progress of the case is not satisfactory, the Committee may advise the Legal Services Institution to take appropriate steps.

**12. Monitoring Committee to submit bi-monthly reports.**

- (1) The Monitoring 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 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.

**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 and expenses payable to panel lawyer.

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

- (1) If the Monitoring 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 Chairmen of the Legal Services Institution may decide the honorarium for such senior advocate :  
Provided that special engagement of senior advocates shall be only in cases of great public importance and for defending cases of very serious nature, Hand Book on Legal Services Authorities Act with Regulations & Schemes of NALSA and others affecting the, life and liberty of the applicant.

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 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 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 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.

**U. SARATHCHANDRAN, Member-Secy**  
**[ADVT.-III/4/123/10/Exty.]**

From-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 affidavit/proof has been produced in support of income/ eligibility u/s 12 of the Act.
7. Nature of legal aid or advise required:

8. A brief statement of the case, : if court based legal services is required.

Place :

Date :

Signature of the applicant

Form-II

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

**Information furnished to the Monitoring 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. : .....

Dated:

MEMBER-SECRETARY/SECRETARY

**MINISTRY OF LAW AND JUSTICE**  
**(DEPARTMENT OF JUSTICE)**  
**(NATIONAL LEGAL SERVICES AUTHORITY)**

**NOTIFICATION**  
**New Delhi, the 22nd October, 2018**

**F.No. L/61/10/NALSA-** 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 further to amend the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, namely:

**1. Short title and commencement:**

- (1) These regulations may be called the National Legal Services Authority (Free and Competent Legal Services) Amendment Regulations, 2018.
- (2) They shall come into force on the date of their publication in the Official Gazette.

**2. In the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 (hereinafter referred to as the principal regulations), in regulation 2, in sub-regulation (1),-**

- (i) for clause (ea), the following clauses shall be substituted. namely:-
  - (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';
- (ii) in clause (f), for the words "as such", the words "under the 'National Legal Services Authority Scheme for Para Legal Volunteers' and empanelled" shall be substituted.
- (iii) in clause (fa), for the bracket and figure "(6)", the bracket and figure "(9)" shall be substituted.

**3. In the principal regulations, in regulation 4, -**

- (i) in sub-regulation (1) after the words "manned by", the words "a Retainer Lawyer on rotational basis and" shall be inserted;
- (ii) sub-regulation (2) and sub-regulation (5) shall be omitted;

**4. In the principal regulations, for regulation 5, the following regulation shall be substituted, namely:-**

- "5. Proof of entitlement of free legal services. A self-certificate of the applicant, along with 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."**

5. In the principal regulations, for regulation 7, the following regulation shall be substituted, namely:-

**"7. 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.
- (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."

6. In the principal regulations, for regulation 8, the following regulation shall be substituted, namely: -

**"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 empaneled.
- (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.
- (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.
- (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."
7. In the principal regulations, for regulation 9, the following regulation shall be substituted, namely:
  - "9. Legal services by way of legal advice, consultation, drafting and conveying. -
    - (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."

8. In the principal regulations, for regulation 10, the following regulation shall be substituted, namely:

"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;
  - (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."
9. In the principal regulations, for regulation 11, the following regulation shall be substituted, namely:-
- "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 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."
10. In the principal regulations, in regulation 12, for the words "Monitoring Committee" occurring at both the places, the words "Monitoring and Mentoring Committee" shall be substituted.
  11. In the principal regulations. in regulation 13, for the words "Monitoring Committee", the words "Monitoring and Mentoring Committee" shall be substituted.
  12. In the principal regulations, in regulation 15, for the words "Monitoring Committee", the words "Monitoring and Mentoring Committee" shall-be substituted.
  13. In the principal regulations. in regulation 16, for the words "Monitoring Committee", the words "Monitoring and Mentoring Committee" shall be substituted.
  14. In Form II of the principal regulations, in the heading. for the words "Monitoring Committee", the words "Monitoring and Mentoring Committee" shall be substituted.

ALOK AGARWAL, Member-Secy.  
[ADVT.-III/4/Exty./316/18]

**Note:** The principal regulations were published in the Gazette of India Extraordinary, Part-III, Section 4, vide notification No. L/61/10/NALSA dated the 9th September, 2010 and were last amended vide notification No. L/61/10/NALSA dated the 6th August, 2014

## Ministry of Law and Justice (Department of Justice) (National Legal Services Authority)

Notification New Delhi,  
the 28th August, 2019

**F. No. L/61/10/NALSA:** 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 further to amend the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, namely :-

**1. Short title and commencement.**

- (1) These regulations may be called the National Legal Services Authority (Free and Competent Legal Services) Amendment Regulations, 2019.
  - (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 (hereinafter referred to as the principal regulations), in regulation 4. -
- (i) after sub-regulation (1) the following sub-regulation shall be inserted namely:  
"(1A) The Front Offices shall act as one stop centres for legal aid seekers to receive legal aid and advice and all information about their cases and all legal services provided by the Legal Services Institutions."
3. In the principal regulations, in regulation 8, -
- (i) in sub-regulation (2), after first proviso the following proviso shall be inserted, namely:  
"Provided further that the size of panel should be optimised so that each lawyer call be allotted sufficient cases."
  - (ii) for sub-regulation (11), the following sub-regulation shall be substituted, namely :-  
"(11) The number of Retainer lawyers in the panel of each Legal Services Institution. should not exceed the minimal requirement as determined by the Executive Chairman or the Chairman, as the case may be."
  - (iii) in sub-regulation (12), after first proviso the following proviso shall be inserted, namely:  
"Provided further that the State Legal Services Authority may decide to make the payment of honorarium to the Retainer Lawyers on the basis of number of days they man the Front Office. In such cases the honorarium so payable shall not be less than Rs. 1500 per day of sitting at the district and taluka court level and Rs. 2500 at the High Court level."

**4. In the principal regulations, in regulation 10-**

- (i) in sub-regulation (2), in clause (i), for the words "a sitting or retired judge of the Supreme Court or a Senior Advocate as may be nominated", the words "a Senior Advocate or an Advocate of at least 15 years of standing as nominated" shall be substituted.
- (ii) in sub-regulation (3), in clause (i), for the words "a sitting or retired judge of the High Court or a Senior Advocate as may be nominated", the words "a Senior Advocate or an Advocate of at least 15 years of standing as nominated" shall be substituted.
- (iii) in sub-regulation (5), in clause (ii), after the word "officer", the word "or" shall be inserted.

ALOK AGARWAL,  
Member Secretary  
[ADVT.-III/4/Exty./199/19]

**Note:** The principal regulations were published in the Gazette of India Extraordinary, Part-III, Section 4, vide notification no. L/61/10/NALSA dated the 9th September, 2010 were last amended vide October, 2018. Notification No. L/61/10/NALSA dated the 22nd October, 2018.

**MINISTRY OF LAW AND JUSTICE**  
(Department of Justice)  
**(NATIONAL LEGAL SERVICES AUTHORITY)**

**NOTIFICATION**  
**New Delhi, the 28th August, 2019**

**F. No. L/28/09/NALSA.**- In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Authority hereby makes the following regulations further to amend the National Legal Services Authority (Lok Adalat) Regulations, 2009, namely: -

1. Short title and commencement.
  - (1) These regulations may be called the National Legal Services Authority (Lok Adalat) Amendment Regulations 2019.
  - (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the National Legal Services Authority (Lok Adalat) Regulations, 2009, in regulation 6A, for the words, "judicial officers", the words "presiding judges" shall be substituted.

**ALOK AGARWAL, Member-Secy.**  
**[ADVT.-III/4/Exty./200/19]**

**Note:** The principal regulations were published in the Gazette of India Extraordinary, Part-III, Section 4, vide notification No. L/28/09/NALSA dated the 14th October, 2009 were last amended vide notification No. L/28/09/NALSA dated the 22nd October, 2018.



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

(As amended vide Notification F.No. L/61/10/NALSA dated 28.08.2019  
published in the Gazette of India on 06.09.2019)

*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:
- <sup>1</sup>(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 "under the 'National Legal Services Authority Scheme for Para Legal Volunteers' and empanelled by a Legal Services Institution;
- <sup>3</sup>(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 [a Retainer Lawyer on rotational basis and] one or more para-legal volunteers available during office hours.

<sup>5</sup>Provided 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.

- <sup>6</sup>(1A) The Front Offices shall act as one stop centres for legal aid seekers to receive legal aid and advice and all information about their cases and all legal services provided by the Legal Services Institutions.

<sup>7</sup>(2) \*\*\*\*\*

<sup>8</sup>(3) \*\*\*\*\*

- <sup>9</sup>(4) The Para-Legal Volunteers or the panel lawyer or the retainer lawyer, as the case may be, in the front office may obtain secretarial assistance from the staff of the Legal Services Institutions.

<sup>10</sup>(5) \*\*\*\*\*

- 115. Proof of entitlement of free legal services:** A self-certificate of the applicant, along with 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.

<sup>12</sup>(2) \*\*\*\*\*

<sup>13</sup>(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.

**147. 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.
- (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.

**158. 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;  
<sup>16</sup>Provided further that the size of panel should be optimised so that each lawyer can be allotted sufficient cases.
- (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.
- (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.
- <sup>17</sup>(11) The number of Retainer lawyers in the panel of each Legal Services Institution, should not exceed the minimal requirement as determined by the Executive Chairman or the Chairman. as the case may be.
- (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.

<sup>18</sup> Provided further that the State Legal Services Authority may decide to make the payment of honorarium to the Retainer Lawyers on the basis of number of days they man the Front Office. In such cases the honorarium so payable shall not be less than Rs. 1500 per day of sitting at the district and taluka court level and Rs. 2500 at the High Court level.

- (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.
- (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.
- <sup>199</sup>. 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."

**<sup>20</sup>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,
  - <sup>21</sup>(i) a Senior Advocate or an Advocate of at least 15 years of standing as 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;
  - (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,-
  - <sup>22</sup>(i) a Senior Advocate or an Advocate of at least 15 years of standing as 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<sup>23</sup> or;
  - (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.
- <sup>24</sup>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 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.

**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 and expenses payable to panel lawyer.

**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.

<sup>25</sup>[\*\*\*\*\*]

**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.

**Footnote:**

- 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 31/07/2012, published in the Gazette of India on 25/8/2012.
- 4 Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
- 5 Inserted vide notification dated 31/07/2012, published in the Gazette of India on 25/8/2012.
- 6 Inserted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019
- 7 Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
- 8 Omitted vide addendum dated 18/09/2019, published in the Gazette of India on 19/09/2019.
- 9 Inserted vide notification dated 31/7/2012, published in the Gazette of India on 25/8/2012.
- 10 Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
- 11 Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
- 12 Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
- 13 Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
- 14 Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
- 15 Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

- 16 Inserted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019.
- 17 Substituted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019.
- 18 Inserted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019.
- 19 Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
- 20 Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018
- 21 Substituted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019
- 22 Substituted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019.
- 23 Inserted vide notification dated 28/08/2019, published in the Gazette of India on 06/09/2019.
- 24 Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.
- 25 Omitted vide notification dated 6/8/2014, published in the Gazette of India on 18/10/2014.

**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 advise required :

8. A brief statement of the case, if court based  
legal services is required :

.....  
Signature of the applicant

Place :

Date :

**National Legal Services Authority**  
**(Free and Competent Legal Services) Regulations, 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, constitution 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 witness etc.
- (xi) The expected time for conclusion of the : .....  
proceedings in the court

Member-Secretary / Secretary

Dated : .....

**THE GAZETTE OF INDIA: EXTRAORDINARY**  
**MINISTRY OF LAW AND JUSTICE**  
(Department of Justice)  
(NATIONAL LEGAL SERVICES AUTHORITY)

**ADDENDUM**

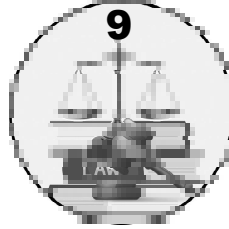
**New Delhi, the 18th September, 2019**

**No. L/61/10/NALSA.**- As an addendum to Notification No. F. No. L/61/10/NALSA dated 28th August, 2019 published in the Gazette of India on 06/09/2019, the Central Authority adds the following additional amendment in the National Legal Services Authority (Free and Competent Legal Services) Amendment Regulations, 2019 :-

"In the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, in regulation 4, sub-regulation (3) shall be omitted."

Sd/-  
**ALOK AGARWAL,**  
Member-Secy.  
[ADVT.-III/4/Exty./215/19]

**Note:** The principal regulations were published in the Gazette of India Extraordinary, Part-III, Section-4 vide notification No. L/61/10/NALSA dated the 9th September, 2010 and were last amended vide notification No. L/61/10/NALSA dated 22/10/2018 (published in the Gazette of India on 25.10.2018) and 28/ 08/2019 (published in the Gazette of India on 06/09/2019).



Registered N-o. 768/97



অসম ৰাজপত্ৰ

**THE ASSAM GAZETTE**

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

**PUBLISHED BY AUTHORITY**

নং ৪৬৮, দিশপুৰ, শনিবাৰ, ২০ অক্টোবৰ, ২০১২, ২৮ অশ্বিন, ১৯৩৪ (শক)

**No. 468 Dispur, Saturday, 20th October, 2012, 28th Asvina, 1934 (S.E.)**

GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
POLITICAL DEPARTMENT, DISPUR

# NOTIFICATION

The 18th October, 2012

**No. PLA. 757/2010/123.** In exercise of the powers conferred by Section 357 - A of Code of Criminal Procedure, 1973 (Act 2 of 1974), the Governor of Assam, in co-ordination with the Central Government is hereby pleased to make the following scheme for providing funds for the purpose of compensation to the victim of his/ her dependents who have suffered loss or injury as a result of the crime and who require rehabilitation, namely :-

## 1. Short title, extent and commencement

- (1) This scheme may be called the Assam Victim Compensation Scheme, 2012.
- (2) It shall extend to the whole of Assam.
- (3) It shall come into force on the date of its publication in the Official Gazette.

## 2. Definitions

In this scheme, unless the context otherwise requires,

- (a) "Act" means the Code of Criminal Procedure, 1973 (2 of 1974);
- (b) "Fund" means "the Victim Compensation Fund" constituted under para 3;
- (c) "Schedule" means Schedule appended to this Scheme;
- (d) "State Government" means the Government of Assam;
- (e) "The State Legal Services Authority" means the Assam State Legal Services Authority;
- (f) "Victim" means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression "victim" includes his or her guardian or legal heir;
- (g) "Department" means the Political Department of the Government of Assam;
- (h) "Nodal Officer" means an officer of the department authorized to handle the affairs relating to the scheme at Government level;
- (i) Words and expressions used herein and not defined; but defined in the Indian Penal Code (IPC), Code of Criminal Procedure (Cr. PC) and the Indian Evidence Act shall have the meanings respectively assigned to them in these Acts.

## 3. Victim Compensation Fund -

- (1) There shall be constituted a fund, namely, the 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 the crime and who 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 Member Secretary, State Legal Services Authority and he will place the funds at the disposal of District Legal Services Authorities as per requirement from time to time.
- (4) The expenditure will be made from the head of account to be created under the control of department and the Senior Most Secretary of department shall be the chief controlling authority of the fund.
- (5) The State Legal Services Authority shall be responsible for maintaining the accounts and the fund will be audited by the Accountant General of Assam.
- (6) Department will release the fund to the State Legal Services Authority and the State Legal Services Authority will furnish periodical returns/ accounts to the department.
- (7) All amounts shall be paid through bank transfers only. Cash payment of any amount shall not be made from the fund at any level.

#### **4. Eligibility for Compensation -**

The victim or his dependents satisfying the following criterion shall be eligible for grant of the compensation :-

- (1) Loss or injury sustained by the victim or his dependents should have caused substantial loss to the income of the family making it difficult to meet their both ends without the financial aid or has to spend beyond his means on medical treatment of mental/physical injury and a recommendation is made by the Court for compensation.
- (2) The victim/dependents report the crime to the Officer-in-Charge of Police Station or Judicial magistrate of the area promptly, provided that the District Legal Services Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in reporting:
- (3) The victim/dependents co-operates with the police and prosecution during the investigation and trial of the case.
- (4) Where the perpetrator of heinous crime is not traceable or goes unpunished after trial, but the victim is identifiable and the victim has to be rehabilitated physically and mentally, such victim may also apply for grant of compensation under sub-section(4) of Section 357-A of the Act.

#### **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 dependents under sub-section(2) of Section 357-A of the Act, to the State Legal Services Authority or the District Legal Services Authority, as the case may be, the said Authorities respectively shall examine the case and verify the contents of the claim with regard to the loss or injury caused to victim and 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 or the State Legal Services Authority, as the case may be, shall, after due



inquiry, award compensation within two months, in accordance with provisions of this Scheme.

- (2) Compensation under this Scheme shall be paid subject to the condition that if the trial court while passing judgment at later date, orders the accused persons to pay any amount by way of compensation under sub-section (1) (b) of Section 357 of the Act, the victim/dependents shall remit an amount of compensation, or the amount ordered equal to the amount of compensation or the amount ordered to be paid under sub-section (3) of section 357 of the Act, whichever is less. An undertaking to this effect shall be given by the victim/dependents before the disbursement of the compensation amount.
- (3) The District Legal Services Authority shall decide the quantum of compensation to be awarded to the victim or these 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 facts and circumstances of each case.
- (4) According to the Schedule of this Scheme, the quantum of compensation to be awarded under the Scheme shall be disbursed to the victim or his dependents, as the case may be, from the Fund.
- (5) Compensation received by the victim from the Central Government, State Government, Insurance Company or any other institution in relation to the crime in question namely, insurance, ex-gratia and/or payment received under any other Act or State-run scheme, shall be considered as part of the compensation amount under this scheme and if the eligible compensation amount exceeds the payments received by the victim from collateral sources mentioned above, the balance shall be paid out of the Fund.
- (6) In fixing the quantum of compensation, regard must be had to the minimum wages and schedule to motor vehicle act, 1988.
- (7) The State or the District Legal Services 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) The compensation to the victim under this scheme shall not exceed the maximum amount prescribed in the Schedule.
- (9) State Government may review the maximum limit of compensation indicated in the Schedule by issuing official notification from time to time.

**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 order of compensation under sub-section (3) of Section 357 of the Act.

**7. Limitation-**

No claim made by the victim or his dependents under sub-section (4) of Section 357-A of the Act shall be entertained after a period of six months from occurrence of the crime.

Provided that the District Legal Services Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the claim.

**8. Appeal-**

Any victim aggrieved of the denial of compensation by the District Legal Services Authority, may file an appeal before the State Legal Services Authority within a period of ninety days from the date of order of denial.

Provided that the State Legal Services Authority, if satisfied, for the reasons to be recorded in writing, may condone the delay in filing the appeal.

**9. Power to Remove Difficulties-**

If any difficulty arises in giving effect to any provision of this scheme, the State Government in the Political Department may make such order, not inconsistent with the provisions of the Act or this Scheme, as may appear to it to be necessary for the purposes removing the difficulty.

## Schedule

(See para 5)

Sl. No.	Particulars of loss or injury	Maximum limit of compensation for rehabilitation
1.	Death	: Rs. 2,00,000/-
2.	Rape	: Rs. 75,000/-
3.	Rape of minor/Gang Rape	: Rs. 1,00,000/-
4.	Loss of any limb or part of body resulting in 80% or above handicap	: Rs. 25,000/-
5.	Loss of any limb or part of body resulting in 40% and below 80% handicap	: Rs. 15,000/-
6.	Loss of any limb or part of body resulting less than 40% handicap	: Rs. 10,000/-
7.	Loss or injury causing severe mental agony to women and child victim in cases like Human Trafficking, Kidnapping, Cruelty u/s 498(A) IPC etc.	: Rs. 15,000/-
8.	Simple Loss/injury to child victim	: Rs. 10,000/-
9.	Facial injury caused due to acid attack	: Rs. 1,75,000/-

In any other case, not specifically mentioned in the Schedule, the maximum limit of compensation shall be Rs. 20,000/-

**SAILESH,**

Principal Secretary to the Govt. of Assam,  
Home and Political Department

**GOVERNMENT OF ASSAM**  
**POLITICAL (A) DEPARTMENT :: DISPUR NOTIFICATION**  
**ORDER BY THE GOVERNOR**

**Dated Dispur, the 15th July, 2014**

**No. PLA. 757/2010/234** : In exercise of the powers conferred under Sub-clause (9) of Clause (5) of the Assam Victim Compensation Scheme, 2012 issued vide Govt. Notification No. PLA. 757/2010/123 dated 18th October, 2012, the Governor of Assam is pleased to amend the Schedule by enhancing the quantum of compensation awarded in the said scheme.

The amended schedule of the scheme as given below shall be effective from the date of issue of this Notification.

This supersedes the earlier Schedule of the Assam Victim Compensation Scheme, 2012.

**Schedule**

Sl. No.	Particulars of loss or injury	Maximum limit of compensation	
1.	Death	a. Age 40 years or below 40 years	Rs.3,00,000/-
		b. Age above 40 years and up to 60 years	Rs.2,00,000/-
		c. Age above 60 years	Rs.1,00,000/-
2.	Rape		Rs.3,00,000/-
3.	Acid attack victim		Rs.3,00,000/-
4.	Loss of any limb or part of body resulting in 80% or above handicap		Rs. 25,000/-
5.	Loss of any limb or part of body resulting in 40% & below 80% handicap		Rs. 15,000/-
6.	Loss of any limb or part of body resulting less than 40% handicap		Rs. 10,000/-
7.	Loss or injury causing severe mental agony to women and child victims in cases like Human Trafficking, Kidnapping, Molestation, Cruelty U/S 498 (A) IPC etc.		Rs. 25,000/-
8.	Simple Loss/Injury to child victim		Rs. 10,000/-

The following expenses shall be payable in addition to compensation outlined above.

(i)	Funeral expenses	Rs. 2,000/-
(ii)	Medical Expenses Actual expenses incurred before death or on account of injury supported by bills/vouchers but not exceeding Rs. 20,000/-	

This is issued as per Finance (EC-II) Department's UO No. FEC(II) 1162/2014 dated 08/07/2014.

BY ORDER AND IN THE NAME OF GOVERNOR

Sd/-

(G. D. Tripathi, IAS)

Commissioner & Secretary to the Govt. of Assam  
Home & Political Department

**Memo No. PLA. 757/2010/234-A**

**Dated Dispur, the 15th July, 2014**

Copy to :-

1. The Director General of Police, Assam, Ulubari, Guwahati - 7
2. The Addl. Chief Secretary, Revenue & D.M. Department, Dispur.
3. The Addl. Chief Secretary, Finance Department, Dispur.
4. The L.R. & Secretary, Judicial Department, Dispur.
5. The Secretary, Legislative Department, Dispur.
6. The Addl. Director General of Police (CID), Assam, Ulubari, Guwahati-7.
7. All Deputy Commissioners (..... District)
8. The Nodal Officer, Assam Victim Compensation Scheme, 2012.
9. The Staff Officer to Chief Secretary, Assam.
10. The Joint Secretary (MPS), Home Department, Dispur.
11. The Joint Director, Govt. Press, Banunimaidam, Guwahati-21. He is requested to publish this notification in the Assam Gazette and supply 100 copies of the same to this department urgently.
12. Guard File.

By order etc.

Sd/-  
Deputy Secretary to the Govt. of Assam  
Political (A) Department

**Memo No. PLA. 757/2010/234-B**

**Dated Dispur, the 15th July, 2014**

Copy to :-

1. The Registrar General, Gauhati High Court, Guwahati.
2. The Member Secretary, Assam State Legal Services Authority, 2nd Floor, District Judges New Court Building, Panbazar, Guwahati-01 for information and necessary action. He is requested to distribute copies of this notification (30 copies enclosed) among all the District Legal Services Authorities.

By order etc.

Sd/-  
Deputy Secretary to the Govt. of Assam  
Political (A) Department

**Memo No. PLA. 757/2010/234-C**

**Dated Dispur, the 15th July, 2014**

Copy to :-

1. The Advocate General, Assam, Gauhati High Court, Guwahati.
2. The President, Bar Association, Gauhati High Court, Guwahati.
3. The Secretary General, Bar Association, Gauhati High Court, Guwahati.

By order etc.

Sd/-  
Deputy Secretary to the Govt. of Assam  
Political (A) Department

**GOVERNMENT OF ASSAM**  
**POLITICAL (A) DEPARTMENT :: DISPUR**  
.....

**No. PLA. 757/2010/236**

**Dated Dispur, the 15th July, 2014**

**OFFICE MEMORENDUM**

**Sub: Mode of payment of compensation to the acid attack victims.**

In pursuance of the direction of the Hon'ble Supreme Court as contained in para-13 of the order dated 18/07/2013 passed in WP (Crl.) No. 129/2006 (Laxmi -vs- Union of India & Ors.) following instructions are hereby issued to all concerned for strict compliance.

This is in continuation to the Notification issued by the Govt vide No. PLA. 757/2010/234 dated 15th July, 2014.

1. Out of the compensation of Rs. 3.00 (three) lakh payable to acid attack victims, a sum of Rs. 1.00(one) lakh shall be paid to such victims within 15 (fifteen) days of occurrence of such incident (or being brought to the notice of the appropriate authority as mentioned in the Assam Victim Compensation Scheme, 2012) to facilitate immediate medical attention and expenses in this regard.
2. The balance amount of Rs. 2.00 (two) lakh shall be paid as expeditiously as may be possible and positively within 2 (two) month thereafter.

**Sd/-**  
**(G. D. Tripathi, IAS)**  
**Commissioner & Secretary to the Govt. of Assam,**  
**Home & Political Department**

**No. PLA. 757/2010/236-A**

**Dated Dispur, the 15th July, 2014**

Copy to :-

1. The Director General of Police, Assam, Ulubari, Guwahati - 7
2. The Commissioner & Secretary, Health & F.W. Department, Dispur.
3. The Commissioner & Secretary, Social Welfare Department, Dispur.
4. The Addl. Director General of Police (CID), Assam, Ulubari, Guwahati- 7
5. All Deputy Commissioners. (.....District)
6. The Staff Officer to the Chief Secretary, Assam.
7. Guard File for record.

By order etc.

Sd/-

Deputy Secretary to the Govt. of Assam  
Political (A) Department

**No. PLA. 757/2010/236-B**

**Dated Dispur, the 15th July, 2014**

Copy to :-

1. The Registrar General, Gauhati High Court, Guwahati.
2. The Member Secretary, Assam Legal Services Authority, 2 nd Floor, District Judges New Court Building, Panbazar, Guwahati-1 for information and necessary action. He is requested to distribute copies of this O.M. (30 copies enclosed) among all the District Legal Services Authorities for information and necessary action.

By order etc.

Sd/-

Deputy Secretary to the Govt. of Assam  
Political (A) Department

**No. PLA. 757/2010/236-C**

**Dated Dispur, the 15th July, 2014**

Copy to :-

1. The Advocate General Assam, Gauhati High Court, Guwahati.
2. The President, Bar Association, Gauhati High Court, Guwahati.
3. The Secretary General, Bar Association, Gauhati High Court, Guwahati.

By order etc.

Sd/-

Deputy Secretary to the Govt. of Assam  
Political (A) Department



**GOVERNMENT OF ASSAM  
POLITICAL (A) DEPARTMENT :: DISPUR  
ORDER BY THE GOVERNOR  
NOTIFICATION**

**Dated Dispur, the 5th March, 2016**

**No. PLA.524/2015/16 ::** In exercise of the powers conferred under Sub-Clause 99 of Clause (5) of the Assam Victim Compensation Scheme, 2012 issued vide Govt. Notification No. PLA/757/2010/123 dtd. 18th October, 2012 and NO. PLA.757/2010/ 234 dtd. 15th July, 2014, the Governor of Assam is pleased to amend the Schedule by fixing the quantum of compensation awarded in the said scheme as per the Central Victim Compensation Fund Scheme Guidelines issued vide No. 24013/94/ Misc./2014-CSR.III dtd. 14th October, 2015.

**Schedule**

<b>Sl. No.</b>	<b>Description of injuries/loss</b>	<b>Amount of Compensation</b>
1.	Acid attack victim	Rs. 3,00,000/-
2.	Rape victim	Rs. 3,00,000/-
3.	Minor victim of physical abuse	Rs. 2,00,000/-
4.	Rehabilitation of victim of Human Trafficking	Rs. 1,00,000/-
5.	Victim of Sexual Assault (Excluding rape)	Rs. 50,000/-
6.	Death	Rs. 2,00,000/-
7.	Permanent Disability (80% or more)	Rs. 2,00,000/-
8.	Partial Disability (40% to 80%)	Rs. 1,00,000/-
9.	Burns affecting greater than 25% of the body (Excluding acid attack)	Rs. 2,00,000/-
10.	Loss of foetus	Rs. 50,000/-
11.	Loss of fertility	Rs. 1,50,000/-
12.	Women victim of cross border firing:	
	(a) Death or permanent Disability (80% or more)	(a) Rs. 2,00,000/-
	(b) Partial disability (40% to 80%)	(b) Rs. 1,00,000/-

This supersedes the earlier schedule of the Assam Victim Compensation Scheme, 2012 and shall be effective from the date of issue of this Notification.

This is issued as per the concurrence of Finance (EC-II) Department conveyed vide their U.O. No. FEC(II)2223/2015 dtd. 02.02.2016.

Sd/-  
(LS Changsan, IAS)  
Commissioner & Secretary to the Govt. of Assam  
Home & Political Department

**Memo No. PLA. 524/2015/16-A**

**Dated Dispur, the 5th March, 2016**

Copy to :-

1. The Director General of Police, Assam, Ulubari, Guwahati-7
2. The Additional Chief Secretary, Revenue & D.M. Department, Dispur.
3. The Principal Secretary, Finance Department, Dispur.
4. The L.R. & Secretary, Judicial Department, Dispur.
5. The Secretary, Legislative Department, Dispur.
6. The Additional D.G.P. (CID), Assam, Ulubari, Guwahati-07.
7. The Deputy Commissioner, All
8. The Staff Officer to Chief Secretary, Assam.
9. The Superintendent of Police, All
10. The Nodal Officer, Assam Victim Compensation Scheme, 2012.
11. The Director of Information & Public Relations, Assam, Dispur, Guwahati-6. He is requested to give wide publicity in the news bulletin of TV/AIR and local daily news-paper immediately.
12. The Joint Director, Govt. Press, Banunimaidam, Guwahati-21. He is requested to publish this Notification in the Assam Gazette and supply 100 copies of the same to this department urgently.
13. Guard File.

By order etc.  
Sd/-  
Additional Secretary to the Govt. of Assam  
Home & Political Department

**Memo No. PLA. 524/2015/16-B**

**Dated Dispur, the 5th March, 2016**

Copy to :-

1. The Registrar General, Gauhati High Court, Guwahati-01.
2. The Member Secretary, Assam State Legal Services Authority, Gauhati High Court, Old Block, Guwahati - 01 for information and necessary action. He is requested to communicate the same to the District Legal Services Authorities.

Sd/-

Additional Secretary to the Govt. of Assam  
Home & Political Department

**Memo No. PLA. 524/2015/16-C**

**Dated Dispur, the 5th March, 2016**

Copy to :-

1. The Advocate General, Assam, Gauhati High Court, Guwahati-01.
2. The Senior Govt. Advocate, Assam, Gauhati High Court, Guwahati-01.
3. The President, Bar Association, Gauhati High Court, Guwahati-01.
4. The Secretary General, Bar Association, Gauhati High Court, Guwahati-01.

Sd/-

Additional Secretary to the Govt. of Assam  
Home & Political Department

**GOVERNMENT OF ASSAM  
POLITICAL (A) DEPARTMENT :: DISPUR  
ORDER BY THE GOVERNOR  
NOTIFICATION**

**Dated Dispur, the 6th January, 2017**

**No. PLA.524/2015/Pt/42 ::** In exercise of the powers conferred under Sub-Clause (9) of Clause (5) of the Assam Victim Compensation Scheme, 2012 issued vide Govt. Notification No. PLA.757/2010/123 dtd. 18th October, 2012 and in pursuance of Judgment & Order passed by Hon'ble Supreme Court of India in Criminal Appeal No. 884/2015, the Governor of Assam is pleased to partially modify the Govt. Notification No. PLA.524/2015/16 dtd. 05.03.2016 to incorporate compensation of Rs. 10,00,000/- (Rupees ten lakh) only to be provided to specially abled women rape victim under Assam Victim Compensation Scheme, 2012, to be paid as one time payment.

This shall be effective from the date of issue of this Notification.

This is issued as per the concurrence of Finance (EC-II) Department conveyed vide their U.O. No. FEC(II)2319/2016 dtd. 26.12.2016.

Sd/-  
(LS Changsan, IAS)  
Commissioner & Secretary to the Govt. of Assam  
Home & Political Department

**No. PLA.524/2015/Pt/42-A**

**Dated Dispur, the 6th January, 2017**

Copy to :-

1. The Director General of Police, Assam, Ulubari, Guwahati - 07
2. The Additional Chief Secretary, Revenue & D.M. Department, Dispur.
3. The Principal Secretary, Finance Department, Dispur.
4. The L.R. & Secretary, Judicial Department, Dispur.
5. The Secretary, Legislative Department, Dispur.
6. The Additional D.G.P. (CID), Assam, Ulubari, Guwahati-07.

7. The Deputy Commissioner, All
8. The Staff Officer to Chief Secretary, Assam.
9. The Superintendent of Police, All
10. The Nodal Officer, Assam Victim Compensation Scheme, 2012.
11. The Director of Information & Public Relations, Assam, Dispur, Guwahati-6. He is requested to give wide publicity in the news bulletin of TV/AIR and local daily news-paper immediately.
12. The Joint Director, Govt. Press, Banunimaidam, Guwahati-21. He is requested to publish this Notification in the Assam Gazette and supply 100 copies of the same to this department urgently.
13. Guard File.

By order tec.,

Sd/-

Additional Secretary to the Govt. of Assam  
Home & Political Department

**No. PLA.524/2015/Pt/42-B**

**Dated Dispur, the 6th January, 2017**

Copy to :-

1. The Registrar, Supreme Court of India, New Delhi.
2. The Registrar General, Gauhati High Court, Guwahati-01.
3. The Member Secretary, Assam State Legal Services Authority, Gauhati High Court, Old Block, Guwahati - 01 for information and necessary action. He is requested to communicate the same to the District Legal Services Authorities.

Sd/-

Additional Secretary to the Govt. of Assam  
Home & Political Department

**No. PLA.524/2015/Pt/42-C**

**Dated Dispur, the 6th January, 2017**

Copy to :-

1. The Advocate General, Assam, Gauhati High Court, Guwahati-01.
2. The Senior Govt. Advocate, Assam, Gauhati High Court, Guwahati- 01.
3. The President, Bar Association, Gauhati High Court, Guwahati -01.
4. The Secretary General, Bar Association, Gauhati High Court, Guwahati-01.

Sd/-

Additional Secretary to the Govt. of Assam  
Home & Political Department

## ORDER BY THE GOVERNOR NOTIFICATION

**Dated Dispur, the 1st February, 2019**

**No. PLA.524/2015/Pt/190 (ECF 38361) ::** In exercise of the powers conferred under Sub-Clause (9) of Clause (5) of the Assam Victim Compensation Scheme, 2012 issued vide Govt. Notification No. PLA.757/2010/123 dtd. 18th October, 2012 and in pursuance of the orders of Hon'ble Supreme Court of India in WP(C) No. 867/2013 and Writ Petition (Civil) No. 754 of 2016 the Governor of Assam is pleased to amend the Schedule of Assam Victim Compensation Scheme, 2012 by revising the quantum of compensation awarded in the said scheme as below:

### Schedule

Sl. No.	Description of injuries/loss		Amount of Compensation	
		Minimum	Maximum	
1.	Victim of acid attack	In case of disfigurement of face	Rs. 7.00 Lakh	Rs. 8.00 Lakh
		In case of injury more than 50%	Rs. 5.00 Lakh	Rs. 8.00 Lakh
		In case of injury less than 50%	Rs. 3.00 Lakh	Rs. 5.00 Lakh
		In case of injury less than 20%	Rs. 3.00 Lakh	Rs. 4.00 Lakh
2.	Victim of Lynching/ Mob Violence/ Witch hunting	Loss of life	Rs. 7.00 Lakh	Rs. 8.00 Lakh
		In case of bodily injury more than 50%	Rs. 5.00 Lakh	Rs. 8.00 Lakh
		In case of bodily injury less than 50%	Rs. 3.00 Lakh	Rs. 5.00 Lakh
		In case of bodily injury less than 20%	Rs. 3.00 Lakh	Rs. 4.00 Lakh
		In case of psychological injury	Rs. 3.00 Lakh	Rs. 4.00 Lakh
		In case of injury leading to loss of earnings including loss of opportunities of employment and education	Rs. 5.00 Lakh	Rs. 8.00 Lakh
3.	Rape victim		Rs. 3.00 Lakh	Rs. 5.00 Lakh
4.	Minor victim of physical abuse		Rs. 2.00 Lakh	Rs. 4.00 Lakh
5.	Rehabilitation of victim of Human Trafficking		Rs. 1.00 Lakh	Rs. 3.00 Lakh
6.	Victim of Sexual Assault (Excluding rape)		Rs. 0.50 Lakh	Rs. 2.00 Lakh
7.	Death		Rs. 5.00 Lakh	Rs. 5.00 Lakh
8.	Permanent Disability (80% or more)		Rs. 2.00 Lakh	Rs. 5.00 Lakh
9.	Partial Disability (40% to 80%)		Rs. 1.00 Lakh	Rs. 4.00 Lakh
10.	Burns affecting greater than 25% of the body (Excluding acid attack)		Rs. 2.00 Lakh	Rs. 3.00 Lakh
11.	Loss of foetus		Rs. 0.50 Lakh	Rs. 2.00 Lakh

12.	Loss of fertility	Rs. 1.50 Lakh	Rs. 3.00 Lakh
13.	Women victim of cross border firing:		
	(a) Death or permanent Disability (80% or more)	(a) Rs. 5.00 Lakh	
	(b) Partial disability (40% to 80%)	(b) Rs. 3.00 Lakh	

- In case of rape victim/acid attack victim, interim compensation of 1/4th of the minimum compensation may be paid to the victim by the concerned District Legal Services Authority.
- In case of sexual assault, the male child victim may also be provided the prescribed minimum compensation under the Scheme.
- The prescribed maximum amount compensation may be provided to the victim/ NoK of the victim if awarded by the Hon'ble Court depending upon the severity of the case.
- Health & Family Welfare Department may provide all the necessary medical facilities
- and also to provide medical expenses to the victims of lynching/mob violence.
- Judicial Department may provide the legal expenses towards the victims of lynching/ mob violence.

This supersedes the earlier schedule of the Assam Victim Compensation Scheme, 2012 and shall be effective from the date of issue of this Notification. This is issued as per the concurrence of Finance (EC-II) Department conveyed vide their U.O. No. FEC(II) 2414/2018 dtd. 11/01/2019.

Sd/-  
**(LS Changsan, IAS)**  
Principal Secretary to the Govt. of Assam,  
Home & Political Department



অসম ৰাজপত্ৰ  
**THE ASSAM GAZETTE**  
অসাধাৰণ  
EXTRAORDINARY  
প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত  
**PUBLISHED BY THE AUTHORITY**

নং ৮৮, শিৱপুৰ, মঙ্গলবাৰ, ২৭ ফেব্ৰুৱাৰী, ২০২৪, ৮ ফাল্গুন, ১৯৪৫ (শক)  
**Tuesday, 27th February, 2024, 8th Phalguna, 1945 (S. E.)**

GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
POLITICAL (A) DEPARTMENT, DISPUR

**NOTIFICATION**

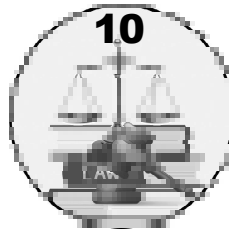
The 21st February, 2024

**No. HMA-19032(13)/26/2017-POL(A)-H&P/664(eCF No. 40425).** In exercise of the powers conferred under Sub-Clause (9) of Clause (5) of the Assam Victim Compensation Scheme, 2012 issued vide Govt. Notification No. PLA.757/2010/123 dated 18th October, 2012, the Governor of Assam is pleased to partially modify the Govt. Notification No. PLA.524/2015/P1/190(ECF-38361) dated 01/02/2019 to incorporate the provision of interim compensation to the victim of Lynching and mob-violence as like to the cases of rape victims and acid attack victims i.e. interim compensation of 1/4th of the minimum compensation to be paid to the victim by the concerned District Legal Services Authorities.

This is issued with due concurrence of Finance (EC-II) Department conveyed vide their U/O No. 53/2024, dated 20/02/2024.

**AVINASH JOSHI,**  
Additional Chief Secretary to the Government of Assam,  
Home & Political Department, Dispur.





## **NATIONAL LEGAL SERVICES AUTHORITY**

### **NOTIFICATION**

**New Delhi, dated the 10th August, 2011**

#### **National Legal Services Authority (Legal Aid Clinics) Regulations, 2011**

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 Aid 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;
  - (c) "legal aid 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, on the lines of a primary health centre providing basic health services to the people in the locality and includes the legal aid clinic run by the law colleges and law universities;

- (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;
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 legal aid clinic.-**  
Every person who fulfils the criteria specified in section 12 shall be eligible to get free legal services in the 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-**

- (1) 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. 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 Mahtma 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 problem with the government officials, authorities and other institutions also shall be part of the legal services in the legal aid clinic:  
Provided that the legal aid 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 legal aid 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 legal aid 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 legal aid 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 legal aid 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 legal aid clinic.
  - (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 legal aid clinic.
- 11. Location of legal aid clinic-**
- (1) Legal aid 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 legal aid 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 legal aid clinic.
- 12. Assistance of the local body institutions in obtaining a convenient room for the legal aid 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 legal aid clinic.
  - (2) Since the legal aid 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 legal aid clinics.
- 13. Sign-board exhibiting the name of the legal aid clinic-**
- (1) There shall be a sign-board, both in English and in the local language, depicting the name of the legal aid clinic, working hours and the days on which the legal aid clinic shall remain open.
  - (2) Working hours of the legal aid 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 aid clinics shall function on all Sundays and holidays.
- 14. Infrastructure in the legal aid clinic.**
- (1) Every legal aid clinic shall have at least the basic and essential furniture like a table and 5 to 6 chairs.
  - (2) If the legal aid 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 legal aid clinic.
  - (3) If the legal aid clinic is established in hired premises, the District Legal Services Authority may provide the furniture required in the legal aid clinic:

Provided that if the District Legal Services Authority has its own building to establish legal aid clinic, the infrastructural facilities shall be provided by such Authority.

**15. Publicity -**

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

**16. Para-legal volunteers or lawyers in the legal aid clinic shall attempt to resolve disputes amicably-**

- (1) The para-legal volunteers or the lawyers engaged in the legal aid clinics shall attempt to amicably resolve the pre-litigation disputes of the persons brought to the legal aid clinics.
- (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 legal aid clinics.-**

- (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 legal aid clinics:  
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 legal aid 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 legal aid 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 pre-litigation disputes at the legal aid clinic or in its vicinity.
- (2) The lok adalats organised for pre-litigation settlement of the disputes sent from the legal aid clinic shall follow the procedure prescribed in sub-section (2) of section 20 and also the provisions in the National Legal Services Authority (Lok Adalats) Regulations, 2009.

**19. Administrative control of the legal aid clinic.-**

- (1) legal aid clinics 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 legal aid clinics.

**20. Maintenance of records and registers.-**

- (1) Lawyers and para-legal volunteers rendering service in the legal aid clinic shall record their attendance in the register maintained in the legal aid clinic.
- (2) There shall be a register in every legal aid 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 legal aid 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 legal aid clinics 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 legal aid clinic to maintain other registers also, as may be required.
- (5) It shall be the duty of the para-legal volunteer 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 legal aid clinic or the para-legal volunteers may request the District Legal Service Authority to send the mobile lok adalat van with members of the lok adalat bench to the legal aid 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 legal aid clinic or at a place near to it or even at village congregations such as melas and other festive occasions.

**22. Legal aid clinics run by the law students**

The above regulations shall mutatis mutandis be applicable to the student legal aid clinics set up by the law colleges and law universities.

Provided that students of law colleges and law universities also may make use of the legal aid clinics 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 legal aid clinic established under these regulations.
- (2) The law students may, with the assistance of the para-legal volunteers engaged in the legal aid clinics, 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. Legal aid clinics attached to the law colleges, law universities and other institutions-**

- (1) The law colleges, law universities and other institutions may set up legal aid clinics, 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 legal aid clinic shall inform the State Legal Services Authority about the establishing of such legal aid clinic.
  - (3) The State Legal Services Authority shall render the required technical assistance for the operation of such legal aid clinics and shall take measures to promote the activities of such legal aid clinics.
  - (4) The law students in the final year classes may render legal services in such legal aid clinics 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 legal aid clinics.
  - (6) The District Legal Services Authority may issue certificates to the students who complete their assignment in such legal aid clinics.
25. Services of para-legal volunteers trained by the Legal Services Authorities may be made available in the legal aid clinics run by the Law Colleges, Law Universities etc.

Trained para-legal volunteers may be deputed to the legal aid 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 legal aid clinics.-**

- (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 legal aid clinics working in their jurisdiction.
- (2) The State Legal Services Authority shall conduct periodical review of the working of such legal aid' clinics 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 legal aid clinics 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 Legal Aid Clinics within their jurisdiction to the National Legal Services Authority.

U. SARATHCHANDRAN, Member-Secy.





## **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 mandates the National Legal Services Authority to 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.

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 Clinics) 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 needs 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 establish a Legal Aid Clinic to be run by the students under the supervision of a Senior Faculty Member in co-operation with the Legal Services Authorities.

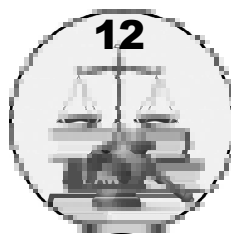
Thus, the Legal Service Clinics Scheme under Section 4(k) of the Legal Services Authorities Act, 1987 needs to be framed adopting holistic approach providing a collaborative programme by involving Statutory bodies under the Legal Services Authorities Act 1987 and Advocates Act 1961 and extending support to universities, law col-

leges and other institutions in establishing and running legal service 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 scheme 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. To attain the ideals of "Social Economics and Political" justice as enshrined in the Constitution in the backdrop of poverty and inequality, by reaching 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, poster 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 or 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 location and working hours shall be given by the respective Institution.
4. (a) Every Legal Services Clinics shall have at least one furnished room within the institution facilitating client counseling.
- (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 instructions 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 as determined by the SLSAs and shall be payable by the District Legal Services Authorities concerned.
6. i) Client counselling and follow up assistance to special reference to marginalized communities.
- (a) Apart from the activities to be decided by the State Authorities, the activities of the Legal Services Clinics shall include:
    - ii) Arranging workshops 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 exhibitions 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 the National Legal Services Authority (Legal Aid Clinics) Regulations, 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 Clinics 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. . (a) Every University, Law College or other Institution shall provide in their annual 8 budget for a specific sum of money as a 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 purposes 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 the 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 infrastructural 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 infrastructural support as may be feasible including computers and the stationery required by the Legal Services Clinic for its day to day functioning.
  11. The 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.



## **SCHEME FOR PARA-LEGAL VOLUNTEERS (REVISED) & MODULE FOR THE ORIENTATION - INDUCTION- REFRESHER COURSES FOR PLV TRAINING**

### **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 door-steps rather than people approaching such Legal Services Institution.

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:**

- 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.
- PLVs shall be literate, preferably matriculate, with a capacity for overall comprehension.
- Preferably PLV 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:**

- Teachers (including retired teachers)
- Retired Government servants and senior citizens.
- M.S.W students and teachers.

- Anganwadi Workers
- Doctors/Physicians.
- Students & Law Students (till they enroll as lawyers)
- Members of non-political, service oriented NGOs and Clubs.
- Members of Women Neighbourhood Groups, Maithri Sanghams and other
- Self Help Groups including of marginalized/vulnerable groups.
- Educated Prisoners with good behaviour, serving long term sentences in prisons.
- 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:**

In consultation with the State Legal Services Authority, the Chairman of DLSA shall identify the trainers for training the PLVs and other resource persons.

- Suitable persons from the members of the Bar with training skills shall be included in the list of resource persons.
- Others could include.
- 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.
- Master Trainers of mediation.
- Law Teachers from Law Colleges.
- Post-Graduate students of Law.
- Retired Professors of Law.
- Retired Judicial Officers
- Revenue Officers
- Officers from Social Welfare Department.
- Public Prosecutors.
- Police Officers
- 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.

The identity card shall not be used for availing of travelling concession either in bus or in any mode of transport.

It shall not be used for availing of any governmental benefits or loan by the holder of the card.

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:**

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.

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.

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.

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.

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.

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.

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.

Para-Legal Volunteers shall assist the DLSA/TLSC for organizing legal awareness camps in their area of operation.

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.

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.

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).

Para-Legal Volunteers shall submit monthly reports of their activities to the DLSA/TLSC under whom they are working in the prescribed format.

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.

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 function in 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 publication 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 :**

- The PLVs shall be disqualified and removed from the panel if he/she:
- Fails to evince interest in the Scheme.
- Has been adjudged insolvent.
- Has been accused of an offence.
- Has become physically or mentally incapable of acting as PLVs.
- Has so abused his/her position or misconducted in any manner as to render his/her continuance prejudicial to the public interest.
- If she/he is an active political enthusiast of a political 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.

## **MODULE FOR THE ORIENTATION INDUCTION REFRESHER COURSES FOR PLV TRAINING**

### **I. ORIENTATION COURSE**

Immediately upon initial empanelment, the PLVs shall be given a day's orientation course.

#### **Course objectives:**

The objective of the Orientation Programme is to provide an overview of the role of the PLVs and lay down the Code of Ethics that they will be required to be adhered to.

The Orientation Programme should include inter alia the following:

- ❖ Introductions and Ice-Breaking Session
- ❖ Purpose & Role of PLVs.
- ❖ Basic Structure of the Constitution Preamble etc.
- ❖ Obligations of the State under the Constitution to the marginalised classes of society (Directive Principles of State Policy)
- ❖ Fundamental Rights (including Articles 14, 15, 16, 19, 21, 22)
- ❖ Duties of a responsible citizen to the community (Fundamental Duties).
- ❖ Article 39 A and Legal Services Authorities Act, 1987 and NALSA Regulations.
- ❖ Do's and Don'ts for PLVs.
- ❖ Dress Code and Standards of behaviour.
- ❖ Materials
- ❖ Ethics.

### **II. INDUCTION COURSE**

The induction training will be for a period of four days and should cover the following topics:

- ❖ Basic listening, communication, observation skills and Drafting skills.
- ❖ Family Laws (Marriage Laws, Adoption, Maintenance, Custody and Guardianship, Judicial separation & Divorce).
- ❖ Property Laws (Inheritance, Transfers of immovable property, Registration, Revenue Laws).
- ❖ Criminal Laws (IPC & Cr.P.C. {minimum required knowledge, especially, bail, arrest etc. S.357 A Cr.P.C., Rights of Prisoners under Jail Manual and Prisoners Act etc.}).

- ❖ Labour Laws (Minimum Wages Act, 1948, Workmen's Compensation Act 1923, Unorganised Workers Welfare and Social Security Act 2008, The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, The Industrial Disputes Act, 1947 (briefly), Legal assistance under the NALSA Scheme (Legal Services to the Workers in the Unorganised Sector) Scheme, 2010❖ .
- ❖ Gender Centric Laws/Women Laws - Equal Remuneration Act, 1976, Maternity Benefit Act, 1961, Protection of Women from Domestic Violence Act, 2005, Medical Termination of Pregnancy Act, 1971, Pre- Conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, Sexual Harassment at Workplace, Important provisions of IPC Sections 509, 354, 376, 304B, 366, 498A, 494, Dowry Prohibition Act, 1961.
- ❖ Laws relating to children Juvenile Justice (Care and Protection of Children) Act, 2000, The Child Labour (Prohibition and Regulation) Act of 1986, Missing Children, The Factories Act, 1948, Prohibition of Child Marriage Act, 2006.
- ❖ SC & ST (Prevention of Atrocities) Act, 1989 and The Protection of Civil Rights Act, 1955.
- ❖ Government orders and schemes promoting social welfare, including MNREGA, Social Security Schemes (pensions, antodaya, insurance etc), obtaining various certificates (such as caste, disability, birth, income etc), obtaining ration card, Aadhar card, National Population Register, Voter ID-Card, etc, obtaining Passport.
- ❖ Visits to Govt. Offices, Courts, Police Stations, Prisons, Revenue Offices, DLSAs, TLSCs etc. Interaction with Protection Officers, CWCs/JJBs, appropriate authority under PCPNDT Act, 1994 etc.

### **III. ADVANCE TRAINING**

After the PLVs have had field experience for three months it is important that an advanced training programme is conducted lasting for three days. The occasion should be utilized by the Chairpersons of the DLSAs to discuss the work done by the PLVs, the shortcomings generally noticed and their continuance. The Mentors should also participate in this programme for guiding the PLVs to resolve the problems faced by the PLVs in the discharge of their duties and public interaction. The Chairpersons of the DLSAs should also obtain feedback from the PLVs in order to remove administrative bottlenecks. During this training programme the PLVs should be introduced to Special laws which could include-

- ❖ Right to Information Act, 2005
- ❖ Motor Vehicles Act, 1988
- ❖ Mental Health Act, 1987 and Legal Assistance under the NALSA scheme Legal Services to the mentally Ill Persons and Persons with Mental Disabilities) Scheme, 2010.
- ❖ Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
- ❖ Right to Education Act, 2009.
- ❖ Alternate Dispute Resolution (S 89 C.P.C.)

- ❖ Basic skills in mediation and counselling
- ❖ Lok Adalat, including pre-litigation and its benefits.
- ❖ Plea-bargaining.
- ❖ Rights of marginalised groups such as those living with HIV/AIDS, Disabled, trans genders etc.
- ❖ The Immoral Traffic (Prevention) Act, 1956 and issues relating to sex workers.
- ❖ Disaster Management and Legal Assistance to victims of disaster under the NALSA Scheme Legal Services to Disaster Victims through Legal Services Authorities.
- ❖ Environmental issues
- ❖ The Protection of Children from Sexual Offences Act, 2012.

Ideally, the SLSAs should by itself or through the DLSAs organize workshops at regular intervals on special topics which could be for a day or two. These should be need based, that is to say, if on a review of the working of the PLVs, the SLSAs/ DLSAs feel that certain subjects need to be revisited and discussed again or that in a given area certain issues exist which need to be addressed or tackled and which have not been dealt with by the prescribed course content, such topics and issues should be discussed in the one day/two days workshops.

Inter-District workshops should be organised by the SLSAs for a day to encourage experience sharing and introduction of better practices. Good work done could be recognised and appreciated and commendation certificates given on the occasion.

## ASSAM STATE LEGAL SERVICES AUTHORITY

GUWAHATI-781001, ASSAM

PHONE: 0361-251636". FAX: 0361-2601843

অসম ৰাজ্যিক আইন সেৱা প্ৰাধিকৰণী

গুৱাহাটী-৭৮১০০১

No. ASLSA 108/2017/2157

Dated Guwahati the 23rd February, 2018

To.

1. The Secretary,  
Gauhati High Court Legal Services Committee.
2. The Secretary,  
District Legal Services Authority Tinsukia, Dibrugarh, Sivasagar, Jorhat, Golaghat, Nagaon, Morigaon, Kamrup, Goalpara, Dhemaji, Lakhimpur, Sonitpur, Darrang, Nalbari, Barpeta, Bongaigaon, Kokrajhar, Dhubri, Cachar, Karimganj, Hailakandi, Udalguri.
3. The Chairman  
Taluka Legal Services Committee Rangia, Bajali and Hojai.

Sub : Revised rate of honorarium for Para Legal Volunteers of Assam.

Sir/Madam,

With reference to the subject cited above, I would like to state that during the video conference on 9th January, 2018, the Hon'ble Executive Chairman, National Legal Services Authority had suggested that the State Legal Services Authorities could pay an honorarium of Rs. 500.00 per day to the PLVs in place of the earlier rate.

In this connection, I am directed to inform you that the honorarium paid to the PLVs of the State has been enhanced from the existing rate of Rs. 250.00 per day to Rs. 500.00 per day. In view of the above, you are requested to pay the honorarium to the PLVs at the revised rate of Rs. 500.00 per day w.e.f. 09.01.2018.

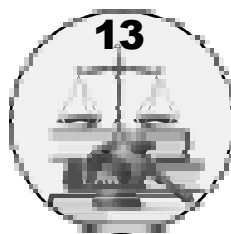
This is for favour of your kind information and necessary action.

With regards

Yours faithfully

23.02.18 (Satya Nath Sarma)  
Member Secretary  
Assam State Legal Services Authority





Registered N-o. 768/97

অসম ৰাজপত্ৰ  
**THE ASSAM GAZETTE**  
অসাধাৰণ  
EXTRAORDINARY  
প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত  
**PUBLISHED BY THE AUTHORITY**

নং ২৫৬, দিশপুৰ, সোমবাৰ, ১ জুলাই, ২০২৪, ১০ আষাঢ়, ১৯৪৬ (শেক)  
No. 250 Dispur, Monday, 1st July, 2024, 10th Ashadha, 1946 (S. E.)

**GOVERNMENT OF ASSAM**  
**ORDERS BY THE GOVERNOR**  
**POLITICAL (A) DEPARTMENT ::: DISPUR ::: GUWAHATI**

**NOTIFICATION**  
**The 1st July, 2024**

**No. PLA-506375/565.** In exercise of the powers conferred under section 398 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No. 46 of 2023), the Governor of Assam is hereby pleased to make the following Scheme for the State of Assam with a view to ensure protection of the witnesses.

Short title, extent commencement	1.	<p>(a) This Scheme shall be called the Assam Witness Protection Scheme, 2024.</p> <p>(b) It shall extend to the whole of the state of Assam.</p> <p>(c) It shall come into force on the date of its publication in the Official Gazette.</p>
Definitions	2.	<p>(a) "Act" means the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No.46 of 2023);</p> <p>(b) "Concealment of Identity of Witness" means and includes any condition prohibiting publication or revealing of in any manner, directly or indirectly, the name, address and other particulars which may lead to the identification of the witness during investigation, trial and post-trial stage;</p> <p>(c) "Competent Authority" means a Standing Committee in each District chaired by the District and Sessions Judge with the Head of the Police in the District as Member, an officer not below the rank of the Additional District Magistrate to be nominated by the District Magistrate as Member and The Head of the Prosecution in the District as the Member Secretary;</p> <p>(d) "Family Member" includes parents or guardian, spouse, live- in partner, siblings, children, grandchildren of the witness and the spouse of the siblings, children and grandchildren of the witness;</p> <p>(e) "Form" means the Witness Protection Application Forms appended to this Scheme;</p> <p>(f) "In Camera Proceedings" means proceedings wherein the Competent Authority or Court allows only those persons who are necessarily to be present while hearing and deciding the witness protection application or deposing in the court;</p> <p>(g) "Live Link" means and include a live video link or other such arrangement including any electronic communication through any audio video electronic means;</p> <p>(h) "Witness Protection Measures" means the measures provided in clauses 7, 8, 9, 10 and 11 of the Scheme.</p> <p>(i) "Offence" means those offences which are punishable with death or life imprisonment or an imprisonment up to seven years and above and also offences punishable under sections 74, 75, 76, 77, 78 and 79 of the Bharatiya Nyaya Sanhita, 2023 (Act No. 45 of 2023);</p> <p>(j) "Threat Analysis Report" means the detailed report to be submitted by the Head of the Police in the District,</p>

- investigating the case with regard to the seriousness and credibility of the threat perception to the witness or his family members. It shall contain specific details about the nature of threats faced by the witness or his family to their life, reputation or property apart from analyzing the extent, the person or persons making the threat who have the intent, motive and resources to implement the threats;
- (k) "Witness" means any person, who has made a statement or who has given or agreed to give evidence in relation to any offence and who possesses information or document about any offence by the Competent Authority as being material to any criminal proceeding or is required to be given protection or assistance under this scheme;
  - (l) "Witness Protection Application" means an application submitted by a witness before a Competent Authority for Witness Protection Order. It can be moved either in offline or online mode by the witness, his family member, his duly engaged counsel or the Investigate getting officer or officer in charge or Circle Inspector or Deputy Superintendent or Additional Commissioner of Police or Sub-Divisional Police Officer or Jail Superintendent concerned;
  - (m) "Witness Protection Fund" means the fund created for bearing the expenses incurred during the implementation of Witness Protection Order passed by the Competent Authority under this scheme to implement the witness protection measures;
  - (n) "Witness Protection Order" means an order passed by the Competent Authority detailing with the witness protection measures to be taken;
  - (o) "Witness Protection Cell" means a cell constituted at district level for implementation of the witness protection order, which shall be headed by the Superintendent of Police. Other suitable person(s) may be co-opted by the head of the cell;
  - (p) "State Witness Protection Authority" means an authority constituted at the state level for witness protection consisting of the Senior-Most Secretary of Home and Political Department of Assam as Chairperson and Additional Director General of Police (CID), Assam, Additional Director General of Police, Special Branch and Head of the prosecution of the state of Assam as

		members. Any other member(s) may be co-opted by the authority. This authority shall regulate its own procedure, meet at least once in every six months and shall take all the steps as deemed necessary by it for the effective implementation and monitoring of the scheme.
Categories of witness as per threat perception	3.	<p>Category 'A': Where the threat extends to the life of a witness or his family members, during investigation or trial or thereafter.</p> <p>Category 'B': Where the threat extends to safety, reputation or property of the witness or his family members, during the investigation or trial or thereafter.</p> <p>Category 'C': Where the threat is moderate and extends to harassment or intimidation of the witness or his family member's reputation or property during the investigation or trial or thereafter.</p>
State Witness Protection Fund	4.	<p>(1) There shall be a Fund namely, the Witness Protection Fund for incurring expenses during the implementation of the witness protection measures as per the Witness Protection Order passed by the Competent Authority and other related expenditure.</p> <p>(2) The Witness Protection Fund shall comprise the following;</p> <ul style="list-style-type: none"> <li>(i) Budgetary allocation made in the Annual Budget by the State Government;</li> <li>(ii) Receipt of amount of costs imposed or ordered to be deposited by the Courts or Tribunals in the Witness Protection Fund;</li> <li>(iii) Donations or contributions from Philanthropist or Charitable Institutions or Organizations and individuals permitted by the Government.</li> <li>(iv) Funds contributed under the Corporate Social Responsibility.</li> </ul> <p>(3) The said Fund shall be operated by the Additional Director General of Police (CID), Assam.</p> <p>4. There shall be a separate bank account for the state Witness Protection Fund.</p>
Filing of Applications before the competent authority	5.	The applicant shall file an application for seeking protection order under this scheme in the Form I before the Competent Authority of the concerned District where the offence is committed, through its Member Secretary along with supporting documents, if any. It can be filed in offline as well as online mode.

Procedure for  
processing the  
application

6. (1) As and when an application is received by the Member Secretary of the Competent Authority, in the Form-I, he shall forthwith pass an order immediately calling for the Threat Analysis Report from the Assistant Commissioner of Police or Deputy Superintendent of Police in charge of the concerned Police Sub-Division.
- (2) Depending upon the urgency in the matter owing to imminent threat, the Competent Authority may pass orders for interim protection of the witness or his family members during the pendency of the application:  
Provided that nothing shall preclude police from providing immediate protection in case of grave and imminent threat to the life of applicant and his family members.
- (3) On receipt of the order from the Competent Authority the Assistant Commissioner of Police or Deputy Superintendent of Police in charge of the Police sub division shall prepare the Threat Analysis Report in Form-II appended to these Scheme expeditiously while maintaining full confidentiality and it shall reach the Competent Authority through electronic means within five working days from the date of receipt of the order from the Competent Authority.
- (4) The Threat Analysis Report shall categorise the threat perception and also include suggestive protection measures for providing adequate protection to the witness or his family.
- (5) While processing the application for witness protection, the Competent Authority shall also interact either in person or through electronic means or a live link with the witness and or his family members or employers or any other person deemed fit so as to ascertain the witness protection needs of the witness. The Competent Authority may also conduct its meeting through live link. The Competent Authority shall meet at least once in every two months including a live link for attending such application of witness protection.
- (6) All the hearings on Witness Protection Application shall be held in-camera by the Competent Authority while maintaining full confidentiality.

- (7) An application shall be disposed of by the Competent Authority within five working days from the date of receipt of the Threat Analysis Report from the Police Authorities.
- (8) The Witness Protection Order passed by the Competent Authority shall be implemented by the Witness Protection Cell or the Trial Court, as the case may be. Member Secretary of the Competent Authority shall cause to send a copy of the Witness Protection Order to the Investigation Officer of the case and to the court which is empowered to take the cognizance of the concerned case or to the court in which the trial is pending and to the public prosecutor of the case concerned. Overall responsibility of implementation of all Witness Protection Orders passed by the Competent Authority shall lie on the Head of the Police in the State. In case of any change of identity and or relocation of the Witness Protection Order, it shall be implemented by the Additional Director General of Police (CID), Assam.
- (9) Upon passing of a Witness Protection Order, the Witness Protection Cell shall file a monthly follow-up report before the Competent Authority.
- (10) In case, the Competent Authority finds that there is a need to revise the Witness Protection Order or an application is moved in this regard and upon completion of trial, a fresh Threat Analysis Report shall be called from the Additional Commissioner of Police or Deputy Superintendent of Police in charge of the concerned Police Sub-Division.

Types of Protection measures:

7. The witness protection measures ordered shall be proportionate to the threat and shall be for a specific duration not exceeding three months at a time. These may include,-
  - (a) ensuring that witness and accused do not come face to face during investigation or trial;
  - (b) monitoring of mail and telephone calls;
  - (c) arrangement with the telephone company to change the witness's telephone number or assign him or her an unlisted telephone number;
  - (d) installation of security devices in the witness's home such as security doors, CCTV, alarms, fencing etc.;

		<ul style="list-style-type: none"> <li>(e) concealment of identity of the witness by referring to him or her with the changed name or alphabet;</li> <li>(f) emergency contact persons for the witness;</li> <li>(g) close protection, regular patrolling around the witness's house;</li> <li>(h) temporary Change of residence to a relative's house or a nearby town;</li> <li>(i) escort to and from the court and provision of Government vehicle or a State funded conveyance for the date of hearing;</li> <li>(j) Holding of in-camera trials;</li> <li>(k) allowing a support person to remain present during recording of statement and deposition;</li> <li>(l) usage of specially designed vulnerable witness court rooms which have special arrangements like live links, one way mirrors and screens apart from separate passages for witnesses and accused, with option to modify the image of face of the witness and to modify the audio feed of the witness' voice, so that he or she is not identifiable;</li> <li>(m) ensuring expeditious recording of deposition during trial on a day to day basis without adjournments;</li> <li>(n) awarding time to time periodical financial aids or grants to the witness from Witness Protection Fund for the purpose of re- location, sustenance or starting a new vocation or profession, as may be considered necessary;</li> <li>(o) any other form of protection measures considered necessary.</li> </ul>
Monitoring and Review	8.	Once the protection order is passed, the Competent Authority shall monitor its implementation and can review the same in terms of follow-up reports received in the matter. However, the Competent Authority shall review the Witness Protection Order on a quarterly basis based on the monthly follow-up report submitted by the Witness Protection Cell.
Protection of Identity	9.	<p>(1) During the course of investigation or trial of any offence, an application for seeking identity protection can be filed in Form I before the Competent Authority through its Member Secretary.</p> <p>Upon receipt of the application, the Member Secretary of the Competent Authority shall call for the Threat Analysis Report. The Competent Authority</p>

- shall examine the witness or his family members or any other person it deems fit to ascertain whether there is necessity to pass an identity protection order.
- (2) During the course of hearing of the application, the identity of the witness shall not be revealed to another person, which is likely to lead to the witness identification. The Competent Authority can thereafter, dispose of the application as per material available on record.
- Once, an order for protection of identity of witness is passed by the Competent Authority, it shall be the responsibility of the Witness Protection Cell to ensure that identity of such witness or his or her family members including name or parentage or occupation or address or digital footprints are fully protected.
- (3) As long as the identity of any witness is protected under an order of the Competent Authority, the Witness Protection Cell shall provide details of persons who can be contacted by the witness in case of emergency.
- Change of Identity 10. In appropriate cases, where there is a request from the witness for change of identity and based on the Threat Analysis Report, a decision can be taken for conferring an identity to the witness by the Competent Authority. Conferring new identities includes new name, profession, parentage and providing supporting documents acceptable by the Government Agencies. The new identities shall not deprive the witness from existing educational professional and property rights.
- Relocation of Witness 11. In appropriate cases, where there is a request from the witness for relocation and based on the Threat Analysis Report, a decision can be taken for relocation of the witness by the Competent Authority. The Competent Authority may pass an order for witness relocation to a safer place within the State or territory of the Indian Union keeping in view the safety, welfare and wellbeing of the witness. The expenses shall be borne from the Witness Protection Fund.
- Witness to be apprised of the scheme 12. The Investigating Officer and the Hon'ble Court shall inform witnesses about the existence of Witness Protection Scheme and its salient features.



Confidentiality and

preservation of records 13.

All stakeholders including the Police, the Prosecution Department, Court Staff, Lawyers from both sides shall maintain full confidentiality and shall ensure that under no circumstance, any record, document or information in relation to the proceedings under this scheme shall be shared with any person in any manner except with the approval of Trial Court or Appellate Court and that too, on a written order.

All the records pertaining to proceedings under this scheme shall be preserved till such time the related trial or appeal thereof is pending before a Court of Law. After one year of disposal of the last Court proceedings, the hard copy of the records can be weeded out by the Competent Authority after preserving the scanned soft copies of the same.

Recovery of expenses 14.

In case the witness has lodged a false complaint, the Home Department of the concerned Government can initiate proceedings for recovery of the expenditure incurred from the Witness Protection Fund. These expenses shall be recovered as arrears in land revenue.

Review

15.

In case the witness or the police authorities are aggrieved by the decisions of the Competent Authority, a review application may be filed before the Competent Authority within 15 days of passing of the orders by the Competent Authority and the decision of Competent Authority on such review application shall be final and no appeal shall lie against such order before any authority.

AJAY TEWARI,

Additional Chief Secretary to the Government of Assam,  
Home & Political Department, Dispur.

**FORM-I**  
(See Clause-5, 9)

Assam Witness Protection Scheme, 2024  
Witness Protection Application

To  
The Competent  
Authority  
District .....

Application for (Tick)

- ☐ Witness Protection
- ☐ Witness  
Identity  
Protection
- ☐ New Identity
- ☐ Witness Relocation

Particulars of the Witness (Fill in CAPITAL LETTERS)	
Name	
Date of Birth and Age	
Gender (Male/Female/Transgender)	
Father/Mother Name	

Residential Address	
Mobile Number	
Email ID	
Aadhar Number (attach a self attested copy)	
Any other Government ID (voter ID / PAN/ Driving license / Other) [attach a self attested copy]	
Name and details of the family member(s) of the victim who are facing threats (including self)	

<b>Particulars of the Case</b>	
FIR Number	
Police Station	
Sections and Act(s) involved	
Year of the FIR	
GDE or daily diary number (if FIR not yet registered)	
CR case number (in complaint cases to magistrate)	
<b>Particulars of the Accused (if known / available)</b>	
Name	
Father/mother name	
Address	
Mobile Number	
Email ID	
<b>Particulars of the person who is giving or suspected to be giving threats</b>	
Name	
Father name	
Address	
Mobile number	
Email	
Other details known (if any)	
<b>Threat Perception</b>	
Nature of the threat perception. Please give a brief of the threat received in the matter with specific date, place, mode and words used.	
<b>Types of the witness protection measures prayed for by the witness</b>	
Please give details of what kind of protection is prayed for.	
Details of the urgent / immediate witness protection measures required, if any.	

**Note:** Witnesses can use extra sheets, if needed and attach with the application.

## **UNDERTAKING**

- (1) I shall fully cooperate with the competent authority, department of home and the witness protection cell.
- (2) I certify that the information provided by me is correct to the best of my knowledge and belief.
- (3) I understand that if the information filed by me is found incorrect, competent authority reserves the right to recover the expenses incurred on me from the witness protection fund.

Name of the Witness :

Signature :

Date :

Place :

**FORM-II**  
**{See Clause-6(3)}**

**The Threat Analysis Report to be submitted by the District Head of  
the Police under the Assam Witness Protection Scheme, 2024**

<b>Particulars of the Witness (Fill in CAPITAL LETTERS)</b>	
Name	
Date of Birth and Age	
Gender (Male/Female/Transgender)	
Father/Mother name	
Residential Address	
Mobile Number	
Email ID	
Aadhar Number (attach a attested copy)	
Any other Government ID (Voter ID/PAN/ Driving licence/Other [attach a self attached copy]	
Name and details of the family member(s) of the victim who are facing threats (including self)	
<b>Particulars of the case</b>	
FIR number	
Police station	
Sections and Act(s) involved	
Year of the FIR	
GDE or daily diary number (if FIR not yet registered)	
CR case number (in complaint case to magistrate)	

Particulars of the Accused (if known/available)	
Name	
Father/mother name	
Address	
Mobile Number	
Email ID	
Particulars of the person who is giving or suspected to be given threats	
Name	
Father name	
Address	
Mobile number	
Email	
Other details known (if any)	
Threat Perception and Analysis	
Nature of the threat perception. Please give a brief of the threat received in the matter with specific date, place, mode and words used.	
History of enmity (if any)	
Details of body injury causing death, grievous hurt, injury and threat of injury to property, reputation etc.	
Potential Vulnerabilities of the Witness	
Physical location of the Application Vulnerability with regard to gender issues i.e. threat of gender violence like acid attacks/ physical/ emotional/ psychological abuse etc.	
Any social Vulnerability	
Possession of weapon by the threatening party	
Political patronage	
Socially dominate position of the threatening party	
Witness against gangsters or organized criminals	
Threat of contract killing or abduction	
Vulnerabilities on social media Extent of threat	

Categories of Witness as per Threat perception and Analysis	
Category 'A': Where the threat extends to the life of a witness or? his family members, during investigation /trial or thereafter.	
Category 'B': Where the threat extends to safety, reputation or property of the witness or his family members, during the investigation/ trial or thereafter.	
Category 'C': Where the threat is moderate and extends to harassment or intimidation of the witness or his family member's reputation or property, during the investigation/ trial or thereafter.	
Protection Measures Prayed or Recommended	
Please give details of what kind of protection is prayed for by the witness.	
Details of the Interim/ urgent/ immediate witness protection measures required, if any	
<b>Protection measures Suggested for the witness (please specify the approximate cost involved in each measure suggested) Note: The witness protection measures shall be proportionate to the threat analysis and shall be for a specific duration not exceeding 3 months at a time.)</b>	
Ensuring that witness and accused do not come face to face during investigation or trial.	
Monitoring of mail and telephone calls	
Arrangement with the telephone company to change the witness's telephone number or assign him or her any unlisted telephone number Installation of security devices in the witness's home such as security doors, CCTV, alarms, fencing etc. Concealment of identity of the witness by referring to him/her with the changed name or alphabet.	

Emergency contact persons for the witness Close protection, regular patrolling around the witness's house	
Temporary Change of residence to a relative's house or a nearby town.	
Escort to and from the court and provision of Government vehicle or a state funded conveyance for the date of hearing	
Holding of in-camera trials	
Allowing a support person to remain present during recording of statement and deposition.	
Usage of specially designed vulnerable witness court rooms which have special arrangements like live links, one way mirrors and screens apart from separate passages for witnesses and accused, with option to modify the image of face of the witness and to modify the audio feed of the witness' voice, so that he/she is not identifiable.	
Ensuring expeditious recording of deposition during trial on a day to day basis without adjournments.	
Awarding time to time periodical financial aids/grants to the witness from Witness Protection Fund for the purpose of re-location, sustenance or starting a new vocation/ profession, as may be considered necessary.	
Protection of Identity	
Change of Identity	
Relocation of Witness	

Signature with

Name:

Date:

Place:

Mobile:

Email:





**MINUTES OF THE 18TH QUARTERLY MEETING OF THE  
ASSAM STATE LEGAL SERVICES AUTHORITY  
HELD IN THE CONFERENCE HALL OF  
GAUHATI HIGH COURT (NEW BLOCK)  
ON 6th MAY, 2015 AT 4:30 pm,**

**P R E S E N T**

1. Hon'ble the Chief Justice (Acting)  
Gauhati High Court, Guwahati  
And  
Patron-in-Chief, ASLSA
2. Hon'ble Mr. Justice T. Valphel  
Judge, Gauhati High Court  
And  
Executive Chairman, ASLSA
3. Mr. P.J. Saikia  
Member Secretary, ASLSA
4. Mr. Atul Ch. Buragohain  
Advocate General, Assam.
5. Mr. A. Sharma  
For the 'Secretary to the Govt of Assam  
Finance Department
6. Mr. S.M. Buzarbaruah  
Secretary to the Govt. of Assam  
Legislative Department

7. Mr. Manash Sarania  
Advocate Member, ASLSA
8. Golap Sarma  
Advocate Member, ASLSA
9. Mr. Ajit Borthakur  
Chairman, DLSA, Kamrup
10. Mr. S.K. Ghosh  
Secretary, DLSA, Nagaon.

## **18" Quarterly Meeting of Assam State Legal Services Authority**

**Date: 06/05/2015**

### **AGENDA**

- Item No. 1: Welcome Address by Hon'ble Executive Chairman, Assam State Legal Services Authority
- Item No. 2: Approval of the annual accounts for the financial year 2013-14.
- Item No. 3: Creation of the post of Superintendent and LD Assistant for Assam State Legal Services Authority and Superintendent, UDA, LDA, Peon, Driver etc. for District Legal Services Authorities.
- Item No. 4: Discussion on the 13th Finance Commission (TFC) Grant and utilizing the fund for the construction of ADR Centres.
- Item No. 5: Payment of remuneration or availing off day for working on holidays for the employees of ASLSA, DLSAS, GHCLSC and TLSCs.
- Item No. 6: Fixing of expenditure limit for legal awareness programme/meeting etc.
- Item No. 7: Enhancement of honorarium for Presiding Officers and Conciliators of Lok Adalat.
- Item No. 8: Audit objection pertaining to payment of fee to Amicus Curiae.
- Item No. 9: Any other matter with the permission of the Chair.

## RESOLUTIONS

**Hon'ble the Chief Justice of the Gauhati High Court and Patron-In-Chief of Assam State legal Services Authority K. Sreedhar Rao presided over the meeting.**

**Agenda No.1:** The Hon'ble Executive Chairman, ASLSA welcomed the members of the 18th Quarterly Meeting of ASLSA.

**Agenda No. 2:** The House approved the annual accounts for the financial year 2013-14.

**Agenda No. 3:** The Secretary to the Govt. of Assam, legislative Department has informed the meeting that the Govt. has rejected the proposal for creation of the post of Superintendent as the required number of posts is not available with ASLSA. As there is a need for some posts, ASLSA can write to the Govt. for creation of posts in order to meet the requirement for creation of the post of Superintendent.

It is resolved to request the Secretary to the Govt. of Assam, legislative Department to expedite the matter for the creation of the post of Superintendent for Assam State Legal Services Authority.

**Agenda No. 4:** After threadbare discussion of the matter, it is unanimously resolved that as the period of the 13th Finance Commission is over, the matter may be kept In abeyance.

**Agenda No.5:** Deferred.

**Agenda No.6:** The matter has been considered and unanimously decided to fix the upper limit of expenditure for holding of each legal awareness programme/meeting at Rs. 3,000/- (Rupees three thousand) only.

**Agenda No.7:** The matter has been discussed in detail and unanimously resolved that Rs. 1,000/- each be paid to Presiding Officers (other than serving judicial officer) and Conciliators per Lok Adalat. It is also resolved that no honorarium will be paid to serving judicial officer, who acts as Presiding Officer in Lok Adalat.

**Agenda No. 8:** The Board has discussed the matter at length and unanimously resolved that the payment to the Amicus Curiae in High Court is to be made if there is a judicial order. Otherwise, the payment is to be made by High Court Legal Services Committee.

**Agenda No. 9:** It is also resolved that a photograph of all the Board members should be published in the souvenir of ASLSA.

Sd/-  
(Justic K. Sreedhar Rao)  
Patron-in-Chief, ASLSA

Sd/-  
(Justice T. Valphel)  
Executive Chairman, ASLSA

Sd/-  
(MR. P.J. Saikia)  
Member Secretary, ASLSA

Sd/-  
(Mr. Atul Ch. Buragohain)  
Advocate General, Assam

Sd/-  
(Mr. SM. Buzarbarua)  
Secretary, Legislative Department  
Govt. of Assam

Sd/-  
(Mr. A Sharma)  
Representing the Secretary to the  
Govt. of Assam, Finance Dept.

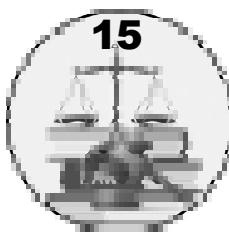
Sd/-  
(Mr. Manash Sarania)  
Advocate Member, ASLSA.

Sd/-  
(Mr. Golap Sarma)  
Advocate Member, ASLSA

Sd/-  
(Mr. Ajit Borthakur)  
Chairman, DLSA, Kamrup

Sd/-  
(Mr. S.K. Ghosh)  
Representing the Chairman, DLSA  
Nagaon

\* \* \* \* \*



**MINUTES OF THE 19TH QUARTERLY MEETING OF THE ASSAM STATE LEGAL SERVICE AUTHORITY HELD IN THE CONFERENCE HALL OF GAUHATI HIGH COURT (NEW BLOCK) ON 21ST MAY, 2018 AT 4.30 PM.**

**P R E S E N T**

1. Hon'ble Mr. Justice Hrishikesh Roy  
Judge, Gauhati High Court, Guwahati  
And  
Executive Chairman, ASLSA.
2. Mr. Kuladhar Saikia  
Director General of Police, Assam.
3. Mr. Satya Nath Sarma  
Member Secretary, ASLSA
4. Mr. S.M. Buzarbaruah  
Commissioner & Secretary to the Govt. of Assam,  
Legislative Department.
5. Sri Manash Sarania,  
Advocate Member, ASLSA.
6. Sri Golap Sarma  
Advocate Member, ASLSA.
7. Mr. S.P. Moitra,  
Chairman, DLSA, Kamrup
8. Smti. Rita Kar  
Chairman, DLSA, Nagaon

## AGENDA

### ITEM NO 1:

Welcome Address by the Hon'ble Executive Chairman, Assam State Legal Services Authority.

### RESOLUTIONS:

The Hon'ble Executive Chairman, ASLSA welcomed all the Members to the 19th Quarterly Meeting of ASLSA.

### ITEM NO. 2:

Approval of the Annual Accounts for the Financial year 2014-15, 2015-16 and 2016-17.

### RESOLUTIONS:

(1) The House approved the Annual Accounts for the financial year 2014-15 with the following details as audited by Chartered Accountant (all the figure are in Rupees)

Opening Balance (Rs.)	Received from NALSA (Rs.)	Other receipt (Rs.)	Total receipt (Rs.)	Total expenditure (Rs.)	Balance (Rs.)
87,65,558.96	97,00,000.00	11,62,837.00	1,96,28,395.96	1,62,05,802.00	34,22,593.96

(2) The House approved the Annual Accounts for the financial year 2015-16 with the following details as audited by Chartered Accountant (all the figure are in Rupees)

Opening Balance (Rs.)	Received from NALSA (Rs.)	Other receipt (Rs.)	Total receipt (Rs.)	Total expenditure (Rs.)	Balance (Rs.)
34,22,593.96	2,00,00,000.00	6,60,220.00	2,40,82,813.96	2,08,16,837.00	32,65,976.96

3) The House approved the Annual Accounts for the financial year 2016-17 with the following details as audited by Chartered Accountant (all the figure are in Rupees)

Opening Balance (Rs.)	Received from NALSA (Rs.)	Other receipt (Rs.)	Total receipt (Rs.)	Total expenditure (RS.)	Balance (Rs.)
32,65,976.96	2,00,00,000.00	62,19,314.00	2,94,85,290.96	1,65,91,599.95	1,28,93,691.01

**ITEM NO. 3:**

Creation of posts of Superintendent, LD Assistant, Mali and Chowkidar at Assam State Legal Services Authority and posts of Superintendent, Driver, Mali and Chowkidar for District Legal Services Authorities.

**Deliberation 1:**

As regard to the creation of the posts of Chowkidar and Mali, the Commissioner & Secretary to the Govt. of Assam, Legislative Department had informed that the matter is under process. The Board requested him to expedite the process.

**Deliberation 2:**

There is no post of Superintendent in the office of ASLSA. So the Authority had written to the government for creation of the said post. His Lordship enquired from the Commissioner & Secretary to the Govt. of Assam, Legislative Department as regard progress in the said matter.

The latter informed the Board that the Government has rejected the proposal for creation of the post of Superintendent as ASLSA does not fulfill the required criteria for creation of the post of Superintendent.

**Deliberation 3:**

No discussions could however be held with regard to creation of post of Driver, Mali and Chowkidar for DLSAs due to paucity of time.

**RESOLUTIONS:**

It was resolved that as for the creation of the post of Superintendent in ASLSA, the office does not fulfill the required criteria as per Govt. of Assam Rules. It was resolved that ASLSA will write for creation of two (02) numbers of Upper Division Assistant (UDA) posts.

**ITEM NO. 4:**

Fixing of the expenditure limit for Legal Awareness programme and meeting etc.

**RESOLUTIONS:**

The matter had been considered and it was resolved that the upper limit of expenditure for holding of each legal awareness programme/meeting be raised to Rs. 5000/- (Rupees five thousand) only from the earlier rate of Rs. 3000/- (Rupees three thousand) only.

**ITEM NO.5:**

Audit objection pertaining to payment of fees to Amicus Curiae.

**Deliberation:**

During the discussion on the above agenda, the Hon'ble Executive Chairman, ASLSA requested the Commissioner & Secretary to the Govt. of Assam, Legislative Department to explore the possibilities of creating a special fund for payment of fee to Amicus Curiae. It has been informed by the later that there is no such fund available with the Legislative Department.

**RESOLUTIONS:**

After deliberation the Board resolved that ASLSA will write to the Judicial Department, Govt. of Assam to create a special fund/grant to meet the fee expenses of Amicus Curiae. It was also resolved that in the meanwhile the payment of fee to Amicus Curiae would be made by the Gauhati High Court Legal Service Committee (GHCLSC) and necessary fund for the same be made available by ASLSA based on the requirement placed by GHLSC.

**ITEM NO. 6:**

Creation of 2 Nos. of post of Secretary along with the staff for DLSA at Karbi Anglong and Dima Hasao.

**RESOLUTIONS:**

The Commissioner & Secretary, to the Govt. of Assam, Legislative Department had informed the Board that the matter is under process and once the Minister concerned clears the file, matter would be sent to Hon'ble the Chief Justice, Gauhati High Court, Guwahati for necessary approval.

**ITEM NO. 7:**

Seeking approval for sanction of the bill.

**RESOLUTIONS:**

It was resolved that the matter of the pending bill amounting to Rs. 31,569/- (thirty one thousand five hundred sixty nine) only, payable to LCHR should be closed as original bills were not available. The duplicate copies of the bills which were submitted by LCHR could not be processed as there is none to certify the authenticity of the duplicate bills.

**ITEM NO. 8:**

Any other matter with the approval of the Chair.

**RESOLUTIONS:**

1) The Commissioner & Secretary to the Govt. of Assam, Legislative department had informed the Board that their good office had received our letter for increasing of the Grade pay of LDA staffs of ASLSA in line with the grade pay drawn by the Secretarial staffs and the Legislative department would refer the matter to the Pay Research Unit(PRU) for proper examination of the said matter and for further necessary action.



2) Sri Golap Sarma, one of the Board Member, ASLSA had raised a point that on 3rd August, 2016, Supreme Court Bar Association released this Authority an amount of Rs 30 lakhs for flood relief and this amount was spent by ASLSA to provide eatable, utensils and other necessities for flood victims in 6 districts. The meeting acknowledged the noble gesture of the Supreme Court Bar Association.

Sd/-  
Justice Hrishikesh Roy

Sd/-  
Kuladhar Saikia

Sd/-  
S.M. Buzarbaruah

Sd/-  
S. P. Moitra

Sd/-  
Rita Kar

Sd/-  
Satya Nath Sarma

Sd/-  
Manash Sarania

Sd/-  
Golap Sarma



**GOVERNMENT OF ASSAM  
LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH  
DISPUR :: GUWAHATI-6**

**ORDERS BY THE GOVERNOR  
NOTIFICATION**

Dated Dispur the 28th December, 2018

**No. LGL 165/2018/7:** In exercise of the powers conferred by rule 16 of the Assam State Legal Services Authority Rules, 1996 (As amended) and in supersession of this Department's earlier notification No. LGL 87/2006/39 dated 29th May, 2009 except as respects things done or omitted to be done before such supersession, the Governor of Assam is hereby pleased to notify the upper limit of annual income of a person from all sources which shall not exceed Rs. 3.00 lakh (Rupees Three lakh) only for entitling him to legal services under clause (h) of section 12 of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987).

This notification shall come into force on the date of its publication in the official Gazettee.

Sd/-  
**S.M. Buzar Baruah,**  
Commissioner & Secretary to the Govt. of Assam  
Legislative Department.

Memo No LGL 165/2018/7-A  
Copy forwarded to :-

Dated Dispur the 28th December, 2018

1. The P.S. to Hon'ble Chief Minister, Assam for favour of kind informantion of the Hon'ble Chief Minister.
2. The P.S. to the Hon'ble Chief Justice, Gauhati High Court, Guwahati-1 for favour of kind information of his Lordship.
3. The P.S. to Hon'ble Minister, Legislative, Assam for favour of kind information of the Minister, Legislative Department.
4. The P.S. to the Chief Secretary to the Government of Assam for favour of kind information of the Chief Secretary.
5. The Registrar General, Gauhati High Court for favour of kind information.
6. The Member Secretary, Assam State Legal Services Authority, Gauhati High Court Campus, Guwahati-1 with reference to his letter No. ASLS 154/2018/ 3352 dated 14th September, 2018.
7. All Deputy Commissioners.
8. All District & Session Judges.
9. All Sub-Divisional Officers (Civil)
10. All Sub-Divisional Judicial Magistrates.
11. The Under Secretary to the Govt. of India, National Legal Services Authority, 12/11 Jam Nagar House, New Delhi-110011 for information.
12. The Accountant General (A&E), Assam, Maidamgaon, Beltola, Guwahati-29.
13. The Director, Assam Govt, Press Bamunimaidan, Guwahati-21 for publication of the Notification urgently in the Official Gazette and to supply 400 (Four hundred) spare copies to this Department.

By order etc..

Sd/-

Commissioner & Secretary to the Govt. of Assam,  
Legislative Department



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

### **National Legal Services Authority**

#### **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<sup>1</sup>.

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*<sup>2</sup>, 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.

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. "3 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 41 A 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 *Arnesh Kumar Vs State of Bihar* the Hon 'ble Supreme Court with regard to section 41A Cr PC 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 officer 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 person 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

**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:

- i. To provide legal assistance to needy suspects and arrestees during interrogation and other early stages of investigation.
- ii. To decrease the vulnerabilities of suspects and arrestees.
- iii. To assist in avoiding unnecessary arrests.
- iv. To assist the arrestees in filing bail applications and furnishing bail bonds.

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

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.

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.

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.

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 Satapathy 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 roster prepared with regard to various police stations, shall inform the deputed lawyer. Since, duty rosters 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) 2015.

#### **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 41 B 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) 2015.

### 4.3 Legal Assistance at Remand Stage:

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

- 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.

Duty rosters may be sent to the police stations and to the courts so as to give prior information of the Remand Advocates.

- 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.

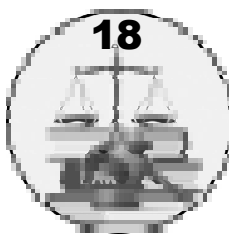
- j) **Representation during preventive detention proceedings:** Persons who are produced before Executive Magistrates for the purpose of detention be effectively represented, in case legal aid is required by any such person. In such a case, interaction with such persons, obtaining the copy of application 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:**
- (i) **Awareness:** Legal Services Authorities shall spread effective legal awareness amongst the public about the right to free legal assistance at prearrest, 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.
  - (ii) **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.
  - (iii) **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 need 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.

- (iv) **Honorarium:** Honorarium to duty lawyers be paid timely. The Executive Chairman, SLSA shall decide the amount of honorarium including reimbursement of travelling expenses.
- (v) **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.
- (vi) **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.

**Footnote:**

1. Principle 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](http://www.unodc.org/documents/justice-and-prisonreform/UN_principles_and_guidelines_on_access_to_Legal_aid.pdf)
2. AIR 1978 SC 1025
3. Directorate of Enforcement v Deepak Mahajan (1994) 3 SCC 440. Also see State of UP v Deoman Upadhyaya AIR 1960 SC 1125;
4. Paramhansa Jadab v State AIR 1964 Ori 144.
5. See Open Society foundations and United Nations Development Programme, The Socioeconomic Impact of Pretrial Detention, p. 23
6. UNDOC's "Early access to legal aid in criminal justice processes: a handbook for policy makers and practitioners" 2014.
7. (2014) 8 SCC 273,
8. (2012) 9 SCC 1



## **SCHEMES OF NALSA**

1. A Scheme for Legal Services to Disaster Victims through Legal Services Authorities.
2. NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015.
3. NALSA (Legal Services to the Workers in the Unorganised Sector) Scheme, 2015.
4. NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015.
5. NALSA (Legal Services to the Mentally Ill and Disabled Persons) Scheme, 2015.
6. NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015.
7. NALSA(Protection and Enforcement of Tribal Rights) Scheme, 2015.
8. NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015.
9. NALSA (Legal Services to Senior Citizens) Scheme, 2016.
10. NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016.

## A Scheme for Legal Services to Disaster Victims through Legal Services Authorities

**Legal Services to Victims of Disaster:** A disaster whether natural or man-made often takes the victims unawares and they are subjected to grim situations of loss of life, home and property. Both the Central Government and the State Governments take disaster mitigation measures but many a times the benefits are not accessible to the victims due to various reasons. Disaster victims are entitled to free legal services under Section 12(e) of the Legal Services Authorities Act.

**Objectives of the Scheme:** The main objective of the Scheme is to coordinate with Government and other Non-Governmental agencies for providing development measures for reducing the period of crises, early recovery and development and providing free legal aid and assistance to them in availing the benefits of legal provisions and schemes announced by the Government.

**Plan of Action:** The Scheme envisages establishment of a core group in all Districts consisting of a senior judicial officer, a young lawyer, medical personnel and NGOs to take prompt action as and when a disaster whether natural or man-made occurs. The core group shall coordinate with different Government departments and NGOs including the Disaster Management Authorities for supervising distribution of relief materials, construction of temporary shelters, health care of the victims, availability of food and drinking water and other restorative and rehabilitative measures. The Legal Services Authorities shall also aid the victims in reconstruction of lost documents, in availing insurance claims, bank loans etc.

## NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015

**Legal Services to Victims of Trafficking and Commercial Sexual Exploitation:** Trafficking of women and children for commercial sexual exploitation is an organized crime and is said to be the most lucrative trade or business after arms and narcotics. Most of the time, innocent women and children, as young as nine years old, are pushed into this trade by people known to them, including their own families. Once in the trade, the victim has no escape route and has to languish in an environment of violence, abuse and exploitation.

**Objectives:** The primary objective of the Scheme is to provide legal assistance against trafficking and sexual exploitation. Within its wide ambit, the Scheme covers children, adolescent girls and women of all ages. The Scheme seeks to provide an action plan to prevent sexual exploitation of these individuals while ensuring rescue and rehabilitation of the victims of trafficking and voluntary sex workers.



**Action Plan:** To coordinate with State, Govt./Non-governmental agencies and organisations to ensure that the benefits of all legislations, policies and schemes of the government reach the exploited persons and effective preventive and rehabilitative measures are initiated at the ground level. The Legal Services Authorities shall create awareness amongst the vulnerable groups with a view to empowering them to demand and avail their entitlements. The Authorities shall work for capacity building of all stakeholders including those in the law enforcing and justice delivery system for them to effectively deal with the issues concerning trafficked and sexually exploited women and children.

## **NALSA (Legal Services to the Workers in the Unorganised Sector) Scheme, 2015**

**Legal Services to Workers in the Unorganised Sector:** The unorganised sector contributes to more than 50% of India's GDP, and employs almost 95% of India's workforce, according to the Economic Survey of India (2007-2008) and the National Sample Survey (2009-2010). The Unorganised Workers Social Security Act, 2008 was passed to provide social security measures for workers in the unorganised sector. NALSA's revised Scheme for Legal Services to Workers in the Unorganized Sector, 2015 makes it obligatory on the part of the State Legal Services Authorities, District Legal Services Authorities and Taluk Legal Services Committees to create awareness amongst the workers in the unorganized sector about their rights under the law and to give assistance to them for securing the benefits under the various schemes under the Act and also those put in place by the State Governments.

**Objectives and Action Plan:** The main objective of the Scheme is to enable workers in the unorganised sector to avail their entitlements under legislations and schemes framed for their benefit. To further this aim, the Scheme provides for the institutionalisation of essential legal services to workers in the unorganised sector through the establishment of a Special Cell. The Special Cell would disseminate information among workers in the unorganised sector regarding their entitlements under the existing legislations and schemes, and provide assistance to workers for registration under welfare legislations, and to avail benefit of schemes framed for their benefit. This Scheme would improve access to justice for the marginalised and vulnerable workers employed in the unorganised sector.

## **NALSA (Child Friendly Legal Service to Children and their Protection) Scheme, 2015**

**Legal Services to Children:** Children constitute about 46 per cent of the population of India. Being persons of tender age and inexperienced in the vicissitudes of life, they are

the most vulnerable group. For this reason the Legal Services Authorities Act, 1987 has enlisted children as persons entitled to free legal services. Children even when they come into conflict with law, have to be treated differently. Social evils like child marriage, child labour and other atrocities against them are quite prevalent. Unless the justice providers reach out to the children, the justice requirements of children will go unnoticed and unredressed.

**Objectives:** Through the Child Friendly Services to Children and Their Protection Scheme, 2015, the National Legal Services Authority aims to improve access to justice for children. The main purpose of the Scheme is to facilitate proper implementation of the existing legislations and policies in favour of children, and to ensure effective legal assistance to children who come in conflict with the law or require care and protection.

**Action Plan:** The State Legal Services Authorities and District Legal Services Authorities have been primarily made responsible for implementing this Scheme.

Legal training and orientation is to be provided to all functionaries who come in contact with children under legislation enacted for their protection to secure child friendly justice. Legal Services Clinics are to be set up in all Juvenile Justice Boards and Child Welfare Committees. Separate panel of trained and committed Advocates is to be maintained at SLSAs. Legal Literacy Clubs are to be set up in all Schools. Finally, under the Scheme, efforts are to be made to generate awareness among the general public with respect to the rights of children.

### **NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015**

**Objectives:** The objective of the Scheme is to ensure that the mentally ill or mentally disabled are not stigmatized and they are able to enforce all rights they are entitled to and as assured to them by law. As regards the mentally disabled persons, they are to be treated as persons with disabilities under Section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PWD Act). Under the Scheme, the Legal Services Authorities are expected to ensure that the benefits under this Act are accessed by the mentally disabled persons also and to take any remedial action as required to do so.

**Role of Legal Services Authorities:** The Legal Services Authorities under the Scheme have to promote, protect and ensure the full and equal enjoyment of human rights and fundamental freedoms of the mentally ill and mentally disabled persons. The Legal Services Authorities shall promote respect for the inherent dignity, individual autonomy including independence of mentally ill and mentally disabled persons. The Legal Services Authorities are required to open legal services clinics in the mental health facilities and psychiatric homes to render all assistance to the mentally ill persons regarding enforcement of their rights within the facility. The legal services clinics are required to

interact with the mentally ill patients who are taking in house treatment from the facility to understand whether there are property and maintenance issues and to move the court for appropriate relief. The Legal Services Authorities are also required to conduct inspection of the mental health facilities in the state or district to ensure that the living conditions of the inmates are safe and habitable and that no cured patients remain in the facility.

**Action Plan:** Under the Scheme, the Legal Services Authorities shall co-ordinate with NGOs and other voluntary social organizations for dealing with the issues relating to mentally ill and mentally disabled persons. They shall devise sensitization programmes in coordination with mental health officials for Doctors, Police Officials, Lawyers and Judicial Officers. Legal Services Clinics shall be set up in all the mental health facilities to have a continuous interaction with patients and doctors in order to ensure a dignified stay and treatment of patients and to facilitate their production in court whenever required.

## **NALSA (Effective Implementation of Poverty Alleviation) Scheme, 2015**

**Background:** Poverty is a multi-dimensional experience which includes issues like health, housing, nutrition, employment, maternal care, child mortality, access to water, education, sanitation and basic services. There are also issues of social exclusion and discrimination. Income in terms of money is not the only factor responsible for this. Various vulnerable and marginalised sections experience poverty in myriad and unique ways.

The intended beneficiaries of various poverty alleviation and social security measures taken by the Central as well as the State Governments are unable to access their benefits due to lack of education, social structures, economic marginalisation, exploitation, cultural norms and discrimination etc.

**Objectives of the Scheme:** The main objective of the Scheme is to ensure access to basic rights and benefits under the Poverty Alleviation Scheme and Programmes of the Government to economically and socially backward sections of the society by strengthening legal aid and support at all levels.

**Action Plan:** The Scheme lays down a mechanism for identification of poverty alleviation and social security measures and for facilitating access to them through the legal services clinics, awareness programmes, panel lawyers, para legal volunteers and publicity through print and electronic media.

## **NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015**

**Legal Services to Tribals:** Scheduled Tribes constitute 8.2 per cent of the population in India as per the 2011 census. The tribal population in India is governed by their tradi-

tional customs and practices. They are extremely vulnerable as they have not yet been assimilated into the mainstream culture while at the same time their habitats have vanished and their rights have been circumscribed by the needs and pressure of development. They have to be relocated every time a forest area is cleared for any development activity, but it is extremely difficult for them to adjust in any other cultural environment. There is also a huge chasm between the various government schemes framed for tribals which are not reaching them. Many a times, tribals have a brush with the law and suffer greatly because neither the formal justice system understands them nor do they comprehend the judicial system.

**Objectives:** The Scheme is aimed at ensuring Access to Justice to the Tribal population in India including access to rights, benefits, legal aid and other legal services so that the assurance of the Constitution of justice, social, economic and political is meaningfully experienced by them.

**Role of Legal Services Authorities and Action Plan:** A member of the Scheduled Tribes is entitled to legal assistance under Section 12 of the Legal Services Authorities Act, 1987. The Legal Services Authorities need to reach out to the tribals so that they have equal opportunity to access justice. The Scheme sets out the areas where the Legal Services Authorities can be of help to the tribals such as bringing education and vocational training to them. The Legal Services Authorities are to reach out to the tribals pro-actively by speaking in their language through para-legal volunteers. This would help greater understanding of the issues troubling the tribals and the nature of remedy that the legal services must provide. Most importantly, the Legal Services Authorities are to spread awareness amongst the tribals about the various rights that the Constitution assures them, the rights that are available to them under various laws, the remedies available to them in case of violation of their rights, the support that the Legal Services Authorities can provide them when there are such violations and finally, what are the schemes the government has made for them and how they can access them.

## **NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015**

**Background:** Drug trafficking is one of the most dreadful organised crimes in the world today. Because of its location between the Golden Crescent and the Golden Triangle, India is highly vulnerable to drug trafficking. The effects are appalling. About 7 crore people are said to be involved in drugs and substance abuse. 17% out of them are said to be addicts. The threshold age of children to try drugs has come down to 9 years. This results in frightening effects on health and psychology of individuals, robustness of the society and economy of the country.

**Objectives:** The main objectives of the Scheme are to spread awareness amongst all stakeholders regarding ill-effects of drug abuse and the legislative provisions, government schemes, policies etc. available for the victims, to work with Government/Non-Government agencies to prevent trafficking and for putting in place, effective de-addiction and rehabilitative facilities.

**Action Plan:** The State Legal Services Authorities have established special units in each district with the District Secretary as the Nodal Officer who shall create a database of all existing policies, schemes etc., for prevention of drug abuse and rehabilitation of victims and shall disseminate the same to all stakeholders like local bodies, educational institutions, street children, jails, sex workers, chemists, cultivators, victims of drug abuse and their families etc. They shall also coordinate with De-addiction and Rehabilitation Centres to ensure that drug abuse victims are treated properly and with dignity. The SLSAs shall create awareness amongst the general public and especially amongst students regarding the physical, mental, social and economic ill effects of drug consumption.

## **NALSA (Legal Services to Senior Citizens) Scheme, 2016**

**Legal Services to Senior Citizens:** As per the National Policy for Senior Citizens, 2011, nearly 8 per cent of India's population, which in numbers, is about 104 million, is above the age of 60 years. This is also 1/8th of the total population of senior citizens in the world. They face myriad challenges - social, physical, mental and economic. The problem is made more acute with the breakup of the joint family system. With migration of the productive members of the family, the elderly are left to fend for themselves. There is also evidence of systematic abuse of elderly i.e. infliction of physical, emotional and psychological harm by family members and members of the society.

**Objectives of the Scheme:** The main objective is to strengthen legal aid, advice, counselling to senior citizens at the National, State, District and Taluka level, to enable them to avail benefits of various legal provisions, to ensure access to governmental schemes and programmes for them and to devise ways to extend prompt health care facilities and physical and social security measures in coordination with police, health care authorities and district administration etc.

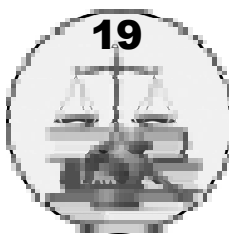
**Action Plan:** The Scheme envisages reaching out to the senior citizens through Legal Services Clinics and Para Legal Volunteers who shall act as the interface between senior citizens in the community and the Legal Services Institutions as well as police, district administration, health care personnel and other authorities. The Legal Services Institutions shall create a database of all existing Central and State Government Schemes, policies, etc., concerning senior citizens and disseminate such information by way of booklets, pamphlets, awareness programmes and through print and electronic media. They shall also visit old age homes and ensure availability of basic facilities and dignified treatment of senior citizens. They shall promote and facilitate setting up of self- help groups of senior citizens to encourage community support and to reduce dependency on the part of the senior citizens.

**NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016:** Legal Services to Victims of Acid Attacks: Acid attacks are the worst pernicious form of violence that is resorted to, and is mostly gender specific i.e. against women. Quite often, they are a

result of rejection of marriage proposals or sexual advances. Acid attacks are also resorted to in conflicts relating to dowry, property, land and inheritance. In view of the nature of the problem and its increasing occurrence, various legislative and judicial initiatives have been taken recently. These include introduction of Sections 326A and 326B in the Indian Penal Code providing for stringent punishment, court directed ban on counter sale of acid and prescribing a minimum amount of compensation for victims of such attacks under the State Victim Compensation Scheme.

**Objectives of the Scheme:** The main objectives of the Scheme are to create and spread awareness about the entitlements of victims of acid attack and to facilitate their access to medical facilities, rehabilitative services, adequate compensation and other benefits under various legal provisions and government schemes. **Plan of Action:** Legal Services Clinics shall be set up at hospitals having facilities for treatment of burns. These clinics shall be in regular touch with the victims and their relatives to ensure all possible help in securing appropriate medical care. Para Legal Volunteers will arrange for and provide counselling, rehabilitative services and active support and assistance to the victims and their family members. The Legal Services Institutions shall arrange for prompt and adequate compensation to be paid to the victims under the Victim Compensation Scheme. The victims shall be provided free legal representation to prosecute their criminal cases and it shall be ensured that they are treated fairly and with dignity during trial.

\*\*\*\*\*



## 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 roster 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

**(5) 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.

**(6) 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.

**(7) 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.

**(8) 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.

**(9) 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.

**(10) Regular Monitoring of Front Offices:**

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.

**(11) 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.

**(12) 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.

**(13) 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 \_\_\_\_\_

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

## LEGAL AID HELPLINE REGISTER

(Annexure B)

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

## LEGAL AID (MONITORING) REGISTER

DATE \_\_\_\_\_

(Annexure C)

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

**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.

## **Modified Scheme 2022**

# **Legal Aid Defense Counsel Scheme 2022**

FOR PROVIDING LEGAL AID, ASSISTANCE & REPRESENTATION IN  
CRIMINAL MATTERS IN LINE WITH "PUBLIC DEFENDER SYSTEM"



## **National Legal Services Authority**

B-BLOCK, ADDITIONAL BUILDING, SUPREME COURT OF INDIA, NEW DELHI  
Email: [nalsa-dla@nic.in](mailto:nalsa-dla@nic.in), [ms-nalsa@gov.in](mailto:ms-nalsa@gov.in) Website: [www.nalsa.gov.in](http://www.nalsa.gov.in)



## INDEX

Sl. No.	Content(s)	Page No.(s)
1.	Introduction	235
	Objectives	236
2.	Scope of work	236
3.	Infrastructure and Human Resource required in each Project district	237
	• Infrastructure	
	• Human Resource	
4.	Selection Procedure	237
5.	Work Profile	239
6.	Termination of Service	241
7.	Code of Ethics	242
8.	Entitlement to Leave	242
9.	Role of State Legal Services Authority and District Legal Services Authority	242
10.	Engagement with law schools	243
11.	Monitoring and Evaluation	243
12.	Financial Outlay	244
	• Honorarium (Retainership fee) and Salaries	
	• Infrastructure expenditure	
	• Miscellaneous expenses per annum.	

## 1. Introduction

Legal Services Authorities provide legal services to accused/ convicts, who are in custody or otherwise coming within the eligibility criteria spelt out in Section 12 of the Legal Services Authorities Act, 1987. Legal Services are being provided at pre-arrest, remand, trial and appellate stages in criminal matters. Legal representation is being provided by the Legal Services Authorities in approximately 2 lac criminal cases (trials) at the district level.

During Consideration of the Demands for Grants (2022-23) of the Department of Justice by the Department Related Parliamentary Standing Committee (DPRSC) on Personal, Public Grievances, Law and Justice observed in its 116th report that:

“NALSA has recently completed 25 years of its establishment; accordingly, it is also the right time to ponder over reforms which are required in NALSA and legal aid movement in India. Majority of Indians are eligible to receive legal aid, but the number of people actually receiving legal aid is a miniscule percentage of those entitled. In the previous chapter, the Committee has already recommended a significant increase in NALSA's budget and expects

NALSA to make best use of it in performing its assigned mandate.”

At present, Assigned Counsel System of dispensation of Legal Aid is being followed in India. Under the said system, cases are assigned to panel lawyers by Legal Services Institutions. Such Panel lawyers to whom cases are assigned, also have private practices, and hence, they do not exclusively devote their time to the legal aid matters. Many times, their accessibility and availability remain an issue for timely client consultation and updating the legal aid seekers

about the progress of their cases. There are few instances, wherein the lawyers were found harassing beneficiaries or demanding fee from them.

The system of Court based legal services needs to be strengthened for providing effective and efficient legal services to weaker and marginalised sections of the society. To achieve the same, several steps have been taken such as capacity building of lawyers, enhancing the structure and effective functioning of monitoring & mentoring committees, upgradation of Front Offices etc.

In the said process of strengthening and making legal services more professional, NALSA thought of adopting another legal aid delivery-based model i.e. ‘Legal aid Defense Counsel System’ for providing legal aid in criminal matters on the lines of public defender system on pilot basis for a period of two years in some districts to see how effective and successful such changes in approach will be.

It is pertinent to mention that in most countries, Legal Aid Delivery Models are combination of the Public Defender System, Assigned Counsel System and Contract Services System. Examples of diverse legal aid delivery systems can be found, among other countries, in Israel, the Republic of Moldova, Sierra Leone, South Africa and the United States of America. A number of jurisdictions have adopted a public defender scheme with offices throughout the country, including Argentina, Chile, Georgia, Mexico, Paraguay, Peru, the Philippines, the Republic of Moldova and South Africa.

NALSA, decided to implement LADCS as pilot project in 17 states/UTs but the same was made functional in 13 states namely Andhra Pradesh, Chhattisgarh, Delhi, Gujarat, Jharkhand, Karnataka, Kerala, Maharashtra, Odisha, Rajasthan, Tamil Nadu, Uttarakhand, Uttar Pradesh.

As envisaged, Legal Aid Defense Counsel System involve full time engagement of lawyers with support system. The said unit deals exclusively with legal aid work in criminal matters at the district HQ, where it is established.

Model Law on Legal Aid in Criminal Justice Systems with Commentaries([www.unodc.org](http://www.unodc.org)) Subject to feasibility, the services may be extended to Talukas or outline Courts. Initially, it was confined to cases before the Sessions, and now it will be expanded to all type of criminal courts with Lawyers engaged therein not allowed to take any private cases or any other retainership. This will create institutional capacity to effectively provide legal aid to poor and needy in criminal justice system. Some of the perceived advantages of the Legal aid Defense Counsel System vis-à-vis assigned counsel system may be mentioned as follows:

- Increase in Availability and accessibility of Legal Aid Defense counsels,
- Effective and efficient representation by experienced lawyers,
- Timely and lively Client Consultations,
- Effective monitoring and mentoring of legal aided cases,
- Professional management of legal aid work in criminal matters,
- Enhanced responsiveness leading to updating of legal aid seekers about the progress of their cases,
- Ensuring accountability on the part of the legal aid providers.

At the first instance, the Legal Aid Defense Counsel System was conceived to be implemented on a pilot project basis for providing legal aid in criminal matters in Sessions Courts in a few districts. After its success as a pilot project, it is being extended to other districts and to all criminal courts including Courts of executive Magistrates.

**Objectives:**

- To provide qualitative and competent legal services in criminal matters to all eligible persons.
- To manage and implement legal aid system in professional manner in criminal matters.

**2. Scope of Work:**

Legal Aid Defense Counsel Office shall be dealing exclusively with legal aided matters in criminal matters of the District or HQ, wherein it is established. It shall be providing legal services from the early stages of criminal justice till appellate stage, and the same shall include visits to jails from catering to the legal needs of unrepresented inmates. Initially it shall not be dealing with all type of civil matters and cases of complainant, matters pending before Juvenile Justice Boards/CWCs, wherein present counsel assignment system (Panel Lawyers) will continue to be operational for the purpose but panels shall be resized according to work based model. The following end to end legal services shall be provided through the Legal Aid



**Defense Counsel Office:**

- o Legal Advice and Assistance to all individuals visiting the office,
- o Representation/Conducting trials and appeals including all miscellaneous work in all criminal courts such as Sessions, Special and Magistrate Courts including executive courts,
- o Handling Remand and Bail work,
- o Providing legal assistance at pre-arrest stage as per need and also in accordance with NALSA's scheme for providing such assistance,
- o Any other legal aid work related to District Courts or as assigned by the Secretary, DLSA,
- o Periodic visit of Prisons of the district under the guidance of the Secretary, DLSA.

**3. Infrastructure and Human Resource required in each Project district**

- **Infrastructure:**

- o Well-appointed office for Legal Aid Defense Counsels with separate cabin for Chief Legal Aid Defense Counsel and space for consultation.
- o Space for ministerial staff, reception with waiting area.
- o Total space requirement (suggestive):  
Class A Cities 800 to 1000 sq. ft.  
Class B Cities 700 to 800 sq. ft.  
Class C Cities 500 to 600 sq. ft.
- o Computers and printers with scanner, internet connection, telephone.
- o Furniture consisting of tables, chairs, bookshelf and almirahs etc.

- **Human Resource:**

**Human Resources for a Legal Aid Defense Counsel Office**

Sl. No.		No. required
1.	Chief Legal Aid Defense Counsel	01
2.	Deputy Chief Legal Aid Defense Counsel	01-03
3.	Assistant Legal Aid Defense Counsel	02-10
4.	Office Assistants/ Clerks	01-03
5.	Receptionist-cum-Data Entry Operator (Typist)	01 (optional)
6.	Office peon (Munshi/Attendant)	01 (optional)

**Note:** Number of Deputy and Assistant Legal aid Defense Counsel may be increased or decreased as per the requirement in individual districts, subject to prior approval of Hon'ble Executive Chairman, SLA. Number of Legal Aid Defense Counsels shall be proportionate to the actual work and also requirement.

**4. Selection Procedure:**

After due publicity including public notice, applications will be invited and a fair, transparent and competitive selection process shall be adopted by DLSA under guidance of SLA. Legal Aid Defence Counsels shall be engaged on contract basis in each place/district initially for a period of two years with a stipulation of extension on yearly

basis subject to satisfactory

performance. The performance of every human resource shall be assessed every six months by SLSA in consultation with DLSA concerned. The selection of Chief Legal Aid Defense Counsel, Deputy Chief Legal Aid Defense Counsels, Assistant Legal Aid Defense Counsels will be purely based on merit, taking into account the knowledge, skills, practice and experience of candidates. The selection shall be carried out by Selection committee under the Chairmanship of the Principal District & Sessions Judge (Chairman, DLSA) as envisaged in NALSA (Free and Competent Legal Services) Regulations 2010, subject to final approval by the Executive Chairman, SLSA. In the selection committee at least three senior most judicial officers posted at HQ, dealing mainly with criminal cases preferably sessions cases shall be included. No person with conflict of interest shall be part of selection process. After approval by the Executive Chairman, SLSA, engagement contract shall be executed between the Secretary DLSA and the person so engaged.

The format of contract for engagement, as provided by NALSA to be used with required modifications.

The suggested eligibility criteria are as follows:

**a) Qualifications for Chief Legal Aid Defense Counsel:**

- Practice in Criminal law for at least 10 years,
- Excellent oral and written communication skills,
- Excellent understanding of criminal law,
- Thorough understanding of ethical duties of a defense counsel,
- Ability to work effectively and efficiently with others with capability to lead,
- Must have handled at least 30 criminal trials in Sessions Courts, afore-said condition of handling 30 criminal cases can be relaxed in appropriate circumstances,
- Knowledge of computer system is preferable.
- Quality to lead the team with capacity to manage the office.

**b) Qualifications for Deputy Chief Legal Aid Defense Counsel:**

- Practice in Criminal law for at least 7 years,
- Excellent understanding of criminal law,
- Excellent oral and written communication skills,
- Skill in legal research,
- Thorough understanding of ethical duties of defense counsel,
- Ability to work effectively and efficiently with others,
- Must have handled at least 20 criminal trials in Sessions Courts, may be relaxed in exceptional circumstances, by Hon'ble executive Chairman, SLSA,
- IT Knowledge with proficiency in work.

**c) Qualification for Assistant Legal Aid Defense Counsel:**

- Practice in criminal law from 0 to 3 years.
- Good oral and written communication skills.

- Thorough understanding of ethical duties of defense counsel.
  - Ability to work effectively and efficiently with others.
  - Excellent writing and research skills.
  - IT Knowledge with high proficiency in work.
- d) Qualification for Office Assistant/ Clerks:**
- Educational Qualification: Graduation,
  - Basic word processing skills and the ability to operate computer and skills to feed data,
  - Good Typing speed with proper setting of petition,
  - Ability to take dictation and prepare files for presentation in the Courts,
  - File maintenance and processing knowledge.
- e) Qualification for Receptionist-cum-Data Entry Operator**
- Educational Qualification: Graduation,
  - Excellent verbal and written communication skills,
  - Word and data processing abilities,
  - The ability to work telecommunication systems (telephones, fax machines, switchboards etc),
  - Proficiency with good typing speed.

**Note:** Qualifications may be reasonably relaxed in case of exceptional candidate or circumstances after the approval of the Executive Chairman, SLSA.

## **5. Work Profiles:**

### **a) Chief Legal Aid Defense Counsel**

- o Conducting trials and appeals and bail matters in courts along with deputy chief & assistant legal Aid Defense Counsels,
- o Assigning duties to deputy legal Aid Defense Counsels in the office,
- o Assigning duties of Assistant legal Aid Defence Counsel for assisting him and Deputy Chief legal Aid Defense Counsel and for other work including legal research,
- o Ensure proper legal research, planning effective defence strategy and thorough preparation in each and every legal aided case,
- o Ensure maintenance of complete files of legal aid seekers,
- o Ensure proper documentation with regard to legal aid assistance provided, ensure maintenance of up-to-date record of legal aided cases,
- o Will be overall in charge of administration of the office of Legal Aid Defense Counsel Office.
- o Ensure quality legal aid,
- o Consultation and ensuring updation of the case progress to the client and his/her relative(s),
- o Any work/duty assigned by Legal Services Authority.

### **b) Deputy Chief Legal Aid Defense Counsel.**

- o Conducting trials/ appeals/ Remand work /Bail applications/visits to prisons etc., as assigned by Chief Legal Aid Defense Counsel.

- o Filing and arguing appeals and bail applications in Courts.
  - o Maintaining complete case files.
  - o Doing legal research in legal aided cases and guiding assistant legal Aid Defense Counsel and law students attached with the office in legal research.
  - o Proper client interviews at various stages for quality research work and representation at remand, trial and appellate stage.
  - o All or any of the work of the Chief defence Counsel as per assignment,
  - o Any work/duty assigned by Legal Services Authority.
- c) Assistant Legal Aid Defense Counsel.**
- o Filing of cases, conducting trials in Magistrate trial cases,
  - o Remand/bail and other miscellaneous work,
  - o legal research in legal aided cases,
  - o Visits to Prison and Legal aid Clinics as per directions,
  - o Providing assistance at pre-arrest stage to suspects,
  - o Assisting Chief Legal Aid Defense Counsel and Deputy Legal Aid. Defense Counsel(s) in conduct of legal aid cases,
  - o Assisting in developing a defence strategy after sifting through all of the evidence collected by the prosecution and after hearing the accused's version of what happened during the alleged crime in question,
  - o Visiting location/area of alleged crime, having discussions with family members etc, for effective and meaningful input of defense strategy,
  - o Handling queries of legal aid seekers,
  - o Updating legal aid seekers about the progress of their cases,
  - o Assisting in maintaining complete files of legal aided cases,
  - o Handling legal queries relating to criminal matters on telephone,
  - o Any other work related to legal aid assigned by Chief Legal Aid Defense Counsel,
  - o Any work/duty assigned by Legal Services Authority,
- d) Office Assistant**
- o Keeping updated record of legal aided cases,
  - o Uploading the updated record/progress of the legal aided cases on NALSA portal and digital platforms as per directions,
  - o Maintaining complete files of legal aided cases and keeping files with proper index in a systematic manner,
  - o Typing applications, petitions, appeals etc.,
  - o Doing ministerial work related to cases such as filing applications for copies of orders, judgement etc.,
  - o Any other task assigned by the Chief Legal Aid Defense Counsel,
  - o Any work/duty assigned by Legal Services Authority,
  - o All duties assigned to Receptionist cum data entry operator.

**e) Receptionist-cum-Data Entry Operator**

- o Greeting clients and visitors and answering visitor inquiries,
- o Answering and routing incoming calls on a multi-line telephone system,
- o Scheduling and routing legal aid seekers,
- o Maintaining the waiting area, lobby or other office areas,
- o Scanning, photocopying, faxing,
- o Collecting and routing mail and hand-delivered packages,
- o Answering face-to-face enquiries and providing information when required,
- o Uploading, at the initial point, legal aided cases on NALSA portal & other platforms and updating the information from time to time,
- o Any work/duty assigned by Legal Services Authority.

**f) Office peon (Munshi/Attendant)**

- o General work of MTS, Munshi or Peon,
- o Cleaning the office before the commencement of office hours,
- o Ensuring that all places in the office are kept clean,
- o Bringing and serving water, beverages to the visitors in the office,
- o Carrying dak, misc. work etc.
- o Any other work assigned by Legal Services Authority.

**6. Termination of Services:**

Services of any human resource including legal aid defense counsel engaged in the office of Legal Aid Defense Counsel can be terminated at any time without any prior notice in the following cases by the Chairman, DLSA on recommendation of the Secretary DLSA or on the directions by SLSA in writing:

- i. He/she substantially breaches any duty or service required in the office, or
- ii. Seeks or accepts any pecuniary gains or gratification in cash or kind from the legal aid seekers or beneficiary or his friend or relative, or
- iii. Charged or Convicted for any offence by any court of law, or
- iv. Indulges in any type of political activities, or
- v. Found incapable of rendering professional services of the required standards, or
- vi. Failure to attend training programmes without any sufficient cause,  
or
- vii. Indulges in activities prejudicial to the working of legal aid defense counsel office,  
or
- viii. Uses his/her position in legal aid defense counsel office to secure unwarranted privileges or advantages for him/herself or others, or
- ix. Acts in breach of code of ethics, or
- x. Remains absent without leave for more than two weeks, or
- xi. If services are found unsatisfactory during the six-monthly performance review by the SLSA or DLSA.

## **7. Code of Ethics:**

Personnel engaged in the office of Legal Aid Defense Counsel shall observe the following code of ethics:

- No personnel shall act in any matter in which he/she has a direct or indirect personal or financial interest.
- No personnel shall wilfully disclose or use, whether or not for the purpose of pecuniary gain, any information that he/she obtained, received or acquired during the fulfilment of his/her official duties and which is not available to members of the general public.
- No personnel within the office of Legal Aid Defense Counsel shall make use of his/her office or employment for the purpose of promoting or advertising any outside activity.
- No personnel within the office of Legal Aid Defense Counsel shall engage in any outside activity or act as an independent practitioner.
- No personnel within the office of Legal Aid Defense Counsel shall solicit, agree to accept or accept, whether directly or indirectly, any gift, favour, service, or other thing of value under circumstances from which it might be reasonably inferred that such gift, service, or other thing of value was given or offered for the purpose of influencing him/her in, or rewarding him/her for, the discharge of his/her official duties.
- Legal Aid Defense Counsel shall devote his/her full time to his/her duties for the office of Legal Aid Defense Counsel and shall not engage in private practice of law during the term of employment.
- Every Personnel of the office of Legal Aid Defense Counsel shall strive to preserve the public's confidence in the office's fair and impartial execution of its duties and responsibilities.
- Legal Aid Defense Counsel shall also follow the code of ethics prescribed by Bar Council of India for lawyers.

## **8. Entitlement to Leave:**

- Chief Legal Aid Defense Counsel and Deputy Legal Aid Defense shall be eligible for 15 days' leave in a calendar year on pro-rata basis.
- Assistant Counsel Legal Aid Defense Counsel and other staff persons shall be eligible for 12 days' leave in a calendar year on pro-rata basis.
- No remuneration for the period of absence in excess of the admissible leave will be paid to the human resource of Legal Aid Defense Counsel Office. Un-availed leave shall neither be carried forward to next year nor encashed.

## **9. Role of State Legal Services Authority and District Legal Services Authority**

- Office space planning, and providing infrastructure for office preferably inside or in proximity to court complex.
- Providing Office furniture, Office equipment including computers, printer, internet connectivity and other equipment.
- Purchasing office supplies on need basis.

- Engaging human resource requirement for Legal aid Counsel System Office.
- Ensuring proper functioning of Legal aid Counsel System Office.
- Ensuring effective monitoring and mentoring.
- Periodical evaluation of legal services delivered through Legal aid Counsel System Office.
- Regular trainings and refresher courses for legal aid counsel engaged in Legal aid Counsel System Office.
- Renovation of office space when necessary.
- Providing Books such as Bare Acts and Commentaries for Legal Aid Defense Counsel Office
- Providing Legal Research Software.
- Timely payment of monthly honorarium to legal aid counsel and all staff engaged for Legal aid defense counsel office.
- Payment with regard to expert witnesses, if their services are taken.
- Payment for incidental expenses such as travelling expenses etc.
- Information/promotional campaigns/programmes with regard to Legal aid Defense counsel office.

#### **10. Engagement with law schools**

Law schools often send their students to legal Services Institutions for internship. Moreover, Clinics of Law Colleges also collaborate with Legal Services Institutions. Law students can be engaged with the Legal Aid Defense Counsel office as to give them meaningful exposure to practical aspects of criminal law including preparing a defense strategy and doing legal research in various factual scenarios. Law students may be so engaged in the following areas in Legal aid defense counsel office:

- Legal research in criminal cases,
- Visiting scenes of crimes,
- Interviewing accused and their family members and other relevant persons,
- Visits of Prisons and Legal Aid clinics,
- Associating in campaign undertaken,
- Assist in sifting through all of the evidence collected by the prosecution and providing effective input for preparing defense strategy.

The internship to law students can be offered for a period upto 3 months. The law students so engaged shall not be paid any stipend by the Legal Services Authorities but the certificate of work and period of work will be issued by the Chief Defense Counsel & Secretary, DLSA.

#### **11. Monitoring and Evaluation**

- The work and performance shall be closely monitored by the Secretary DLSA and a monthly review meeting will be organised under the chairmanship of the Chairman, DLSA. The Minutes of the meeting shall be sent to SLSA. A quarterly review meeting with every LADCS office and the Secretary, DLSA will also be organised by the Member Secretary, SLSA and min-

utes shall be sent to NALSA. On half yearly basis, review meeting shall be organised by NALSA. The formats for such data sharing will be shared at the time of launch. Monitoring shall be continuous process and at the end of six months the performance of every human resource shall be evaluated by the SLSA under the guidance of Hon'ble Executive Chairman, SLSA.

- Monitoring and Mentoring Committee shall monitor legal aid work of Legal Aid Defense Counsel Office.
- The Chief Legal Aid Defense Counsel shall be involved in monitoring & mentoring Legal Aid cases.

## 12. Financial Outlay

Primarily, finances are required for engaging Legal aid defense counsels, purchase of office furniture and equipment, monthly salaries, expenses incidental to litigation and other administrative expenses such as postal, stationery etc. Estimated outlay is given below:

### A Honorarium (Retainership fee) and salaries:

For Class-A towns (Population more than 10 lacs)		
1.	Chief Legal Aid Defense Counsel	70,000 to 1,00,000/-
2.	Deputy Chief Legal Aid Defense Counsel	50,000 to 75,000/- each
3.	Assistant Legal Aid Defense Counsel	25,000 to 45,000/- each
4.	Monthly salary of Office Assistants	18,000 to 25,000/- each
5.	Monthly salary of Receptionist-cum-Data Entry Operator (Optional)	18,000 to 20,000/-
6.	Monthly salary of Office peon	12,500 to 15,000/-

### For Class-B towns (Population more than 2 lacs but below 10 lacs)

1.	Chief Legal Aid Defense Counsel	65,000 to 80,000/-
2.	Deputy Chief Legal Aid Defense Counsel	40,000 to 60,000/- each
3.	Assistant Legal Aid Defense Counsel	20,000 to 35,000/- each
4.	Monthly salary of Office Assistants	15,000 to 20,000/- each
5.	Monthly salary of Receptionist-cum-Data Entry Operator (Optional)	15,000 to 17,000/-
6.	Monthly salary of Office peon	10,000 to 12,000/-

### For class-C (Population below 2 lacs) or Remaining places

1.	Chief Legal Aid Defense Counsel	60,000 to 70,000/-
2.	Deputy Chief Legal Aid Defense Counsel	30,000 to 50,000/- each
3.	Assistant Legal Aid Defense Counsel	20,000 to 30,000/- each
4.	Monthly salary of Office Assistants	12,500 to 15,000/- each
5.	Monthly salary of Receptionist-cum-Data Entry Operator (Optional)	12,000 to 15,000/-



6.	Monthly salary of Office peon	10,000 to 12,000/-
----	-------------------------------	--------------------

**Note:** Provisions of the Minimum wages Act and orders issued therein by the State/UT Government will be complied and monthly salary of Office Assistant, Receptionist-cum-Data Entry Operator and Office peon shall not be less than minimum wages payable to such category at the place of LADCS. Retired Court or DLSA employees including experienced outsourced/ contractual personnel, if otherwise suitable may be preferred for the posts of Office Assistant, Receptionist-cum-Data Entry Operator and Office peon.

**B. Infrastructure expenditure (If already not available)**

1.	Four to six Computers (50% all in one system)	2,50,000/-
2.	Three Printers (one of them would be photocopier & scanner)	1,00,000/-
3.	Furniture (as per need) Upto	2,00,000/-
4.	Books Upto	50,000/-
5.	Law software Provided by NALSA	
6.	Facilities/utility items	25,000/-

**Note:** Online and offline law software will be provided under directions of NALSA.

**C. Miscellaneous expenses per month as per the requirement subject to the following cap**

1.	Office supplies/stationery	10,000/-
2.	Postal, internet, phone and other misc. expenses	5,000/-

## Category-wise Maximum No. of Human Resources to be deployed for each LADCS:

As per approved Central Sector Scheme namely "Legal Aid Defense Counsel System (LADCS) Scheme" average expenditure per month per LADCS office is based on Category-wise maximum no. of Human Resources to be deployed for each LADCS during F.Y. 2024-25 and F.Y.2025-26 are as under:

S.No.	Designation of Legal Aid Officers and Staff	No. of Resources
1	Chief Legal Aid Defense Counsel	1
2	Deputy Chief Legal Aid Defense Counsel	3
3	Assistant Legal Aid Defense Counsel	6
4	Office Assistants	3
5	Receptionist-cum-Data Entry Operator (Typist)	1
6	Office Peon	3
	<b>Total</b>	<b>17</b>

Annexure 'B'

## Format for monthly performance analysis of LADCS

Name of SLSA:

Name of DLSA:

Duration of the below-mentioned data: From \_\_\_\_\_ to \_\_\_\_\_ (one month)

Table I: Case Handling

A	B	C	D
No. of ongoing cases including trials and appeals	No. of new cases assigned	No. of cases disposed off	Case Disposal Rate
<i>excluding 'B'</i>	<i>all types of cases including bail but excluding remand</i>	<i>all types of cases including bail but excluding remand</i>	<i>(C/B multiplied by 100)</i>

Table II: Bail Applications

E	F	G
No. of bail applications filed	No. of bails granted	No. of persons released against bail applications filed
<i>Excluding bail applications filed at remand hearings</i>	<i>Excluding bail granted at remand hearings</i>	<i>Excluding persons released at remand stage</i>

Table III: Early Access to Legal Aid at Pre-Arrest, Arrest and Remand Stage

H	I	J	K	L	M
Suspects provided legal assistance at pre-arrest stage at police station	How many such suspects not arrested by police	How many arrestees provided legal assistance at the police station before producing them before courts	How many were provided legal assistance at remand stage	Number of bail applications filed at remand stage	Number of cases in which bail granted

Table IV: Legal Advice and Assistance

N	O
No. of beneficiaries rendered legal advice <i>excluding those counted under any other head in this format</i>	No. of beneficiaries rendered other legal assistance <i>excluding those counted under any other head in this format</i>

Table V: Cost Efficiency

P
Cost per case
<i>Total cost incurred during the month / Cases handled (A+B+E+II+J+K+L+N+O)</i>

### Monitoring and Evaluation of Legal Aid Defence Counsel System Scheme

F. No. L/27/2022/NALSA/

Dated: 16/05/2024

To  
The Member Secretary,  
All the State Legal Services Authorities

Sub: Monitoring and Evaluation of Legal Aid Defence Counsel System Scheme.

Sir/Madam,

Please refer to NALSA's e-mail dated 28.03.2024 sending therewith letter dated 15.03.2024 and final EFC Memorandum dated 5.3.2024 received from the Department of Justice, conveying approval of Ministry of Finance regarding Central Sector Scheme namely "Legal Aid Defense Counsel System (LADCS) Scheme" for 3 year (F.Y. 2023-24 to F.Y. 2025-26) with outlay of ₹998.43 Crore, for placing the same before the Hon'ble Executive Chairman and Hon'ble Patron-in-Chief, SLA for information and ensuring compliance.

2. Further, it is also conveyed that LADCS Scheme will be funded with 100% Central share till FY 2025-26 after which it will be scaled down to 75% in 4th & 5th year (2026-28), 50% in 6th & 7th year (2028-30) and 25% in 8th year (2030-31).

Thereafter, LADCS would be completely funded by the State Governments.

3. I am to state that further course of action is required to be taken by the SLSAs in accordance with the letter dated 15.3.2024 and final EFC Memorandum dated 5.3.2024 received from the Department of Justice.

04/07/2024, 13:59 Gmail - Monitoring and Evaluation of Legal Aid Defence Counsel System Scheme.

4. It is further informed that LADCS Scheme has been monitored and evaluated on the basis of the information available with this Authority w.r.t

- (i) Setting up of LADCS offices in the states
- (ii) Utilisation of dedicated fund allotted w.r.t LADCS and
- (iii) Functioning of Legal Aid Defense Counsel System (LADCS) scheme.

5. Further, with the approval of Ld. Member Secretary, NALSA, I am directed to request your good self to take the following recommended course of actions to facilitate effective implementation of LADCS scheme in all the SLSAs:

- (i) Stop incremental expansion of LADCS offices during the current F.Y. 2024-25 with immediate effect.
- (ii) Immediately take steps to fill-up the shortfalls of Human Resources for each LADCS office, as per requirement, maximum up to 17 only.
- (iii) Ensure that:
  - (a) the terms of contract entered into under LADCS with the Counsels, Office Assistant and others must be designed to prevent any claim of the contractual persons to regular Government positions or to Government pay, allowances or perquisites.
  - (b) the contract clearly stipulates that the payments made are not salary.
  - (c) the contract entered with the Counsels and others shall be initially for two years and extended by one year on performance basis.
  - (d) clear performance yard stick is incorporated in the contract.
  - (e) selection process is transparent following due process.
- (iv) Provide detailed information to NALSA about infrastructure viz. office space available, computers, printers, internet connection, telephone, furniture consisting of tables, chairs and almirah, books, staff position, rate of honorarium, category of towns in which LADCS office located, in the prescribed proforma (Annexure A) by 31.05.2024.
- (v) Fix a target w.r.t cases/bail applications to be handled and disposed for each of the LADCS offices and furnish the performance cum-achievement report to NALSA on monthly basis by the 5 th of the following month in Annexure B.

## Annexure 'A'

**Monthly Expenditure Report (MER) for the month of \_\_\_\_\_**

[illegible]

	(B) Outreach Activities	
a	Organizational expenses of Legal Services Centres including printing activities	
b	LLC's materials (including pamphlets, booklets, videos, brochures etc.)	
c	Utilisation and publicity through mobile vans.	
d	Public and popular lectures, seminars, conferences & other educational events.	
	Others	
	(g) Front Offices at SLSCs, TLSCs and TLSCCs	
a	For rent of premises and furniture and other items for offices / law offices.	
b	For legal services in pursuance of front offices / law offices.	
	Payment related to helpline, internet charges and official mobile numbers used in providing legal services.	
	(B) Capacity Building Programmes including organization expenses & honorarium to resource persons	
	(B) Legal Services Clinics (LACs) at Mandal, Taluk, Village Panchayat etc.	
a	Payment to para- legal volunteers.	
b	Honorarium of Lawyers, if visiting such clinics.	
	(iv) Jail Legal Aid offices, Taluka Legal services Committees, LACs in Jails etc.	
a	Honorarium to para-legal volunteers.	
b	Administrative expenses of clinics and TLSCs.	
	(v) Extra Expenses in organizing seminars / meets / consultations, etc.	
	(vi) Audit and other fees to Auditors.	
	(vii) All other unforeseen expenses incurred and related to legal aid or poor programmes, if not provided otherwise.	
	Total	
	Grand Total (B+2+3)	

Secretary  
National Legal Services Authority



No. ASLSA 84/2017/1917

Dated Guwahati the 29th December 2017

To  
THE SECRETARY  
DISTRICT LEGAL SERVICES AUTHORITY

Barpeta, Bongaigaon, Cachar, Darrang, Dhemaji, Dhubri, Dibrugarh, Goalpara, Golaghat, Hailakandi, Jorhat, Kamrup, Karimganj, Kokrajhar, Lakhimpur, Morigaon, Nagaon, Nalbari, Sivasagar, Tezpur, Tinsukia, Udalguri

Sub: Regarding incurring expenditure from District Legal Aid Fund Delegation of Financial Powers- Reg.

Sir,

You are well aware that, at the ground level, Secretary, DLSA is the front line officer to carry out the day to day functions/ responsibilities towards translating legal aid strategies /programmes into action for achieving the objective of "Access to Justice for All".

For expeditious and successful implementation of legal aid programmes and policies, Secretary, DLSA must have certain financial powers to avoid unnecessary delays in seeking approvals.

Therefore, in order to avoid unnecessary delay, Hon'ble Executive Chairman, Assam State Legal Services Authority has been pleased to delegate the following financial powers to the Secretaries of DLSAs in the state of Assam.

1. The Secretaries of DLSAs in the state of Assam may incur expenditure at their own level. upto Rs. 15,000/- per month from the District Legal Aid Fund without obtaining approval from Chairman, DLSA.

While calculating the above amount of Rs. 15,000/-, the following may be excluded:

Fixed expenditure such as Legal fee bills, Payment to PLVs, Panel Advocates, Coordinators, Payment of Water bills, Electricity bills, Telephone bills, Internet & Dongle bills, refueling of publicity mobile van/s & Salary bills of contractual staffs.

- a. If the expenditure exceeds Rs. 15,000/- per month, but is equal to or less than Rs. 25,000/- per month, approval of Chairman, DLSA be taken.
  - b. In case the expenditure is more than Rs. 25,000/- per month, necessary approval of ASLSA shall be taken.
2. The Secretaries of DLSAs in the state of Assam may incur a further expenditure at their own level upto Rs. 20,000/- per quarter from District Legal Aid Fund without obtaining approval from Chairman, DLSA for the following purpose.  
For incurring expenditure on Refreshment and making other necessary arrangements for holding Lok Adalats/ Rural Lok Adalats/ Mobile Lok Adalats/ Daily Lok Adalats, Legal Aid Clinics and Pre-Lok Adalat sittings etc.
3. It may be clarified that payments for which approval of Chairman are not required, the bills need not be taken to the Chairman for counter signature. However, all contingency bills like TA/DA bills, Office Expenses bills, Medical bills should be countersigned by Chairman.
4. The Secretaries of DLSAs in the state of Assam may incur the following Administrative Expenditure out of Cost Fund & Interest A/c.  
For incurring expenditure on Stationery, Printing of Flex Boards/ Banners, Postage Stamps, Misc. Office Expenses, Hospitality etc.  
However, purchase of Stationery and Crockery be made strictly as per need and requirement and utmost economy be observed while incurring the expenditure.
5. It may further be clarified that all types of expenditure to be incurred for implementation of Legal Aid Schemes including the bill payment of Helpline Telephone and Landline Telephone of PLA (PUS) may be met out from NALSA Grant A/c till the time any funds are provided by the Government in 14th Finance Commission Grant.

This is for your kind information and needful action.

Yours faithfully,

Member Secretary,  
Assam State Legal Services Authority

**Copy to:** District & Sessions Judge-cum-Chairman,  
All DLSAs in the state of Assam





Regulation 42

State Information of witnesses who have not been referred shall be non-  
payment of fees etc.

Whether the witness has been deposited to all offices in the Court	State of persons identified who are in witness state help the state payment of fees	State of work individuals referred under this scheme	State of work individuals referred under this scheme



### A. UTPs - Revised Format (Attachment-C)

Name of the District (1)	Total Number of UTPs granted bail in the preceding month (2)	Total Number of UTPs released on bail (3)	UTPs not released despite grant of bail (4)				UTPs on whose behalf application for modification of bail conditions has been filed under Section 440 Cr.P.C. (5)		
			Total:				Total:		
			Unable to furnish surety bonds of the prescribed value	Insufficiency in number of sureties/ non-availability of local sureties	On account of multiple cases	Other Reasons (kindly specify)	Allowed	Rejected	Pending

## **Guideline for Providing Continuous Competent Legal Services to UTPs**

**ASSAM STATE LEGAL SERVICES AUTHORITY**  
GAUHATI HIGH COURT, OLD BLOCK (1ST FLOOR),  
GUWAHATI-781001

### **CIRCULAR**

**Dated, Guwahati 4th August, 2023**

No. ASLSA 214/2020(1)/85: The Hon'ble Supreme Court of India, in Suo Moto Writ Petition (Criminal) No. 4 of 2021, titled In Re Policy Strategy for Grant of Bail, vide order dated 29.11.2022, inter-alia, has been pleased to direct NALSA to process for making necessary suggestions to deal with the issue in providing legal assistance to Under Trial Prisoners (UTPs), who continued to be in custody despite having been granted benefit of bail on account of their inability to fulfill the conditions of bail, wherever necessary.

Vide e-mail dated 05.12.2022, NALSA has forwarded a copy of the above order dated 29.11.2022, passed by the Hon'ble Supreme Court, with a request to furnish the details of Under Trial Prisoners (UTPs) who continued to be in custody despite having been granted benefit of bail on account of their inability to fulfill the conditions of bail and in compliance of the above, the DLSAs have furnished the list of such UTPs to NALSA through the Assam State Legal Services Authority.

Vide e-mail dated 15.02.2023, NALSA has forwarded a copy of order dated 31.01.2023, passed by the Hon'ble Supreme Court of India with certain further directions and the same was also circulated amongst all the DLSAs for compliance.

In the light of the above, the following guidelines are hereby issued for the DLSAs to be followed in compliance with the directions of the Hon'ble Supreme Court, forwarded by NALSA, in providing continuous competent legal services to the UTPs who have been granted bail but remain detained in custody on account of their inability to fulfill the conditions of bail.

## **GUIDELINES**

1. DLSAS have to play a pro-active role in providing competent legal services and interaction with the concern inmate is required to be conducted at the earliest for providing assistance in all way possible for release of such inmate and also facilitating preparation of "Report on the socio economic conditions of the inmates" so as to understand the specific need on case to case basis in a time bound manner in accordance with the direction of the Hon'ble Supreme Court, as contained in the Clause 2 and Clause 4 of the order dated 31.01.2023, passed in SMWP (CRIMINAL) No. 4 of 2021.
2. Where no member of the family is available to fulfill the bail condition (s), the DLSAS may initiate endeavor to establish contact with the family member (s) through PLVs /LADCs/other means for facilitating competent legal services.
3. In appropriate case (s), assistance of NGOs/Civil Society Groups working in this field may be availed, keeping in view the guidelines of NALSA in this regard, to facilitate competent legal services in fulfilling bail condition (s) by such inmate (s).
4. Prayer for relaxation of bail condition (s) may be moved before the concern Learned Court through LADC, by way of competent legal services, where difficulty in fulfilling bail condition is owing to monetary constraints and subsequent follow up steps in this regard may also be ensured.
5. In case of refusal by the member of the family to take out accused on bail, the DLSAS may ensure finding out the exact reason (s) behind such stand and arrange for necessary counseling/steps by way of competent legal services so as to assist in release of such accused by exploring all possible avenues.
6. In appropriate case (s), LADCs may be appraised to make submissions before the Learned Court for release of accused in "temporary bail" for a specified period so as to facilitate furnishing bail bond/sureties in accordance with the direction of the Hon'ble Supreme Court, as contained in the Clause 5 of the order dated 31.01.2023, passed in SMWP (CRIMINAL) No. 4 of 2021.
7. The DLSAS may initiate endeavor in assisting drafting and filing of application through LADC by way of competent legal services, before the concerned Learned Court, for conversion of bail condition (s) to Personal Release Bond (s) in suitable case (s).
8. Where the accused could not avail the benefit of bail granted in one case owing to pendency of another or multiple case (s), the DLSAS may monitor such other pending case (s) and assist in providing competent legal services ensuring and facilitating submission of bail prayer (s)/hearing before the concerned Learned Court.
9. In a given case, falling under this category, where private Advocate (s) have been engaged, the role of DLSAS remains as a facilitator to monitor, guide and provide necessary assistance in prompt release of such inmates since as per the mandate of Section 12 (g) of the Legal Services Authorities Act, 1987 as amended upto date, every person in custody defending a case is entitled to competent legal services.

10. In addition to above, the DLSAs may explore all other possible means of providing competent legal services to facilitate assistance to the accused person (s) whose bail was granted but continued to remain in Prison due to non fulfillment of bail condition (s).
11. DLSAS have to maintain the record of such actions taken on case by case basis.

**By Order**

Sd/-  
R. Bhattacharjee  
Member Secretary,  
Assam State Legal Services Authority

**Memo No. No. ASLSA 214/2020(1)/85-A Dated Guwahati the 4th August, 2023**

**Copy to:**

1. The P.S. to the Hon'ble Executive Chairman, Assam State Legal Services Authority for His Lordship's kind information.
2. The Chairmen, All District Legal Services Authorities of Assam for information and necessary action.

Member Secretary,  
Assam State Legal Services Authority

**राष्ट्रीय निमित्त सेवा प्राधिकरण**

Dr. Robert C. Jensen, Editor, *Journal of Management Education*, 1000 University Ave., Suite 1000, San Francisco, CA 94102-3025, USA. E-mail: [rcjensen@sfed.edu](mailto:rcjensen@sfed.edu)

14 AUGUST  
 9 1200 14  
 14 1200 14

filed by the respective High Courts and to furnish a consolidated report till 25.04.2023, in the format attached with the email dated 06.04.2023. This Authority had thereafter, received such reports from different States till 01.08.2023, which was compiled into consolidated report and filed before the Hon' ble Supreme Court in August, 2023. The consolidated report filed by this Authority is marked as Attachment- B.

I am now directed to call for an updated Action Taken Report/ Status Report (alongwith the individual status of the UTPs) regarding the remaining undertrials, who had not been released on bail till 01.08.2023 from all the SLSAs. You are accordingly, requested to furnish the updated status of the UTPs as mentioned in the attached consolidated report of all States, latest by 16.03.2024.

Further, since there is a continuous change in the number of undertrial prisoners who are in custody despite grant of bail to them, you are requested to continue with a regular follow-up of such cases and take steps to get such UTPs released on bail, and file monthly reports before this Authority, in the format annexed herewith. The format of such monthly reports is marked as Attachment- C.

This may be treated as most urgent.

Timely response in the matter shall be highly appreciated.

Thanking you,



**Harshita Mishra**  
Officer on Special Duty



## REVISED PROFORMA

### UTRC data in W.P. (C) No. 406/2013

(1st January, \_\_\_\_\_ to 31st March, \_\_\_\_\_)

1.	No. of meetings of the Under Trial Review Committee held in all the districts of your State during the period.				
Reply					
2.	Category wise total number of cases considered, recommended, applications moved and inmates released across all districts				
	Category	No. of UTPs/ Convicts considered by UTRC	No. of UTPs / Convicts recom- mended for bail/ release	No. of bail/ other applications moved post recommen- dations	No. of inmates released pursuant to UTRCs recommenda- tions
(i)	UTPs eligible under section 436 A of CrPC				
(ii)	UTPs released on bail by the court, but have not been able to furnish sureties				



(iii)	UTPs accused of compoundable offences.				
(iv)	UTPs covered under Section 436 CrPC.				
(v)	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.				
(vi)	Convicts who have undergone their sentence or are entitled to release because of remission granted to them.				
(vii)	UTPs become eligible to be released on bail u/s 167(2)(a) (i) & (ii) of the Code read with section 36 A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of section 19 or section 24 or section 27 A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days.				
(viii)	UTPs who are imprisoned for offences which carry a maximum punishment of 2 years.				

(ix)	UTPs who are detained under chapter VIII of the CrPC i.e. u/s 107,108,109 and 151 of Cr.PC.				
(x)	UTPs who are sick or infirm and require specialized medical treatment				
(xi)	UTPs Women offenders (S.437 of Cr.P.C);				
(xii)	UTPs who are first time male 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.				
(xiii)	UTPs who are of unsound mind and must be dealt under chapter XXV of the Code;				
(xiv)	UTPs who are eligible for release under section 437(6) of the Code, 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 sixty days from the first date fixed for taking evidence in the case.				



**ASSAM STATE LEGAL SERVICES AUTHORITY**  
**GUWAHATI-781001, ASSAM PHONE: 0361-2516367, FAX: 0361-2601843**

No. ASLSA-214/2020/8/876  
Dated: Guwahati the 13/06/2024

To  
The Secretary, District Legal Services Authority

Barpeta, Baksa, Biswanath, Bongaigaon, Cachar, Chirang, Charaideo, Darrang, Dhemaji, Dhubri, Dibrugarh, Dima Hasao, Goalpara, Golaghat, Hailakandi, Hojai, Jorhat, Kamrup, Kamrup (R), Karimganj, Karbi Anglong, Kokrajhar, Lakhimpur, Morigaon, Majuli, Nagaon, Nalbari, Sivasagar, Sonitpur, South Salmara-Hat Singimari, Tinsukia, Udalguri and West Karbi Anglong.

Sub :- W.P. (C) No. 1082 of 2020, titled "Suhas Chakma v. Union of India and Ors."

Ref:- Letter No. F. No. NALSA-CM/05/2024 dated 01/06/2024 received from Officer on Special Duty-II, NALSA, New Delhi W.P. (C) No. 1082 of 2020, titled "Suhas Chakma v. Union of India and Ors."

Sir/Madam,

With reference to the subject cited above, I am forwarding herewith the letter No. F. No. NALSA-CM/05/2024 dated 01/06/2024 received from Officer on Special Duty-II, NALSA, New Delhi in connection with W.P. (C) No. 1082 of 2020, titled "Suhas Chakma v. Union of India and Ors." which is self-explanatory.

Further, you are requested to furnish the requisite information quarterly as per format, for onward transmission of the same to NALSA.

This is for favour of your kind information and necessary action.

Enclo: As stated.

Yours faithfully

(Pronita Morang)  
Deputy Secretary

Assam State Legal Services Authority

To  
The Ld. Member Secretaries,

All State Legal Services Authorities  
Sub: W.P. (C) No. 1082 of 2020, titled "Suhas Chakma v. Union of India and Ors."

Sir/Madam,

In/ (W.P. (C) No. 1082 of 2020, titled "Suhas Chakma v. Union of India and Ors.", the Hon'ble Supreme Court of India is dealing with, inter alia, the issue of lack of information to the convicts in jails about their right to file SLP through SCLSC. In the said matter, the Hon'ble Supreme Court has directed NALSA to undertake an exercise whereby the Jail Visiting Lawyers interact with the convicts and inform them about their right to prefer an appeal or to apply for remission.)

Accordingly, I have been directed to request you to kindly:

1. Direct the DLSAs to send Jail Visiting Lawyers to all Jails within their respective Districts for interacting with convicts who have been sentenced to imprisonment of 7 years or more and inform them about their right to prefer an appeal before the High Court or Supreme Court or apply for remission.
2. The Jail Visiting Lawyers are to fill up the Convict Information Sheet as per Format- A and forward the same to the DLSA after interaction with the convicts.
3. The Ld. Secretary, DLSA shall on receipt of convict information sheet of all such prisoners, take appropriate steps for filing of the appeal on behalf of the convict/ forward the application to HCLSC/SCLSC (through SLSA), as the case maybe.
4. The Ld. Secretary, DLSA shall on receipt of convict information sheet of all such prisoners, as forwarded by Jail Visiting Lawyers, also forward information to the State Legal Services Authority/ High Court Legal Services Committee, as per Format- B, for information and necessary action.
5. The Ld. Member Secretary, SLSA shall furnish quarterly reports to NALSA as per Format-C.

Yours Sincerely,

(Harshita Mishra)  
Officer on Special Duty-II

## CONVICT INFORMATION SHEET BY THE JAIL VISITING LAWYER TO THE DLSA

**Name of Jail:**

**District:**

**State:**

1.	Name of the convict	
2.	Offence for which convicted	
3.	Sentence awarded	
4.	Sentence undergone	
5.	Particulars of the order of the Ld. Trial Court (Case No. and date of order)	
6.	Particulars of the order of the Hon'ble High Court (Case No. and date of order)	
7.	Whether an appeal has been filed against the order of conviction before the Ld. Trial Court, if yes (date/other relevant particulars)?	
8.	In case appeal has not been filed, reason for not preferring an appeal.	
9.	Whether an appeal/SLP has been filed against the order of the Hon'ble High Court, if yes (date/other relevant particulars)?	
10.	In case an appeal/SLP has not been filed against the order of the Hon'ble High Court, reason for not preferring the appeal.	
11.	Whether the convict is eligible for remission under the relevant Prison Rules?	

**Dated:**

**Name and Signature of the Jail Visiting Lawyer:**

## REPORT OF DLSA TO BE SUBMITTED TO THE SLSA

**NAME OF DISTRICT:**

**NAME OF THE JAIL:**

**DATE OF REPORT:**

**PERIOD DURING WHICH JAIL VISITING LAWYERS INTERACTED WITH CONVICTS:**

No. of convicts in the prison, who have been sentenced to 7 years or more of imprisonment (1)	No. of such convicts who have already preferred an appeal (2)			No. of such convicts who have not preferred any appeal till interaction with the Jail Visiting Lawyer (3)	No. of convicts who now want to prefer an appeal before the (4)			No. of convicts who do not want to prefer appeal at all	Reasons for not preferring an appeal (please specify reasons)
	HC	SC	Total		HC	SC	Total		

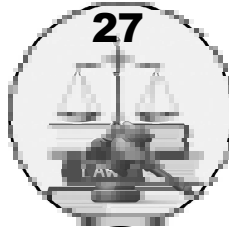
## STATE REPORT TO BE SENT TO NALSA

**NAME OF STATE:**

**DATE OF REPORT:**

**PERIOD DURING WHICH JAIL VISITING LAWYERS INTERACTED WITH CONVICTS:**

No. of convicts in the prison, who have been sentenced to 7 years or more of imprisonment (1)	No. of such convicts who have already preferred an appeal (2)			No. of such convicts who have not preferred any appeal till interaction with the Jail Visiting Lawyer (3)	No. of convicts who now want to prefer an appeal before the (4)			No. of convicts who do not want to prefer an appeal at all	Reasons for not preferring an appeal (please specify reasons)
	HC	SC	Total		HC	SC	Total		



**NON-REPORTABLE**

**IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION**

**I.A. No.71387 of 2023  
in  
WRIT PETITION (C) NO. 295 OF 2012**

**S. RAJASEEKARAN**

**... Petitioner**

**vs.**

**UNION OF INDIA & ORS.  
Kishan Chand Jain**

**... Respondents  
... Applicant**

**O R D E R**

**ABHAY S. OKA, J.**

- 1) We have heard the learned counsel on the question of issuing interim directions for the effective implementation of the provisions of the Motor Vehicles Act, 1988 (for short, ‘the MV Act’) relating to the grant of compensation in case of hit and run motor accidents.
- 2) Section 161 of the MV Act, as applicable from 1st April 2022, reads thus:  
“161. Special provisions as to compensation in case of hit and run motor accident.— (1) Notwithstanding anything contained in any other law for the time being in force or any instrument having the force of law, the Central Government shall provide for paying in accordance with the provisions of this Act and the Scheme made under sub-section (3), compensation in respect of the death of, or grievous hurt to, persons resulting from hit and run motor accidents. (2) Subject to the provisions of this Act and the Scheme made under sub-section (3), there shall be paid as compensation,—
  - (a) in respect of the death of any person resulting from a hit and run motor accident, a fixed sum of two lakh rupees or such higher amount as may be prescribed by the Central Government;
  - (b) in respect of grievous hurt to any person resulting from a hit and run motor accident, a fixed sum of fifty thousand rupees or such higher amount as may be prescribed by the Central Government.



- 3) The Central Government may, by notification in the Official Gazette, make a Scheme specifying the manner in which the Scheme shall be administered by the Central Government or General Insurance Council, the form, manner and the time within which applications for compensation may be made, the officers or authorities to whom such applications may be made, the procedure to be followed by such officers or authorities for considering and passing orders on such applications, and all other matters connected with, or incidental to, the administration of the Scheme and the payment of compensation under this section.
- 4) A Scheme made under sub-section (3) may provide that,—
  - (a) a payment of such sum as may be prescribed by the Central Government as interim relief to any claimant under such Scheme;
  - (b) a contravention of any provision thereof shall be punishable with imprisonment which may extend to two years, or with fine which shall not be less than twenty-five thousand rupees but may extend to five lakh rupees or with both;
  - (c) the powers, functions or duties conferred or imposed on any officer or authority by such Scheme may be delegated with the prior approval in writing of Central Government, by such officer or authority to any other officer or authority.”
- 5) In terms of sub-Section (3) of Section 161, the Compensation of Victims of Hit and Run Motor Accidents Scheme, 2022 (for short, ‘the Scheme’) has been brought into force with effect from 1st April 2022. It superseded the Solatium Scheme, 1989 (the Solatium Scheme) framed under unamended sub-Section (1) of Section 163 of the MV Act. The broad framework of the Scheme can be summarised as follows;
  - a) The Scheme provides for the setting up of the Standing Committee and District Level Committees. The Standing Committee is at the central level. The primary duty of the Standing Committee is to periodically review the working of the Scheme, including consideration of the report of the General Insurance Council. The Standing Committee has the power to direct corrective steps to be taken. Another important function assigned to the Standing Committee is to make recommendations to the Central Government for the amendment of the Scheme for its better and more effective implementation;
  - b) The District Level Committees are under a mandate to evaluate the progress of the Scheme's implementation in the concerned district and take corrective measures. Each District Level Committee is under an obligation to submit a report to the Standing Committee every quarter. The report must include monthly statistics about the claim applications received and how the same are dealt with. Another essential function of the District Level Committee is to ensure that the Scheme gets adequate publicity and the claimants are made aware of their rights under the Scheme;
  - c) Clause 19 provides the procedure for applying for compensation under the Scheme. The applications are firstly considered by the Claims Enquiry Officer, defined in sub-clause (e) of clause 2 of the Scheme. Upon receipt of the applications, the Claims Enquiry Officer must obtain a copy of the First Accident Report (FAR) and post-mortem report (in case of a fatal accident) from the concerned authorities. It is the duty of the Claim Enquiry Officer to decide who the rightful claimants are to

- claim the compensation;
- d) After receiving a report from the Claims Enquiry Officer, the Claims Settlement Commissioner appointed in terms of sub-clause (f) of clause 2 of the Scheme is empowered to sanction the claim as provided in clause. It is the ultimate responsibility of the General Insurance Council to make an e-payment of the compensation amount within 15 days from the date of receipt of the sanction order and
  - e) Under Clause 24 of the Scheme, the General Insurance Council is under an obligation to prepare an annual report on the working of the Scheme and submit the same to the Standing Committee. The General Insurance Council is constituted under Section 64(C) of the Insurance Act, 1938.
- 6) Grave concerns have been raised across the bar about the implementation of the Scheme. Our attention was invited to year-wise reports titled “Road Accidents in India”, published by the Ministry of Road Transport and Highways of the Government of India annually. The figures of hit and run accidents are as under:

2016	2017	2018	2019	2020	2021	2022
55,942	65,186	69,822	69,621	52,448	57,415	67,387

It is evident from records published by the Ministry of Road Transport and Highways of the Government of India from 2016-2022 that there were 55,942 hit and run motor accidents in 2016, which increased to 65,186 in 2017, 69,621 in 2018, and 69,621 in 2019. During COVID 19 period, the number of accidents decreased.

- 7) As regards the implementation of the Scheme, our attention was invited to two important documents. The first is the annual report of the General Insurance Council for the financial year 2022-23. It records that only 205 claims were received under the Scheme during the said financial year, out of which 95 claims have been settled. The second document is the answer that the Hon’ble Minister of Road Transport and Highways gave to a starred question on 16th March 2023 in Lok Sabha. Whether there were any provisions or schemes for Compensation to victims of hit and run motor accidents and if so; the number of cases registered to seek such compensation and the amount disbursed under such scheme. The answer records that in the last five years, there were 660 deaths in hit and run cases, and there were 113 injury cases for which compensation of 184.60 Lakhs was disbursed. If we compare the number of hit and run road accidents reported and the number of cases registered for seeking compensation, what stares at the face is that negligible number of victims have taken advantage of the said scheme. One reason may be that the victims were not made aware of the existence of the Scheme. This aspect ought to have been considered by the Standing Committee. However, that has not been done. The Standing Committee must look into the causes of non-implementation of the Scheme and direct corrective measures to be taken to ensure that every claimant who is entitled to the benefit of the Scheme is encouraged to take benefit thereof. If the Scheme cannot be effectively implemented without making amendments, the Standing Committee must recommend amendments to the Scheme. The minutes of the meeting of the Standing Committee held on 16th August 2023 have been placed on record. The minutes record a decision taken to issue a direction to the General Insurance Council to submit an annual

report on the working of the Scheme till the end of August 2023. A decision was made to take the initiatives for public awareness and sensitisation about the Scheme across the states and districts. We are not sure whether the General Insurance Council has submitted a report on the working of the Scheme by 31st August 2023 as directed and whether the Standing Committee has made any decision based on the same.

- 8) We have perused the suggestions of Shri Gaurav Agrawal, the learned Amicus Curiae, and the suggestions submitted by Shri EC Agrawala, the learned counsel. When a motor accident occurs, the injured or the legal representatives of the deceased may not be aware of whether it is a hit and run accident. After a motor accident, a report is registered by the officer in charge of the jurisdictional Police Station. Clause (d) of Section 145 of the MV Act defines a hit and run accident. An accident involving a motor vehicle can be considered as a hit and run accident, provided the identity of the vehicle that caused the accident cannot be ascertained despite reasonable efforts. Obviously, reasonable efforts must be made by the Police Station which registers the accident. If the Police conclude that it is a case of hit and run accident, the Police must inform the victim or the legal representatives of the victim, as the case may be, about the availability of the Scheme. There are cases where the Police, as well as the Claims Enquiry Officer, are aware of the fact that a hit and run accident has occurred. However, no efforts are made to ensure that the persons entitled to seek compensation file their claims. An appropriate direction will have to be issued, which will ensure that the victims or the legal representatives of the victims, as the case may be, who are entitled to seek compensation under the Scheme, are informed about the availability of the Scheme and that they are assisted in filing the claims.
- 9) Certain submissions were made on the implementation of the Solatium Scheme framed under sub-section (1) of Section 163 of the MV Act (as it existed before 1st April 2022). We may note here that Section 163 of the MV Act, as it existed till 1st April 2022, dealt with the Scheme for payment of compensation in case of hit and run motor accidents. Sub-clause (2) of clause 20 of the Solatium Scheme provided a period of limitation of 6 months for filing claims from the date of the accident, which was extendable up to 12 months. Under the Scheme framed in 2022, no specific limitation period is prescribed for submitting a claim. A submission is made that the period of limitation provided under the Solatium Scheme should be done away with, and those who are entitled to compensation under the Solatium Scheme should be permitted to apply. We propose to issue a direction to the Central Government to consider whether a modification can be made so that those who were entitled to apply under the Solatium Scheme can apply within the time extended as a one-time measure. This submission made across the bar merits consideration. The reason is that many victims may not be aware of their right to apply under the Solatium Scheme.
- 10) In view of the above discussion, we issue the following directions :-
  - a) We direct the Standing Committee to consider the annual report submitted by the General Insurance Council as provided in paragraph 5 of the minutes of the meeting dated 16th August 2023 and to make recommendations to the Central Government, if necessary, for the amendment of the Scheme;

- b) The Standing Committee may also issue directions for the effective implementation of the Scheme. The Standing Committee shall address the major concern that notwithstanding the availability of the Scheme, very few eligible claimants are taking benefit of the Scheme;
  - c) The Standing Committee shall issue elaborate directions for developing public awareness and for sensitisation of the members of the public about the Scheme and
  - d) We grant the time of four months to the Standing Committee to report compliance with the directions mentioned above to this Court.
- 11) We issue the following directions, which will operate till further orders, which can be modified after looking at the compliance made by the Standing Committee :-
- a) If the particulars of the vehicle involved in the accident are not available at the time of registration of the report regarding the accident by the jurisdictional Police Station and if, after making reasonable efforts, the particulars of the vehicle involved in the accident could not be ascertained by the Police within a period of one month from the date of registration of accident report, the officer-in-charge of the Police Station shall inform in writing to the injured or the legal representatives of the deceased, as the case may be, that compensation can be claimed under the Scheme. The contact details such as e-mail ID and office address of the jurisdictional Claims Enquiry Officer shall be provided by the Police to the injured or the legal representatives of the deceased, as the case may be;
  - b) The officer in charge of the Police Station, within one month from the date of the accident, shall forward the FAR to the Claims Enquiry Officer as provided in sub-clause (1) of clause 21 of the Scheme. While forwarding a copy of the said report, the names of the victims in case of injury and the names of the legal representatives of the deceased victim (if available with the Police Station) shall also be forwarded to the jurisdictional Claims Enquiry Officer, who shall cause the same to be entered in a separate register. After receipt of the FAR and other particulars as aforesaid by the Claims Enquiry Officer, if the claim application is not received within one month, the information shall be provided by the Claims Enquiry Officer to the concerned District Legal Service Authority with a request to the said authority to contact the claimants and assist them in filing the claim applications;
  - c) A Monitoring Committee shall be constituted at every district level consisting of the Secretary of the District Legal Service Authority, the Claims Enquiry Officer of the district or, if there is more than one, the Claim Enquiry Officer nominated by the State Government, and a police officer not below the level of Deputy Superintendent of Police as may be nominated by the District Superintendent of Police. The Secretary of the District Legal Services Authority shall be the Convener of the Monitoring Committee. The Committee shall meet at least once in every two months to monitor the implementation of the Scheme in the district and the compliance with the aforesaid directions;
  - d) The Claims Enquiry Officer shall ensure that a report containing his recommendation and other documents are forwarded to the Claim Settlement Commissioner within one month from receipt of the claim application duly filled in;

- e) The Registry of this Court shall forward a copy of this order to the Member Secretaries of the Legal Services Authorities of each State and Union Territories. The Member Secretaries shall, in turn, forward the copies of this order to the Secretaries of each District Legal Services Authorities within its jurisdiction. After receipt of the copies of this order, the Secretaries of the District Legal Services Authorities shall take steps to form the Monitoring Committees for their respective districts and
  - f) The Secretaries of the District Legal Services Authorities shall submit quarterly reports on the functioning of the Monitoring Committees to the Member Secretaries of the respective Legal Services Authorities of the State or the Union Territories, as the case may be. The Member Secretaries shall collate the reports submitted by all districts and forward a comprehensive report to the Registry of this Court.
- 12) Sub-section (2) of Section 161 of MV Act provides that in case of death of any person resulting from hit and run motor accident, a compensation of Rs. 2 lakhs or such higher amount as may be prescribed by the Central Government shall be paid. In case of grievous injury, the compensation amount is Rs. 50 thousand. The value of money diminishes with time. We direct the Central Government to consider whether the compensation amounts can be gradually enhanced annually. The Central Government shall take an appropriate decision on this issue within eight weeks from today.
- 13) We direct the Central Government to consider whether the time limit prescribed in sub-clause (2) of clause 20 of the Solatium Scheme can be extended and permission be granted to the eligible claimants to apply within the extended time as a one time measure. Even on this aspect, we expect the Central Government to decide within eight weeks from today.
- 14) The copies of the compliance reports by various authorities reporting compliance with the directions mentioned above shall be provided by the concerned authorities to the learned Amicus Curiae and the learned counsel representing the parties. List on 22nd April 2024 for considering the compliance.

.....J.  
(Abhay S. Oka)

.....J.  
(Pankaj Mithal)

New Delhi;  
January 12, 2024



**(a) CONSTITUTION OF EMPOWERED COMMITTEE**  
**HMA-12/161/2023-HOME(B)-H and P-Home Department**  
**GOVERNMENT OF ASSAM HOME & POLITICAL**  
**DEPARTMENTS DISPUR: GUWAHATI-06**

**NOTIFICATION**

e-File No.307142/57: In pursuance of the 'Guidelines and Standard Operating Procedure' of Govt. of India issued vide letter D.O.No.17013/26/2023-PR dated 19/06/2023 in connection with implementation of the scheme to provide financial support to poor prisoners in prisons who are unable to afford the penalty or the bail amount, an Empowered Committee comprising of the following officials is hereby constituted:

- |    |  |   |                  |
|----|--|---|------------------|
| 1. | District Magistrate  | : | Chairperson      |
| 2. | Superintendent of Police   | : | Member           |
| 3. | Secretary, District Legal Services Authority                                 | : | Member           |
| 4. | Superintendent/Deputy concerned of the<br>Prison Superintendent              | : | Member Secretary |
| 5. | Judge in-charge of the concerned Prison,<br>as nominee of the District Judge | : | Member           |

The Empowered Committee will assess the requirement of financial support in each case for securing bail or for payment of fine, etc. and based on the decision taken, the District Magistrate (DM) will draw money from the CNA account and take necessary action.

The Committee may appoint a Nodal Officer and take assistance of any civil society representative/ social worker/ District Social Welfare Officer to assist them in processing cases of needy prisoners.

Signed by Niraj Verma  
Date: 29-08-2023 18:04:17  
Principal Secretary to the Govt. of Assam  
Home & Political Department

e-File No.307142/57/A

Copy to:-

1. The Secretary Co-ordination to Chief Secretary, Assam.
2. The PPS to the Hon'ble Chief Minister, Assam
3. The District Commissioners (All)
4. The Inspector General of Prisons, Assam, Khanapara, Guwahati-22 for information and necessary action.
5. The Superintendents of Police (All)
6. The Director of Printing and Stationary, Assam, Bamunimaidam, Guwahati-2.
7. The P.S. to the Principal Secretary, Home & Political Department for kind appraisal of the Principal Secretary.
8. All Members of the Committee

By order etc.,  
Signed by Partha Pratim Majumdar  
Date: 29-08-2023  
Secretary to the Govt. of Assam  
Home & Political Department

**(b) CONSTITUTION OF OVERSIGHT COMMITTEE**  
**HMA-12/161/2023-HOME(B)-H and P-Home Department**  
**GOVERNMENT OF ASSAM HOME & POLITICAL**  
**DEPARTMENTS DISPUR: GUWAHATI-06**

**NOTIFICATION**

e-File No.307142/58: In pursuance of the 'Guidelines and Standard Operating Procedure' of Govt. of India issued vide letter D.O.No.17013/26/2023-PR dated 19/06/2023 in connection with implementation of the scheme to provide financial support to poor prisoners in prisons who are unable to afford the penalty or the bail amount, an Oversight Committee comprising of the following officials is hereby constituted:

- |    |   |   |                  |
|----|---|---|------------------|
| 1. | Principal Secretary to the Govt. of Assam,<br>Home & Political Department | : | Chairperson      |
| 2. | Registrar General, Gauhati High Court or his nominee                      | : | Member           |
| 3. | Secretary to the Govt. of Assam, Judicial Department                      | : | Member           |
| 4. | Secretary to the Govt. of Assam, Home (B) Department                      | : | Member Secretary |
| 5. | Secretary, Assam State Legal Services Authority                           | : | Member           |
| 6. | Inspector General of Prisons, Assam                                       | : | Member           |

The functions of this Committee would be to oversee the implementation of the Scheme and to consider cases referred to it by the District Level Empowered Committees.

Signed by Niraj Verma

Date: 29-08-2023 18:05:05

Principal Secretary to the Govt. of Assam  
Home & Political Department

e-File No.307142/58/A

Copy to:-

1. The Secretary Co-ordination to Chief Secretary, Assam
2. The District Commissioners (All)
3. The PPS to the Hon'ble Chief Minister, Assam
4. The Inspector General of Prisons, Assam, Khanapara, Guwahati-22 for information and necessary action
5. The Director of Printing and Stationary, Assam, Bamunimaidam, Guwahati-2.
6. The Superintendents of Police (All)
7. The P.S. to the Principal Secretary, Home & Political Department for kind appraisal of the Principal Secretary
8. All the Members of the Oversight Committee

By order etc.,

Signed by Partha Pratim Majumdar  
Secretary to the Govt. of Assam  
Home & Political Department

Date: 29-08-2023





## Arbitration and Mediation Centres Annexed to the Commercial Courts

Current Date :

DD/MM/YYYY

Data for the Year of :

YYYY-MM

1. Name of The High Court:

Gauhati High Court

2. No. of Dedicated/ Designated Commercial Courts

3. No. of Commercial Courts with Court annexed

Arbitration Centres

\* Summary of Commercial Cases of Arbitration Centres annexed with commercial Courts

4. Cases Instituted during the Month

5. Cases Disposed During the Month

6. Total Cases Pending at the end of the Month #

7. Arbitration Centres with specialised sectoral experts (Yes/No)##

8. No. of Commercial Courts with Court annexed Mediation Centres

\* Summary of Commercial Cases of Mediation Centres annexed with commercial Courts

9. Cases Instituted during the Month

10. Cases Disposed During the Month	<input type="text"/>
11. Total Cases Pending at the end of the Month #	<input type="text"/>
12. Arbitration Centres with Specialised sectoral Experts (Yes/No)##	<input type="text"/>
13. No. of ADR Centres run by DLSA*	<input type="text"/>
* Summary of Commercial Cases of ADR Centres run by DLSA	
14. Cases Instituted during the Month	<input type="text"/>
15. Cases Disposed during the Month	<input type="text"/>
16. Total Cases pending at the end of the Month #	<input type="text"/>

**Note:**

# This column should reflect the number of backlog cases + new cases instituted during the month - cases disposed during the month.

## If yes, also specify the number of such sectoral experts

DLSA: District Legal Services Authority of India.

Secretary  
District Legal Services Authority

100

the authors do not know the answers to questions to the study is ongoing. It seems

279

**Form 6 (i) Mediation data on monthly basis**

**See rule 11(2)**

List of cases received for Pre-Institution Mediation and Settlement during the month of .....

Sl. No	Name of the Mediation Centre	Total no. of application pending on the 1st day of the month	Total no. of application received during the month	Total no. of cases sealed during the month	Total no. of Non-starter cases during the month	Total no. of application pending at the end of the month
1	2	3	4	5	6	7

**Secretary,**

**MLSA, .....**

Form-B (C) Mediation: Data on Quarterly Basis

Sl. No.	Name of the Authority	No. of applications received by the Authority	Nature of Applicant Party		Nature of Opposite Party	No. of Applications disposed off as per Schedule-I					No. of Applications referred for mediation	No. of Applications where the settlement arrived at as per Rule 7(1)(b)	No. of Applications where parties reached an settlement as per Rule 7(1)(c)
			Individual	Corporate		I	II	III	IV	V			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)		

Secretary,  
DLSA, .....

(A)

**ANNUAL PERFORMANCE****STATISTICAL INFORMATION- DISPOSAL IN RESPECT OF LOK ADALATS**

District/Block/ Taluk/ Panchayat/ Other: \_\_\_\_\_

NAME OF THE SERVING LOCAL SERVICES AUTHORITY: \_\_\_\_\_  
STATISTICAL INFORMATION FOR THE MONTH OF: \_\_\_\_\_

Category of cases	Pre-Dispute			Dispute in Court/Out-Dispute			Total		
	Taken up	Disposed of	Settlement Amount	Taken up	Disposed of	Settlement Amount	Taken up	Disposed of	Settlement Amount
Pre-dispute cases available									
Offence Cases									
W/for Cases U/s 135									
Bank Recovery Cases									
MORTG Cases									
Matrimonial Disputes									
Labour Disputes Cases									
Land Disputes									
Other Civil Cases									
Revenue Cases									
Other Cases (if specify)									
Total No. of Cases settled									

**MONTHWISE LOK ADALATS**

No. of Lok Adalats held	Pre-Dispute			Dispute in Courts			Total		
	Taken up	Disposed of	Settlement Amount	Taken up	Disposed of	Settlement Amount	Taken up	Disposed of	Settlement Amount

Secretary,  
DLSA: \_\_\_\_\_

FOR DISPOSAL IN NATIONAL LOK ADALAT HELD ON: _____									
Name of the District Legal Services Authority: _____									
Total No. of National Lok Adalat Bench(es) Constituted: _____									
Subject	Pre-Litigation Cases			Pending Cases			Total		
	Taken up	Disposed of	Settlement Amount	Taken up	Disposed of	Settlement Amount	Disposed of	Settlement Amount	
Criminal Compensable Offence Cases									
Hit Act Cases (1/-1/2)									
State Recovery Cases									
IMACT Cases									
Matrimonial Disputes									
Labour Disputes Cases									
Land Acquisition									
Electricity									
Revenue Cases									
BSNL									
Other Civil Cases									
Total									

Secretary,  
DLSA, \_\_\_\_\_

(C)

**STATISTICAL INFORMATION IN RESPECT OF PERMANENT LOK ADALATS****[ESTABLISHED UNDER 24 B OF LSA, ACT]**NAME OF THE DISTRICT LEGAL SERVICES AUTHORITY: \_\_\_\_\_  
STATISTICAL INFORMATION FOR THE MONTH OF \_\_\_\_\_

(i) No. of PLAs existing as on the beginning of the Month: \_\_\_\_\_

(ii) No of PLAs established during the Month: \_\_\_\_\_

(iii) Total No. of PLAs functioning: \_\_\_\_\_

(iv) No. of sittings during the month: \_\_\_\_\_

S. No.	Names of the Public Utility Services	No. of cases pending as on the beginning of the month	No. of Cases received during the Month	No. of cases settled during the Month	Total Value of amount of settlement (Rs.)
1	Transport Service				
2	Postal, telegraph or telephone service				
3	Supply of Power, Light or Water				
4	Public Convenience or Sanitation				
5	Services in Hospital or dispensary				
6	Insurance Service				
7	Banking & Financial institutions				
8	Others (Pl. Specify)				
	<b>Total</b>				

Secretary,  
DLSA, \_\_\_\_\_



# **STATISTICAL INFORMATION IN RESPECT OF CASES SETTLED THROUGH MEDIATION**

NAME OF THE DISTRICT LEGAL SERVICES AUTHORITY: \_\_\_\_\_  
 STATISTICAL INFORMATION FOR THE MONTH OF: \_\_\_\_\_

(A) (i) Total Number of ADR Centres: \_\_\_\_\_

(i) Existing at the beginning of the month : \_\_\_\_\_ (A) (ii) Total No. of Existing Mediation Centres other than ADR Centres  
 established during the month : \_\_\_\_\_  
 (ii) Total functional : \_\_\_\_\_  
 (iii) Under Construction : \_\_\_\_\_

(i) Number of Mediators (Total of both in ADR Centres and Mediation Centres): \_\_\_\_\_

## **Trained**

Disclosed No. of Trained Mediators entrusted with cases during the month: \_\_\_\_\_

(i) Judicial Officers : \_\_\_\_\_  
 (ii) Lawyers : \_\_\_\_\_  
 (iii) Any other : \_\_\_\_\_

(C) (Continued)

		Total of all non-ADR Centres
A	No. of cases pending at the beginning of the month	
B	No. of cases received during the month	
C	Cases settled through Mediation	
D	Cases referred to trial (settled)	
E	Non-stayed cases which were referred for mediation could not be mediated	
F	No. of cases pending at the end of the month	
G	Percentage (%) of settlement	

Note - ADR Centres operates mainly conventional ADR Centres including whereas Mediation Centres refers to this Centres whose mediator activities are being performed in a building other than ADR Centres

Secretary,  
 DLUSA \_\_\_\_\_

# **STATISTICAL INFORMATION IN RESPECT OF LEGAL SERVICES BENEFICIARIES** (E)

NAME OF THE DISTRICT LEGAL SERVICES AUTHORITY: \_\_\_\_\_

STATISTICAL INFORMATION FOR THE MONTH OF: \_\_\_\_\_

S. No	Categories	Providing Period Advocate	Advocate/Consulting	* Other Services (Pl. specify)	Total
1	Scheduled Caste				
2	Scheduled Tribe				
3	Women				
4	Children				
5	In Custody				
6	Persons with Disability				
7	Industrial Workmen				
8	Transgender				
9	Victim of Trafficking in Human beings or beggar Victims of Mass Disaster, Violence, Flood, Drought, Earthquake and Industrial Disaster				
10	General (Persons whose annual income does not exceed the prescribed limit)				
11	Others				
12	<b>TOTAL</b>				

## **Note:-**

\* Other Services shall include any help/assistance provided to the beneficiaries for availing the benefits of Central/State Govt. Schemes such as Aardhar Card/MHREGA etc.

\*\* If the beneficiary falls under more than one category (for example a woman in October has scheduled caste, victim of Human Trafficking and in custody also) such person is to be shown only in the category in which she was considered and provided legal aid. In no case, one person be shown in more than one category.

Secretary,  
DLDA, .....

**STATISTICAL INFORMATION IN RESPECT OF LEGAL LITERACY/LEGAL AWARENESS CAMPS/PROGRAMMES**

(Including Seminars, workshops, debates etc.)

S. No.	Mode/place of awareness programme	No. of program run held	No. of Persons attended	No. of Program run held Physical	No. of Persons attended Physical	No. of Program run held Virtual	No. of persons attended Virtual	Subjects
1	Community Radio							
2	Jail/other custodial forum							
3	Media/ Exhibitions							
4	Others							
5	Radio							
6	School/College/University							
7	Bar and other institutes							
8	TV							
9	Village/Community Centre							
	<b>Total</b>							

Secretary,  
DLSA, \_\_\_\_\_

## NAME OF THE DISTRICT LEGAL SERVICES AUTHORITY:

FOR THE MONTH OF: \_\_\_\_\_

DIRECT LEGAL SERVICES AUTHORITY:

Total No. of PLVs trained		No. of PLVs deployed					Total
As on the last day of the month	During the month only	Police Station	Front Office	Jail/ Observations Homes	J.Bu Child Welfare Centres (CWCs)	Other Legal Services (PL specify)	

boundary,  
D. 14.

REPORT OF THE LEGAL SERVICES CLINICS FOR THE MONTH OF: \_\_\_\_\_ (H)  
NAME OF THE DISTRICT LEGAL SERVICES AUTHORITY: \_\_\_\_\_

1.(i)	No. of Legal Services Clinics/ Village Legal Care and Support Centres	Colleges / Universities		Villages		Community centres		Courts		Jails		JBS		For the people of North-East		Others (if specify)	
		Added or Closed during the month	Existing in the month	Added or Closed during the month	Existing in the month	Added or Closed during the month	Existing in the month	Added or Closed during the month	Existing in the month	Added or Closed during the month	Existing in the month	Added or Closed during the month	Existing in the month	Added or Closed during the month	Existing in the month	Added or Closed during the month	Existing in the month
(ii)	Frequency & duration of operation No. of days in a month in which the legal service clinics functioned. No. of persons and units served																
(ci)	No. of Panel Advocates/PVs operating the clinics																
(d)	No. of persons served the Legal Services Clinic/Village Legal Care and Support Centres																



**STATISTICAL INFORMATION IN RVO VICTIM COMPENSATION SCHEME URS 337-A CrPC**

NAME OF THE DISTRICT LEGAL SERVICES AUTHORITY: \_\_\_\_\_

STATISTICAL INFORMATION FOR THE MONTH OF : \_\_\_\_\_

No. of applications received directly by Legal Services Institutions (A)	No. of applications/orders marked/directed by any Court (B)	Total No. of applications received including Court orders (A+B)	No. of applications decided	No. of applications pending	Total Settlement Amount

Secretary,  
DLSA, .....

**STATISTICAL INFORMATION IN RESPECT OF TRAINING PROGRAMMES CONDUCTED BY SLAS/DLSAs etc.**

**NAME OF DLSA:** \_\_\_\_\_, For the Month of: \_\_\_\_\_

S. No.	Training programme conducted	Type of programme i.e. Induction Programme/Basic Training etc.	No. of training programmes conducted in the month	Duration of the programme	No. of Participants
1	Panel Lawyers				
2	Para-Legal Volunteers (PLVs)				
3	Others				

Secretary,  
DLSA. ....



**QUARTERLY REPORT WITH REGARD TO IMPLEMENTATION OF THE  
RESOLUTIONS ADOPTED IN THE CHIEF JUSTICES' CONFERENCE, 2016  
FOR TRANSMISSION TO HON'BLE GAUHATI HIGH COURT**

**REPORT FOR THE QUARTER ENDING**

**1999**

**2. General Administration**

S. No.	As on the last day of the month
1	Total number of cases taken up for consideration
2	By number of categories (with sub-categories)
3	Total number of cases entered for disposal (including those entered for disposal)
4	Number of cases disposed of (including those disposed of)
5	Number of cases disposed of (including those disposed of)

**3. Legal Aid in February**

- By number of cases taken up for consideration (including those taken up for consideration)
- By number of cases taken up for consideration (including those taken up for consideration)
- By number of cases taken up for consideration (including those taken up for consideration)
- By number of cases taken up for consideration (including those taken up for consideration)
- By number of cases taken up for consideration (including those taken up for consideration)

**4. Constitution and Purview of Standing Committee under Rule 10 and 11, G.O. MS (Legal Aid) Government Legal Services Regulation, 2010**

S. No.	As on the last day of the month
1	Number of cases taken up for consideration
2	By number of categories (with sub-categories)
3	By number of cases taken up for consideration (including those taken up for consideration)

#### a. Legal Services Undertaking

Sl. No.	In the quarter or day of the month
a. Total number of legal services undertakings	
b. Total number of legal services undertakings with functional NALSA	
c. Total number of legal services undertakings with functional NALSA	
d. Total number of legal services undertakings with functional NALSA and functional NALSA	
e. Total number of legal services undertakings with functional NALSA and functional NALSA	
f. Average number of legal services undertakings per population	

#### b. Legal Services Undertaking

Sl. No.	In the quarter
a. Total number of legal services undertakings with functional NALSA and functional NALSA	
b. Total number of legal services undertakings with functional NALSA and functional NALSA	
c. Total number of legal services undertakings with functional NALSA and functional NALSA	
d. Total number of legal services undertakings with functional NALSA and functional NALSA	
e. Total number of legal services undertakings with functional NALSA and functional NALSA	
f. Total number of legal services undertakings with functional NALSA and functional NALSA	
g. Total number of legal services undertakings with functional NALSA and functional NALSA	

[illegible]

© 2000 Blackwell Science Ltd *Journal of Internal Medicine* 247: 161–167

2.4.4	In the quarter
a.	Number of National Health Service funded for the 24th July
b.	Number of employees in the business according to the number of employees
c.	Number of employees in the business according to the number of employees
d.	Number of employees in the business according to the number of employees

### References

Year	In the quarter
a. Total actual bank deposits	Expenditure of income of the bank
b. Payments made by the bank	Expenditure of income of the bank
c. Payments made by the bank	Expenditure of income of the bank
d. Payments made by the bank	Expenditure of income of the bank
e. Payments made by the bank	Expenditure of income of the bank
f. Payments made by the bank	Expenditure of income of the bank
g. Payments made by the bank	Expenditure of income of the bank
h. Payments made by the bank	Expenditure of income of the bank
i. Payments made by the bank	Expenditure of income of the bank
j. Payments made by the bank	Expenditure of income of the bank
k. Payments made by the bank	Expenditure of income of the bank
l. Payments made by the bank	Expenditure of income of the bank
m. Payments made by the bank	Expenditure of income of the bank
n. Payments made by the bank	Expenditure of income of the bank
o. Payments made by the bank	Expenditure of income of the bank
p. Payments made by the bank	Expenditure of income of the bank
q. Payments made by the bank	Expenditure of income of the bank
r. Payments made by the bank	Expenditure of income of the bank
s. Payments made by the bank	Expenditure of income of the bank
t. Payments made by the bank	Expenditure of income of the bank
u. Payments made by the bank	Expenditure of income of the bank
v. Payments made by the bank	Expenditure of income of the bank
w. Payments made by the bank	Expenditure of income of the bank
x. Payments made by the bank	Expenditure of income of the bank
y. Payments made by the bank	Expenditure of income of the bank
z. Payments made by the bank	Expenditure of income of the bank

© 1999-2000, by the author

3. M1			In the quarter
a	Key results indicators	Number of work hours for non-Algorithm workers, pending at the start of the quarter	
		Number of the volume of non-Algorithm workers, men and in negative quarter a number of men required at the pay Algorithm workers in the quarter	
		Number of work hours for non-Algorithm workers, pending at the start of the quarter	
b	Performance Indicators	Number of work hours for non-Algorithm workers, pending at the start of the quarter	
		Number of the volume of non-Algorithm workers, men and in negative quarter a number of men required at the pay	

e	Continuous work months	1. <u>Aggravated</u> means as per quarter number of inmates over the period <u>aggravated</u> disposal period eg number of the inmates number of inmates over the period <u>aggravated</u> disposal period as in the term of the quarter	
		From last of month of month last month last month disposal period as in the quarter	
d	Continuous work months	From last of month of month last month last month disposal period as in the quarter	
		From last of month of month last month last month disposal period as in the quarter	
		From last of month of month last month last month disposal period as in the quarter	

## 2. Miscellaneous

### 2.1. Miscellaneous

Sl. No.	Name of the Authority	Address of the Authority
1	Ministry of Health and Family Welfare, Government of India	
2	Ministry of Health and Family Welfare, Government of India	
3	Ministry of Health and Family Welfare, Government of India	
4	Ministry of Health and Family Welfare, Government of India	
5	Ministry of Health and Family Welfare, Government of India	

**7. Training of Magistrates:**

Sl. No.		In the quarter
a.	Number of Training Hours for officers in the current quarter	
b.	Number of officers who have received training in the quarter in the quarter	

**7. Training of Police:**

Sl. No.		In the quarter
a.	Number of cases referred to police for investigation during the quarter	
b.	Number of cases referred to police for investigation during the quarter	
c.	Number of cases referred to police for investigation during the quarter	
d.	Number of cases referred to police for investigation during the quarter	

**8. Para-Legal Volunteers:**

Sl. No.	Particulars		
1.	(A) Total number of trained PLVs in the District <b>as on the last day of the quarter</b>		
2.	(B) Total number of PLVs trained in the District <b>in the quarter</b>	Women (excluding women inmates)	
		Inmates (both male & female)	
		Others	
		(B)-Total	

Sl. No.		Current Year
		1 <sup>st</sup> January, 20.. to the last day of the quarter
3.	Number of PLVs trained in the current year (1 <sup>st</sup> January, 20.. to the last day of the quarter) belonging to the following groups:	
a.	Women (excluding women inmates)	
b.	Inmates (both male & female)	
c.	Others	

Sl. No.		In the quarter
4.	Number of refresher trainings held for PLVs in the quarter	
5.	Number of PLVs that received refresher trainings in the quarter	

A. No.	Particulars	Amount in Lakhs
1.	Administrative Expenses	
	(a) Salary of PLVs	
	(b) Salary of other staff	
	(c) Fuel and transport	
2.	Capital Expenditure	
	(a) Purchase of furniture, fixtures, etc.	
	(b) Purchase of equipment (not PLVs' use only)	
	(c) Repairs	
3.	Revenue Expenditure	
	(a) Salary of PLVs	
	(b) Salary of other staff	
	(c) Fuel and transport	
	(d) Purchase of furniture, fixtures, etc.	
	(e) Purchase of equipment (not PLVs' use only)	
	(f) Repairs	

**PROFORMA, GUIDELINES AND PARAMETERS FOR PROVIDING DATA REGARDING THE MONTHLY ACTIVITY REPORT**

**A. AWARENESS AND OUTREACH PROGRAMMES: COMMUNITY**

**I. STATISTICAL INFORMATION OF THE PROGRAMMES**

Programme Initiated	Children		Senior Citizens		Elderly		Women with Disabilities		Indigenous		Rural/Slum	
	Beneficiaries Initiated	Programme Initiated	Beneficiaries Initiated	Programme Initiated	Beneficiaries Initiated	Programme Initiated	Beneficiaries Initiated	Programme Initiated	Beneficiaries Initiated	Programme Initiated	Beneficiaries Initiated	Programme Initiated

**II. DETAILS OF OUTREACH PROGRAMMES**

a) Specify, Legal Awareness Programmes conducted during the specified period in collaboration with other Governmental Organizations etc. While giving the details, include the following:

- Primary LSI involved;
- Name of the event;
- Resource Persons (Kindly only specify the designation and not the name of the officials involved);
- Date and location of the event;
- The intended outcome sought to be achieved from the event;
- Total number of participants;
- Total number of beneficiaries, if any. (Note: A participant becomes a beneficiary when he receives any kind of legal service other than awareness during the event)  
*Sample:* Youth NALSA, Mumbai in collaboration with Rural Safety AGO organized an awareness campaign titled "Rural Safety, Long Life" on 17/08/22 at Kharis Choud, Raichur, the event was headed by Secretary, NALSA, Mumbai and Dy. Superintendant, Area Office, Raichur. The campaign aimed at raising awareness about the ill effects of speeding. A total number of 50 persons participated.

b) Specify, Legal Awareness Programmes conducted during the specified period specific to any NALSA Scheme or any other State Scheme, and highlight innovative approaches that were adopted. While giving the details, include the following:

- Primary LSI involved;

- g. Name of the event;
  - h. Resource Persons (Kindly only specify the designation and not the name of the officials involved);
  - i. Date and location of the event;
  - j. The intended outcome sought to be achieved from the event;
  - vi. Total number of participants;
  - vii. Total number of beneficiaries, if any (Note: A participant becomes a beneficiary when he receives any kind of legal service other than awareness during the event)
  - viii. Kindly highlight special campaigns organised, if any, where vulnerable sections such as Senior Citizens, Tribal Communities, and Women are the intended beneficiaries.
  - ix. **Sample Text:** DASA, Jabalpur in collaboration with Food Safety KG organised an awareness campaign titled 'Tobal Rights' on 11.04.23 at Bapuji Community Hall, Jabalpur, the event was headed by Chairperson, DASA, Jabalpur, while Dy. Superintendent of Police was the Main Speaker. The camp provided of raising awareness about the rights of the tribal community. Participants were supplied of the NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2018. A total number of 50 persons participated. Aides Cards were distributed to 35 beneficiaries belonging to tribal community as part of the campaign.
- 3) **Special, Legal Awareness Programmes conducted during the specified period specific in compliance for to spread awareness of any directions of the Hon'ble Supreme Court or Hon'ble High Court. While giving the details, include the following:**
1. Primary LSI involved;
  - a. Name of the event;
  - ii. Resource Persons (Kindly only specify the designation and not the name of the officials involved);
  - h. Date and location of the event;
  - g. Name of the Case;
  - vi. The intended outcome sought to be achieved from the event;
  - vii. Total number of participants;
  - viii. Total number of beneficiaries, if any (Note: A participant becomes a beneficiary when he receives any kind of legal service other than awareness during the event);
  - ix. Highlight innovative steps taken in this respect (if any)
  - a. **Sample Text:** DASA, Raipur organised an awareness campaign titled 'Safe Workplace: Our Goal' on 11.08.23 at Community Hall, Raipur, the event was headed by Chairperson, DASA, Jabalpur, while Member, JCC, DASA was the Main Speaker. The campaign aimed of raising awareness regarding the directions of the Hon'ble Supreme Court in the matter 'Arundhan Arundhan v. State of Goa' to raise awareness regarding the provisions of the Protection of Women from Sexual Harassment Act, 2013. Participants were given information about the mediation facilities that each employer must comply with. A total number of 50 persons participated.



## **II. AWARENESS AND OUTREACH PROGRAMME: SCHOOLS AND COLLEGES**

### **1. STATISTICAL INFORMATION OF THE PROGRAMME**

No. of Programmes Conducted	No. of Schools/ Colleges Covered	No. of Students Participated	No. of Topics Covered	Sum of the Topics (Any Four)
				1
				2
				3
				4

### **II. DETAILS OF OUTREACH PROGRAMMES-**

- Specify Legal Awareness Programmes conducted during the specified period in collaboration with Schools, Universities, other Governmental Organizations, etc. Give details of any special campaign initiated or awareness session held with respect to Awareness Programmes on Sexual Abuse, Child Marriage, Child Abuse and Human Trafficking, provisions of the Child Marriage Act, POCSO Act, Prevention of Ragging, Programmes on Environment, Online Abuse and Violence, Conduct of Legal Literacy Classes, etc. While giving the details, include the following:
  - Primary LSI involved;
  - Name of the event;
  - Resource Persons (Kindly only specify the designation and not the name of the officials involved);
  - Date and location of the event;
  - The intended outcome sought to be achieved from the event;
  - Total number of participants;
  - Total number of beneficiaries, if any (Note: A participant becomes a beneficiary when he receives any kind of legal service either *thru awareness during the event*);
  - Highlight innovative steps taken in this respect (if any);

**ix. Sample Activity/Club, Active exercises/ an awareness campaign in collaboration with St. John School, Agumda Wari titled "Save Your Love: POCSO Act" on 11.08.22 at the Auditorium of the school. The event was hosted by a Senior Advocate, under 12.7 was the Guest Speaker. The campaign aimed at raising awareness regarding the provisions of the POCSO Act. Members of DLSA performed skit and drama. A total number of 30 persons participated. About 15 students were provided counselling as part of the campaign.**

## C. ACTIVITIES AND PROGRAMMES FOR PRISONERS-

### 1. STATISTICAL INFORMATION ABOUT THE PROGRAMMES-

No. of Inmate Units in the month:

No. of programmes conducted for Prisoners	No. of prisoners benefited	No. of UTRs provided Legal Aid	No. of Accused released on Bail pending Legal Aid	No. of Convicts provided legal Aid in the filing of appeals

### II. DETAILS OF ACTIVITIES AND PROGRAMMES-

a) Specify information regarding campaigns organised which were especially focused on the Jail inmates, these include:

- Legal Authorities' interaction with Prisoners;
- Jail Inspection by Legal Services Authorities;
- Advice and assistance by Panel Advocates;
- Awareness about Legal Aid Defence Counsel System;
- Programmes for providing vocational training.

b) Specify information regarding UTRC Meetings conducted (if any). While giving the details, include the following:

- Primary LSI involved;
- Date and location of the meeting;
- Total number of participants;
- Total number of persons in custody released subsequent to the steps taken after the recommendation of the last meeting;
- Any other steps taken in this respect (if any)
- Sample Text: UTRC held a meeting on 11/07/2023 at BLSA, South District. The Committee comprised of District and Sessions Judge (BLSA), Secretary, BLSA (BLSA), DCP (BLSA) and DM (BLSA). The committee took note that 12 persons in custody have been released pursuant to the recommendations made in the previous meeting. The committee also apprised the inmates about their right to free legal aid.

## D. CELEBRATION OF IMPORTANT DATE RELEVANT TO LSA:

### I. STATISTICAL INFORMATION ABOUT THE PROGRAMMES-

No. of Special days in the month	No. of days celebrated	No. of Participants	No. of beneficiaries

### II. DETAILS OF ACTIVITIES AND PROGRAMMES-

- Specify special campaigns organised to commemorate and raise awareness about Important Days. While giving the details, include the following:

- Primary LSI involved;
- Name of the event;
- The day that is being celebrated;
- Date and location of the event;
- Total number of participants;
- Total number of beneficiaries, if any (Note: A participant becomes a beneficiary when he avails any kind of legal service either *in-situ* or *ex-situ* during the event);
- Any other steps taken in this respect (if any)

**Sample Text:** TSSC, Govt organised an awareness campaign titled 'Mere Desh, Meri Shakti' on the occasion of 'Kargil Vijay Diwas' (20<sup>th</sup> July) at Community Hall, Pathan on 26.07.23. The event was headed by Principal District and Sessions Judge, Pathan who delivered the keynote address. The campaign aimed at raising awareness regarding the Welfare Schemes such as Widow Pension, etc. available to the families of soldiers who were martyred. A total number of 30 persons participated.

(Note: It is recommended that LSAs may celebrate/ commemorate only such Days/ Occasions which align with the aims and objectives of the Legal Aid Scheme as set out under the Legal Services Authorities Act, 1987.)

## **II. CAPACITY BUILDING / TRAINING PROGRAMMES-**

### **I. STATISTICAL INFORMATION ABOUT THE PROGRAMMES-**

PAA's			Peed Lawyer			Staff and Others (If Any)		
No. of programmes training Organized	Mode of Programme (In-person or virtual)	No. of Participants	No. of programmes training Organized	Mode of Programme (In-person or virtual)	No. of Participants	No. of programmes training Organized	Mode of Programme (In-person or virtual)	No. of Participants

### **II. DETAILS OF ACTIVITIES AND PROGRAMMES-**

- a) Specify Training Programmes, workshops, Lectures, etc. conducted during the specified period in collaboration with NGOs, Civil Societies, other Governmental Organizations, etc. Give details of any special campaign organized with respect to the following:
  - i Training Programme for Peed Advocates on various Legal Topics;
  - ii Training of staff and sensitization on NALSA Schemes and their implementation from time to time and training regarding NALSA Portals for filing Legal Aid forms on NALSA website;
  - iii. Training of any other nature.
- b. Sample Text: SUSA, Gujarat conducted Training-on-Sensitization Session titled 'The Art of Mediation' at Auditor Hall on 11.08.23. The participants were imparted training relating to the provisions of mediation. The event was attended by 180 participants including Peed Lawyers, PAA's, etc. from various ZSAs.

## **F. LEGAL SERVICES CLINICS-**

### **1. STATISTICAL INFORMATION ABOUT THE PROGRAMS-**

	No. of Persons Visited	No. of Persons provided Legal Assistance
Law Colleges/ Universities		
Villages		
Community Centers		
Courts		
Jails		
LSCs/LSCs/ Observation Homes		
For the people of Northeast.		
Others (PL Specify)		
Total		

### **E. DETAILS OF ACTIVITIES AND PROGRAMS-**

- a) Specify events/campaigns organized at various Legal Services Clinics (LSCs) during the specified period. Give details with respect to the following:
  - i. Name of the LSC involved.
  - ii. Name of the event.
  - iii. Resource Persons (Specify only specify the designation and not the name of the officials involved);
  - iv. Date of the event;
  - v. The intended outcome sought to be achieved from the event;
  - vi. Total number of participants;
  - vii. Total number of beneficiaries, if any (Note: A participant becomes a beneficiary when he receives any kind of legal service other than awareness during the event)
  - viii. Give details of campaigns organized at special LSCs such as Jails LSC, Observational Home LSCs etc.

## **G. Other Activities:**

Specify any other notable activity conducted by LSA. Kindly follow the general format as mentioned in various Sample Files above.

## **H. Success Stories:**

Mention success stories which highlight the unwavering spirit of LSA to provide legal assistance to vulnerable sections of the society. While providing the stories, kindly take note that the stories shall be brief. Success Stories shall include the following:

- i. Success Stories wherein Court based legal assistance was provided

**Sample Text:** P.U. XYZ associated with NLSA, Sargol counselled and assisted Smt. ABC who is single parentally from her husband due to violent harassment and divorce proceedings filed by her. The P.U. helped her in filing an Application for Legal Aid and as a result Adv. XYZ was assigned as an advocate to her, the advocate provided her counselling and filed a case for maintenance u/s 125, CrPC and for cruelty and harassment u/s 498A, IPC. Due to the constant efforts of the advocate, Smt. ABC has started receiving a monthly maintenance amount of Rs. 20,000. As a result of these efforts, Smt. ABC has been able to sustain her life and live independently.

- ii. Success Stories wherein assistance was provided in availing Welfare Schemes.

**Sample Text:** P.U. namely XYZ and Preet Langer ABC associated with NLSA, Mopar counselled & settled the matrimonial & property dispute between Smt. PQR & her in-laws and also helped her to get the job of her deceased husband by obtaining a re-appointment certificate from her in-laws. In this manner, the concerned officials ensured that a victim of matrimonial dispute was not only assisted in receiving justice, but was also enabled in securing employment.

\*\*\*

**Note:**

- i. Details pertaining to expenditure shall not exceed 100-120 words.
- ii. Number of events specified in a particular category shall not exceed 2-3 events. The events mentioned should be completed and shall signify the Aim, Objective and Vision as set out in the Legal Services Authorities Act.
- iii. Kindly provide photographs wherever necessary, the number of photographs shall not exceed 4. The focus of the photographs should be on the beneficiaries and volunteers.



F.No.L/12/2024/NALSA  
Dated: 11th July, 2024

To  
The Member Secretaries  
All the State Legal Services Authorities.

Sub: Framework for strengthening the functioning of the Prison Legal Aid Clinics.

Madam/Sir,

With the approval of the Hon'ble Executive Chairman, NALSA, a 'Framework for strengthening the functioning of Prison Legal Aid Clinics' has been prepared. The Framework is enclosed with this email, which seeks to strengthen the functioning of the Prison Legal Aid Clinics (PLACs) through regular monitoring and supervision, to ensure that timely and quality legal services are made available to the prisoners in the country.

2. The Formats prescribed in the Framework, are enclosed with this email, which include:
  - a) 'Inspection Form: Prison Legal Aid Clinic' (Format-A) to be filled up by the Secretaries of the DLSAs at the time of the monthly inspection of the PLACs in the jails in their respective districts.
  - b) 'Inspection & Evaluation Report of the Prison Legal Aid Clinic' (Format-B) to be filled up by the Chairmen of the DLSAs after they conduct the quarterly inspections of the PLACs in the jails in their respective districts. The said Inspection Reports (Format A and Format B) shall then be sent to the SLSA by the last week of March, June, September and December.
  - c) 'Report on Functioning of the Prison Legal Aid Clinics' (Format-C) for SLSAs to send a combined and comprehensive report of inspection of all PLACs functioning in the respective State/ UT to NALSA. The said reports are to be sent by 2nd week of April, July, October and January.
3. Kindly consider that 'NALSA's Standard Operating Procedures on Access to Legal Aid Services to Prisoners and Functioning of the Prison Legal Aid Clinics, 2022' (enclosed) is required to be referred while inspecting the PLACs.

Warm regards,

Yours sincerely  
Santosh Snehi Mann  
Member Secretary

## **Framework for Strengthening the Functioning of Prison Legal Aid Clinics**

1. The PLACs have been setup in all prisons across India pursuant to NALSA (Legal Services Clinics) Regulations, 2011. In 2016, NALSA prepared Standard Operating Procedures for Representation of Persons in Custody with the aim to bring uniformity in the functioning of the PLACs. These were subsequently revised in the year 2022 as the 'NALSA Standard Operating Procedures on Access to Legal Aid Services to Prisoners and Functioning of the Prison Legal Aid Clinics, 2022' (NALSA SOP- 2022).
2. The NALSA SOP- 2022 enumerates the following functions of the PLACs:
  - a) to ensure at all times that no person is without legal representation at any stage of the criminal proceeding and generate awareness about the same;
  - b) to bridge the information gap between the prisoner and the Court;
  - c) to facilitate communication between the prisoner and the lawyer, whether legal aid or private;
  - d) to ensure that no person is illegally or unnecessarily detained;
  - e) to ensure special needs of vulnerable groups (women, young offenders, mentally-ill, foreign nationals, persons from other states, etc.); in prisons are addressed;
  - f) to collaborate with local authorities, universities, academic institutions and civil society organisations to further strengthen legal aid services for prisoners;
  - g) to act as a One Stop Centre (OSC) to raise the grievances by prisoners and direct the grievances to appropriate authorities through DLSA; and
  - h) to undertake implementation of the NALSA and SLISA campaigns for prisoners or any other work assigned to fulfil its mandate of providing legal aid services and assistance to the prisoners.
3. In order to review and strengthen the functioning of the PLACs, the following steps shall be taken:
  - a) The Ld. Member Secretary, SLISA shall interact with the Chairmen & Secretaries, DLSAs regarding inspection of the PLACs and the reporting thereon, as per Formats A & B;
  - b) The Secretaries, DLSAs shall conduct monthly inspections of PLACs in each prison in their districts, and complete the inspections as per Format A. In their inspection form, they will outline the gaps identified in the functioning of the PLACs and the proposed action points to address the same, and discuss the same with the Chairman, DLSA;
  - c) The Ld. Chairmen, DLSAs shall conduct inspection of the PLACs in each prison in their district on a quarterly basis, as per Format B. Thereafter Format A and Format B shall be submitted to the SLISA by last week of March, June, September and December;
  - d) The Ld. Member Secretary, SLISA shall share consolidated information on functioning of PLACs in the State/ Union Territory, based on the inspection reports of Ld. DLSAs, as per Format C and share it with NALSA by the 2nd week of April, July, October and January;



- e) The Ld. Member Secretary, SLISA shall designate one Nodal Officer for monitoring PLACs' functioning and reviewing the PLAC Inspection Sheets, and regularly interacting with the Secretaries, DLSAs for addressing any challenges or concerns.
4. In addition to the above, the Ld. Member Secretary, SLISA shall also ensure that:
- 1) DLSA Secretaries visit and inspect the Prison Legal Aid Clinics at least once a month.
  - 2) DLSA Secretaries shall ensure that legal aid lawyers are appointed to represent all undertrials. In circumstances where any prisoner is found without legal representation during the visit by the DLSA, immediate steps shall be taken towards ensuring appointment of a counsel.
  - 3) DLSA Secretaries shall verify whether panel lawyers are meeting and interacting with prisoners including legal aid beneficiaries. In circumstances where panel lawyers are not interacting and communicating with the prisoners, the lawyer must be called to understand the concern and best respond to it.
  - 4) DLSA Secretaries shall check the prison conditions with respect to health, sanitation, food and hygiene in addition to access to legal representation. If any such concerns are raised, the same shall be shared with the Chairman of the DLSA, Member Secretary of SLISA as well as the Board of Visitors who have the authority to raise it to the Appropriate Authority.
  - 5) DLSA Secretaries shall track whether there are any instances of non-production at court hearings, be it physical or virtual. If such instances are reported, DLSA Secretaries to take immediate steps to rectify such occurrences.
  - 6) DLSA Secretaries shall ensure that concerns of vulnerable category of prisoners are heard and responded to.
  - 7) DLSA Secretaries shall check the documentation and reporting practices of the Clinic.
  - 8) DLSA Secretaries shall ensure that the PLVs and JVLs are able to perform their duties effectively and have access to the prison during official hours. They should ensure that no unnecessary hindrances are created by the prison officers, which may hamper the working of the PLACs.
  - 9) Quarterly visits to prisons are made by the Ld. Chairman, DLSA (District & Sessions Judge) to understand any concerns regarding prison conditions and to also look into the functioning of the PLACs.

## RETURN AND RECEIPT

### FORM NO. 1

#### INSPECTION REPORT, PREVIOUS LEGAL AID CASES

(To be completed by the Advocate, BARRISTER AT LAW or Solicitor, Barrister at Law)

1. Date and time of inspection \_\_\_\_\_

2. Name of the Prisoner \_\_\_\_\_

3. Type of Prisoner

☐ General    ☐ Victim    ☐ Juv.    ☐ Women    ☐ Sick    ☐ Other

4. No. of prisoners in date of visit

Male \_\_\_\_\_ Female \_\_\_\_\_ Juvenile \_\_\_\_\_ Other \_\_\_\_\_

Visit \_\_\_\_\_ Prisoner \_\_\_\_\_ Emergency \_\_\_\_\_

5. Details of legal services provided (per and pro representation) assigned to the Prisoner in legal aid scheme

Sl. No.	Name	Category (Not Visiting Prisoner, Government Prison, Prisoner's Friend)	Whether received satisfaction (Yes/No)	Days & timing of representation
1.				
2.				
3.				
4.				
5.				
6.				
7.				

6. In light of the foregoing of the PRISONER'S STATEMENT, the following is the report of the Advocate:

## ANNEXURE - 1A (Contd.)

### 7. Details of the Legal Aid applications received/ prepared at Private Legal Aid Clinic (PLAC) and forwarded to Legal Services Institutions (LSIs) in the 3rd month

No. of Legal Aid applications prepared in the PLAC						
Sl. No.	Application received to the LSI	Application forwarded to Legal Aid Agency for approval	Cases where intervention of lawyer was not required by the LSI by the period specified	Cases where intervention of lawyer was required by the period specified	Legal Aid applications received	
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						
32						
33						
34						
35						
36						
37						
38						
39						
40						
41						
42						
43						
44						
45						
46						
47						
48						
49						
50						
51						
52						
53						
54						
55						
56						
57						
58						
59						
60						
61						
62						
63						
64						
65						
66						
67						
68						
69						
70						
71						
72						
73						
74						
75						
76						
77						
78						
79						
80						
81						
82						
83						
84						
85						
86						
87						
88						
89						
90						
91						
92						
93						
94						
95						
96						
97						
98						
99						
100						

### 8. Checklist on PLAC form (Form as per Rule 34 of the LSI Act)

Sl. No.	Checklist on Available	Remarks/Comments completed, within the PLAC
A	<b>Information</b>	
	<input type="checkbox"/> Location of PLAC	
	<input type="checkbox"/> Application for registration	
	<input type="checkbox"/> Under supervision	
	<input type="checkbox"/> Financial viability plan/ proposal	
	<input type="checkbox"/> Other details	
	<b>Information on PLAC</b>	
	<input type="checkbox"/> Registration	
	<input type="checkbox"/> Under supervision	
	<input type="checkbox"/> Financial viability plan/ proposal	
	<input type="checkbox"/> Other details	
	<input type="checkbox"/> Proper quorum lawyers/in-house solicitors for sufficient number	
	<input type="checkbox"/> Information on PLAC form/ proposal for registration	

312 Hand Book on Legal Services Authorities Act with Regulations & Schemes of NALSA and others

**9. Functions and powers:**

*Functions of Legal Services Authorities for the BPL APL and MFL category*

Sl. No.	Points for interaction with the PLWC Foundation (Category wise approach)	Remarks
1)	<p><b>provision of legal aid and representation:</b></p> <ul style="list-style-type: none"> <li>□ Appointments for free legal aid and representation.</li> <li>□ A panel and scheme is available for the BPL, below 12 below 12, 12-15, etc.</li> <li>□ Free legal aid and representation for the BPL, below 12 below 12, 12-15, etc.</li> <li>□ Information on appointment of the legal aid lawyer is provided through the legal aid helpline.</li> </ul>	
2)	<p><b>Legal aid and representation:</b></p> <ul style="list-style-type: none"> <li>□ A panel of lawyers is available for the BPL, below 12 below 12, 12-15, etc.</li> <li>□ A panel of lawyers is available for the BPL, below 12 below 12, 12-15, etc.</li> <li>□ A panel of lawyers is available for the BPL, below 12 below 12, 12-15, etc.</li> <li>□ A panel of lawyers is available for the BPL, below 12 below 12, 12-15, etc.</li> <li>□ A panel of lawyers is available for the BPL, below 12 below 12, 12-15, etc.</li> <li>□ A panel of lawyers is available for the BPL, below 12 below 12, 12-15, etc.</li> </ul>	
3)	<p><b>Legal aid and representation:</b></p> <ul style="list-style-type: none"> <li>□ A panel of lawyers is available for the BPL, below 12 below 12, 12-15, etc.</li> <li>□ A panel of lawyers is available for the BPL, below 12 below 12, 12-15, etc.</li> <li>□ A panel of lawyers is available for the BPL, below 12 below 12, 12-15, etc.</li> <li>□ A panel of lawyers is available for the BPL, below 12 below 12, 12-15, etc.</li> <li>□ A panel of lawyers is available for the BPL, below 12 below 12, 12-15, etc.</li> <li>□ A panel of lawyers is available for the BPL, below 12 below 12, 12-15, etc.</li> </ul>	

Planning and guiding the programme of the lawyer		
10. Feedback on legal services being provided by PLM/LT practitioners <i>The involvement of the representative body is essential</i>		
Representative body questions		Remarks
10.1. <i>How PLM/LT is organised</i>		
10.1.1. <i>Has the representative body conducted a survey of the PLM/LT and the service it delivers?</i>		
1)	<input type="checkbox"/> <i>Yes</i>	
	<input type="checkbox"/> <i>No</i>	
10.1.2. <i>Has the representative body conducted a survey of the PLM/LT and the service it delivers to determine what the needs of the population are?</i>		
2)	<input type="checkbox"/> <i>Yes</i>	
	<input type="checkbox"/> <i>No</i>	
10.1.3. <i>Has the representative body conducted a survey of the PLM/LT and the service it delivers to determine what the needs of the population are?</i>		
3)	<input type="checkbox"/> <i>Yes</i>	
	<input type="checkbox"/> <i>No</i>	
10.2. <i>How the representative body is organised</i>		
10.2.1. <i>Has the representative body conducted a survey of the PLM/LT and the service it delivers to determine what the needs of the population are?</i>		
4)	<input type="checkbox"/> <i>Yes</i>	
	<input type="checkbox"/> <i>No</i>	
10.2.2. <i>Has the representative body conducted a survey of the PLM/LT and the service it delivers to determine what the needs of the population are?</i>		
5)	<input type="checkbox"/> <i>Yes</i>	
	<input type="checkbox"/> <i>No</i>	
10.2.3. <i>Has the representative body conducted a survey of the PLM/LT and the service it delivers to determine what the needs of the population are?</i>		
6)	<input type="checkbox"/> <i>Yes</i>	
	<input type="checkbox"/> <i>No</i>	
10.2.4. <i>Has the representative body conducted a survey of the PLM/LT and the service it delivers to determine what the needs of the population are?</i>		
7)	<input type="checkbox"/> <i>Yes</i>	
	<input type="checkbox"/> <i>No</i>	
10.2.5. <i>Has the representative body conducted a survey of the PLM/LT and the service it delivers to determine what the needs of the population are?</i>		
8)	<input type="checkbox"/> <i>Yes</i>	
	<input type="checkbox"/> <i>No</i>	

**Handbook on Legal Services Authorities Act with Regulations & Schemes of NALSA and others**

	<input type="checkbox"/> No
Q) Are all lawyers practising within the specified area under their registration required to do so?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Q) Are persons under stress the Complaints Cell and the Helpline Helpline free?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Q) Do all persons require a copy of the judgment in the written form in the case of a judgment?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Q) Is the LLM to be kept in the custody of the LLM?	<input type="checkbox"/> Yes <input type="checkbox"/> No

## חורד זאג

**Abstract**

1. **Project Title:** [Project Name]  
 2. **Client:** [Client Name]  
 3. **Project Manager:** [Project Manager Name]  
 4. **Project Start Date:** [Start Date]  
 5. **Project End Date:** [End Date]  
 6. **Project Budget:** [Budget Amount]  
 7. **Project Status:** [Status]  
 8. **Project Description:** [Description]  
 9. **Project Objectives:** [Objectives]  
 10. **Project Deliverables:** [Deliverables]  
 11. **Project Risks:** [Risks]  
 12. **Project Stakeholders:** [Stakeholders]  
 13. **Project Communication:** [Communication]  
 14. **Project Reporting:** [Reporting]  
 15. **Project Approval:** [Approval]

**Legal Aid Clinic.**

[illegible]

10. **Answer: A** Level 1, 2



## National Legal Services Authority

### 4. Setup and Functions of a Prison Legal Aid Clinic (PLAC) [Part A - SLP]

S. No	Parameter	Status	Evaluation (To mark if 'Yes' and 'No' if 'No')
<b>NOTE: Following parameters to be marked on the basis of observation, display and record.</b>			
4.1	Is a Prison Legal Aid Clinic (PLAC) established in the prison?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.2	Is the PLAC located in a corner room with door and window closed for privacy and not in Office Area of Prison/Office of Prison Superintendant?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.3	Does the PLAC have information board as - a notice board, all India Radio and TV, a computer and printer, internet access and high speed books (IPC, Cr.PC, Jail Manual)?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.4	Is the system information regarding PLAC printing material displayed in the common area inside jail cell?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.5	Whether the statistics of cases of all visiting lawyers (PLVs) and Para legal volunteers (PLVs) displayed in the PLAC, along with their names, displayed in the PLAC?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.6	Is information on PLAC spread through notice board or public communication system in the prison?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.7	Is the PLAC functional for the duration of days specified in the SLP?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.8	Are registered number of PLVs reported in the PLAC report sent to the WDP?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.9	Whether regular PLVs deployed to prison in transparent?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.10	Whether irregular PLVs deployed to prisons in transparent?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.11	Whether regular PLVs are reported to the WDP?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

### Standard legal services summary

4.13.	Whether summary P.V. is provided in the PLACT?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.14.	Whether summary P.V. is provided to the PLACT on a regular basis?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>PMSEK: Following parameters to be marked on the back of the letter with reference and personal information of PLACT.</b>		
4.15.	Has PLACT sent the number of letters to the PLACT on the day received in the office?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.16.	Whether the PLACT sends the PLACT the number of letters on the day received in the office?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.17.	Whether the PLACT sends the PLACT the number of letters on the day received in the office?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>PMSEK: Following parameters to be marked on the back of the letter with reference and personal information of PLACT.</b>		
4.18.	Whether the PLACT sends the PLACT the number of letters on the day received in the office?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.19.	Whether the PLACT sends the PLACT the number of letters on the day received in the office?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.20.	Whether the PLACT sends the PLACT the number of letters on the day received in the office?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.21.	Whether the PLACT sends the PLACT the number of letters on the day received in the office?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.22.	Whether the PLACT sends the PLACT the number of letters on the day received in the office?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>PMSEK: Following parameters to be marked on the back of the letter with reference and personal information of PLACT.</b>		

### Annexure C Legal Services Authority

Institutional efforts made to implement the PLSCs			
Q.20	Whether Formulas for decentralisation and capacity building provided in NALSA's Handbook of Norms for Legal Aid Societies, were adopted, especially for the PLSC?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Q.21	Whether Formula for decentralisation and capacity building provided in NALSA's Handbook of Norms for Legal Aid Societies, were adopted for Legal Aid Cells, Ward Offices, Awareness Brigades, Court Programs, Training, Reporting, etc. by Community PLSC?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Q.22	Whether Formula for decentralisation and capacity building provided in NALSA's Handbook of Norms for Legal Aid Societies, were adopted for Legal Aid Cells, Ward Offices, Training, Reporting, etc. by District PLSC?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Q.23	Whether results are monitored by relevant agencies in the concerned region/area/city?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Total Government Points			42

### 3. Procedures of Accountability for Legal Aid and the role of PLSC in institution operations and Legal Aid delivery (part of the Accountability)

S. No	Particulars	Answer	Contribution of Legal Aid and of PLSCs
PART III: Monitoring procedure for the implementation of the Handbook of Norms for Legal Aid Societies			
Q.24	<p>Are PLSCs/Cells and Awareness Brigades regularly monitoring programs and their results?</p> <p>• <input type="checkbox"/> Yes or <input type="checkbox"/> Legal Aid Department of court affiliated societies</p> <p>• <input type="checkbox"/> No or <input type="checkbox"/> Complaints and redressal cells and other Legal Aid delivery</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	

with the number of the days and interviews with the presence of a large, the language.		
with the following parameters to be entered in the form of the research instrument in part of the survey, the table and the data records:		
3.2.	In a research's instrument, the social and environmental data, within of limits of the region, ranging from 1990?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.3.	Whether the target city category is appended by the data within the limits of the region ranging from 1990?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.4.	Whether the information, secondary environmental, at least, has been used and has been used into the model with the PLU in a substantial?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.5.	Whether details of the form of application, use of appearance of a country, the survey was necessary to report that the data is considered completely needed to the PLU in the simulated realities and simulated economic behavior available?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Total assessment factors		____/14

Q.No	Parameters	Values	Estimated Probability (%)
PART B: Following parameters can be marked as the lack of information with reference			
Q.1.	Whether the TQM Information is held between the TQM framework and the processes after made adaptation in the process, system, culture?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Q.2.	Whether, processes are explained the influence of work day involvement?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

### Statistical analysis

[illegible]

## National Legal Services Authority

Q.10	<p>Did the National Authority?</p> <p>Whether P.M.A./M.A. interact with the 17 members of vulnerable sections enlisted in the P.M.A./M.A. during the lockdown?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	
	Total Approved Points		100

### B. PMASA Role in Providing Legal Information to Prisoners and their Families [Part B – NALSA/MP]

S. No.	Parameter	Status	Evaluation (Percent Yes and No of 100)
PMASA: Following parameters to be marked on the basis of information with prisoners.			
1.1	Are prisoners getting regular updates on their cases from the PMASA/MP?	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	
1.2	Are prisoners aware of their position on their case from their legal aid lawyer/legal aid helpline service?	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	
1.3	Are prisoners aware of the various legal remedies in the prison premises?	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	
1.4	Cell hygiene and food hygiene?	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	
1.5	Is a prisoner aware of the legal aid service NALSA/MPX provide in PMASA/MP?	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	
	Total Approved Points		100

### A. PMASA Role in Providing Legal Awareness among Prisoners and Vulnerable National Part A – NALSA/MP

S. No.	Parameter	Status	Evaluation (Percent Yes and No of 100)
--------	-----------	--------	--

### Section 10(3) Analysis summary

		Section 10(3)	
<b>NSDPR: Following parameters can be marked on the basis of observation.</b>			
6.1	Whether patient is kept in separate place for the purpose of treatment/visit of his/her parent?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6.2	The complaint has been accepted by the NSDPR?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>NSDPR: Following parameters can be marked on the basis of interaction with patients.</b>			
6.3	Is a legal aid service/guardian appointed regularly in the clinic?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6.4	In the Clinic are Gendered Boy/Girl every month as per the NSIP?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6.5	Whether available/able to maintain Gendered record of children as per parent?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Total assessment score			____/10

9. Legal aid service is being as per below can appear in the legal aid service report given by Gender Patients (Part F – NSDPR, NSIP)

Sl. No	Parameter	Status	Observation (If mark 10% of total NSIP score)
<b>Section 10(3) Following parameters can be marked on the basis of interaction with patients.</b>			
10.1	<p>On NSIP treatment scheme in operation:</p> <p>I. Whether legal aid/service is initiated.</p> <p>II. Whether initiated by Gender clinic.</p> <p>Whether clinic report challenge the order mandating the legal aid/service for the provision of legal aid service.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	

### Section 17(2)(b) - Review of documents

	Whether the review of documents proceeding before the District Court High Court/Magistrate Court and the presence of illegal content?		
Q16	Are reports received by the District/Magistrate/High Court regarding substance abuse/illegal content?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Q17	In a case of the substance abuse/illegal content available to the District/Magistrate Court for the purpose of the review?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Section 17(2)(b) - Review of documents to be reviewed after inspection of the documents			
Q18	Is a review of documents used by District/Magistrate Court for a substance abuse/illegal content review?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Section 17(2)(b) - Review of documents to be reviewed after inspection of the documents			
Q19	Does the District/Magistrate Court use an internet to the District/Magistrate Court regarding the inspection of the documents?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Total respondents			100%

### 1.6. Strengthening Communication of Processes with State Lawyers (Part II Section 18(2))

S. No	Question	Status	Percentage (Number of Yes/Total of 100%)
Section 18(2) - Strengthening Communication of Processes with State Lawyers			
Q20	Is relevant data available to District/Magistrate Court for a substance abuse/illegal content review?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Q21	Are the relevant documents with state lawyers/inspectors available to the District/Magistrate Court?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Q22	Is a District/Magistrate Court available to the District/Magistrate Court?	<input type="checkbox"/> Yes <input type="checkbox"/> No	



### Handbook Legal Services Authority

	Is there a need for the market to be monitored regularly with due transparency?	<input type="checkbox"/> Yes	
102.	Is information about the Value Confirmation Aiders provided to the person the Aider helps in investment process?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
103.	Are account associated with the Risk Score/Agreement Score kept in Review Committee meeting the Value Confirmation Aiders to monitor and perform?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Total Assessment Points			10%

### 11. Action Points for the ELA to Address Gaps in Compliance with the AUP

Action Points	
9.5a	
11.1	Setup and maintain an AUPs Legal Aid Clinic (LAC) [Para 5-2019]
11.2	Provision of education and legal aid to the poor and needy in providing representation of legal aid [Para 8-30, 30-3019]
11.3	ELA's role in providing Legal Aid Services and Legal education to vulnerable groups in remote places [Para 10-3019]
11.4	ELA's Role in Providing Legal Education to Prisoners and Other Detainees [Para 10-3019]
11.5	ELA's role in providing Legal Services among prisoners and prisoners National [Para 10-3019]
11.6	Legal Services to "High of Prisoners" Agreed to the High Court Superior Court, High Court and District [Para 10-3019]
11.7	Provision of representation of

## ANNEXURE 10: ANSWERS

10	<p>Examine with short answers (Part I) (10 Marks each)</p> <p>1. Explain the concept of legal aid.</p>
----	--

### 12. Summary of Assessment Table

S. No.	Variable (assessed)	Maximum Points
12.1.	Structure and Functions of a District Legal Aid Clinic (DLAC) (Part I & Part II)	20
12.2.	Explain the application of legal aid and how it is provided in the following: Application of legal aid lawyer (Part I & Part II) (Part I & Part II)	5
12.3.	PLAC's role in providing legal aid services and legal assistance in Voluntary Groups for Women (Part I & Part II)	10
12.4.	PLAC's role in providing legal information in Police and District Courts (Part I & Part II)	5
12.5.	PLAC's role in providing legal assistance among Police and District Courts (Part I & Part II)	5
12.6.	Legal Aid in Village of Police and District Courts in the High Courts (Part I & Part II)	5
12.7.	Explain the Organization of Police and District Courts (Part I & Part II)	5
<b>Total Assessment Points</b>		<b>70</b>

## ANNUAL RETURN FORM

### PLAINTIFF - A

PLAINTIFF A: 13/13/2014 13/13/2014 13/13/2014 13/13/2014 13/13/2014 13/13/2014 13/13/2014 13/13/2014 13/13/2014 13/13/2014

*To be submitted to the Member Secretary of the State Bar Council, Bar Council of India, New Delhi*

1. Name of Plaintiff
2. Total number of PLAINTIFFS
  - a. Total number of Plaintiffs
  - b. Total number of persons where more than one PLAINTIFF is involved
3. No. of PLAINTIFFS submitted weekly Inequality Form (Part A) Report to the Bar
  - a. No. of PLAINTIFFS submitted quarterly Inequality Report (Part B) as follows: \_\_\_\_\_
4. Data on which medals awarded by Human Rights, which with the Chairman & Association. Data will show the number of medals and award results.
5. Data on legal aid applications received by PLAINTIFF
 

*(Data on legal aid applications received by PLAINTIFFS will be provided to the Bar Council of India, New Delhi)*

**Total No. of Legal Aid Applications prepared in the PLAINTIFF**

PLAINTIFF	Application submitted to the Bar	Application submitted to the Bar	Cases where application of PLAINTIFF is accepted by the Bar to the extent of the application	Cases where application of PLAINTIFF is not accepted by the Bar to the extent of the application	Legal aid application received
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
32					
33					
34					
35					
36					
37					
38					
39					
40					
41					
42					
43					
44					
45					
46					
47					
48					
49					
50					
51					
52					
53					
54					
55					
56					
57					
58					
59					
60					
61					
62					
63					
64					
65					
66					
67					
68					
69					
70					
71					
72					
73					
74					
75					
76					
77					
78					
79					
80					
81					
82					
83					
84					
85					
86					
87					
88					
89					
90					
91					
92					
93					
94					
95					
96					
97					
98					
99					
100					



**NALSA**  
**STANDARD OPERATING PROCEDURES ON ACCESS TO**  
**LEGAL AID SERVICES TO PRISONERS AND FUNCTIONING**  
**OF THE PRISON LEGAL AID CLINICS, 2022**

**NATIONAL LEGAL SERVICES AUTHORITY**

**B-Block, Additional Building, Supreme Court of India,**

**Mathura Road, New Delhi- 110001**

**Website: [www.nalsa.gov.in](http://www.nalsa.gov.in); Email: [nalsa-dla@nic.in](mailto:nalsa-dla@nic.in)**

**BACKGROUND**

Section 12 of the Legal Services Authorities Act, 1987, provides that all ‘persons in custody’ are entitled to free legal aid. In 2015, NALSA wrote a letter to all SLSAs to constitute a prison legal aid clinic (PLAC) in every prison under their jurisdiction. A year later, the NALSA Standard Operating Procedure for Representation of Persons in Custody came into force in 2016 (hereinafter called ‘the 2016 SOP’). The 2016 SOP observed a number of policy gaps and issues and the need to standardize and streamline the functioning of the PLACs.

Recently, Hon’ble Executive Chairman of National Legal Services Authority, has visited the prisons in different states including Central Prison, Cherlapally (Telangana); District Prison, Bhondsi/Gurgaon (Haryana); Central Prison, Mumbai (Arthur road) and District Prison Byculla (Maharashtra); and Central Prison Tihar (Delhi). Based on his visits to these prisons, a number of issues were noticed that needed urgent attention.

With the aim to further strengthen the functioning of Prison Legal Aid Clinics and to ensure effective legal services to persons behind bars, the SOP 2016 has been revised, and this present Standard Operating Procedure 2022 (SOP 2022) is formulated by NALSA. This SOP highlights the priority areas and aims to address the day-to-day socio-legal challenges faced by the prisoners. For effective implementation of this SOP, a coordinated approach is required among the various functionaries of the criminal justice system with the legal services institutions.

**Definitions:**

- a) **‘Act’** means the Legal Services Authorities Act, 1987.
- b) **‘Legal Aid Clinic’** means the facility established by the District Legal Services Authority to provide basic legal services to the people with the assistance of Para-Legal Volunteers or Lawyers or any other arrangement, as the point of first contact for help and advice and includes legal services clinics set up under Regulation 3 and 24 the NALSA (Legal Services Clinics) Regulations, 2011.
- c) **‘Legal services institutions’** means a State Legal Services Authority, District Legal Services Authority or the Taluk Legal Services Committee or the High Court Legal Services Committee or the Supreme Court Legal Services Committee as the case may be;
- d) **‘Jail Visiting lawyer(s)’** means the lawyer(s) assigned work of visit to Prisons either from the panel prepared under regulation 8 of the NALSA (Free and Competent Legal

Services) Regulations 2010 or Legal Aid Defence Counsels appointed under the LADC scheme and also those who are offering services on pro-bono basis at the request of Legal services institution(s);

- e) **‘Para-legal volunteer’** means a para-legal volunteer empaneled & trained as such by a legal services institution and includes any other individual(s) rendering his/her services at the request of any of the Legal services institution(s);
- f) **‘Prison’** means Central Jail, District Jail, Sub Jail, Women Jail, Special Jail including High security Jail and Borstals.
- g) **‘Prisoners’** means all categories of prisoners including undertrials, convicts, detenues, and civil prisoners.
- h) **‘Prison Superintendent’** includes Deputy Superintendent and Officer Incharge of the jail.

**PART A: Set up and Functions of a Prison Legal Aid Clinic (PLAC)**

1. **Setting up of the Prison Legal Aid Clinic:** The District Legal Services Authority (DLSA) of every district shall establish a Prison Legal Aid Clinic (PLAC) within the premises of every prison under its jurisdiction. This is in furtherance of NALSA (Legal Services Clinics) Regulations 2011, which mandates the setting up of legal services clinic in prisons.
  - 1.1 **Location of the PLAC:** The Secretary DLSA shall, along with the Prison Superintendent, ensure that the PLAC is located at such a common area which has open and unfettered access for prisoners. Even in prisons, where there is paucity of space, in no circumstance the PLAC shall be located as part of the office building as this would hinder the access of prisoners to the PLAC.
  - 1.2 **Infrastructure of PLAC:** As far as possible, a separate well appointed room must be designated as a PLAC. DLSA shall ensure that every PLAC is equipped with adequate infrastructure including table, chairs, computer, internet, printer etc., as the need be. DLSA shall also provide atleast one set of basic law books preferably bilingual (English & language of state) including IPC, CrPC, etc. for use both by the functionaries of PLAC and prisoners.
  - 1.3 **Display of information on clinic timings:** The DLSA should ensure that information regarding the PLAC timings and location are displayed in common areas inside the prison. The names of the Jail Visiting Lawyer(s) (JVL) and Para Legal Volunteer(s) (PLV) on duty, and the schedule of their visits, should be clearly displayed inside the PLAC. Information regarding the clinic and presence of JVL or PLV can also be communicated to prisoners either through notice board in each enclosure or use of public announcement systems, where available.
  - 1.4 **Operationality of PLAC:** The suggested number of days for which every PLAC may be operational is as follows:
    - i. For every Central Prison, 5 days per week;
    - ii. For every District Prison, 4 days per week;
    - iii. For every Sub-Jail and other prisons, 2 days per week;
    - iv. For every Women Enclosure (as part of the main prison), 3 days per week.
2. **Purpose of the Prison Legal Aid Clinics (PLACs):** The objective of establishing and operationalizing the Prison Legal Aid Clinic in every prison in the country is

to provide meaningful, efficient and effective legal services and assistance to prisoners. It must be noted that the role of PLAC is not limited to only cater to the needs of prisoners who have opted for legal aid services, rather much broader and includes:

- a) to ensure at all times that no person is without legal representation at any stage of the criminal proceeding and generate awareness about the same;
- b) to bridge the information gap between the Prisoner and the Court;
- c) to facilitate communication between the Prisoner and the Lawyer, whether legal aid or private;
- d) to ensure that no person is illegally or unnecessarily detained;
- e) to ensure special needs of vulnerable groups (women, young offenders, mentally-ill, foreign nationals, persons from other states, etc.); in prisons are addressed;
- f) to collaborate with local authorities, universities, academic institutions and civil society organisations to further strengthen legal aid services for prisoners;
- g) to act as a One Stop Centre (OSC) to raise the grievances by prisoners and direct the grievances to appropriate authorities through DLSA; and
- h) to undertake implementation of the NALSA and SLSA campaigns for prisoners or any other work assigned to fulfill its mandate of providing legal aid services and assistance to the prisoners.

3. **PLAC Functionaries and their functions:** The objectives and aims of the Prison Legal Aid Clinics will be carried out by the joint working of para legal volunteers (be it from the community or from among the convicts in the prison) and Jail Visiting Lawyers.

### 3.1 **Jail Visiting Lawyers (JVLs)**

- 3.1.1 **Appointment and Tenure of JVLs:** JVLs shall be appointed by the DLSA from the office of LADC, if functional in the district and if not then from pool of panel lawyers. The tenure of the JVL must be such as to ensure a semblance of continuity and smooth transition to another individual. The number of JVLs appointed would be directly proportional to the population of inmates in the respective prisons they would be appointed to. The suggested proportion is as follows:

- a. For every Central & District Prison, 2 to 3 Jail Visiting Lawyers be appointed.
- b. For every Sub-Jail, 1 Jail Visiting Lawyer be appointed.

- 3.1.2 **Appointment of women advocates for women enclosures:** To ensure access to legal representation and assistance to women prisoners, the DLSA would select and appoint women jail visiting lawyer(s) to provide services in women enclosures and women prisons. Visit of women lawyers will ensure regular interactions with women prisoners confined in women enclosures and in women prisons. Steps should be taken towards ensuring interaction and communication between beneficiaries i.e. women prisoners and lawyers (both panel lawyers and jail visiting lawyers). It would be imperative for the panel lawyer to meet, interact and update the beneficiaries regarding their cases and progress charted.

- 3.1.3 **Appointment of transgender advocate, if available for transgender enclosure:** Where prisons have transgender enclosure, the DLSA should make endeavor to appoint a transgender jail visiting lawyer or a lawyer who has received specialized training to address concerns of transgender persons in detention.
- 3.1.4 **Periodicity of Visits to PLAC:** The JVLs must visit the clinics as many days as required and in accordance with the caseload. In instances of prisons with higher prisoner population, visits by JVLs must be made more frequently. The timings of visits must be fixed but not less than 3 hours per day and complied with to the maximum extent. The suggested periodicity of visits is as follows:
- For every Central Prison, at least 5 visits per week;
  - For every District Prison, at least 4 visits per week;
  - For every Sub-Jail, at least 2 visits per week for sub jails and other jails.
  - For every Women Prison/ Enclosure (as part of the main prison) - (i) with a women prison population of more than 100, at least two visits per week; (ii) with a prison population of less than 100, at least one visit per week. Similar periodicity can be adopted for transgender enclosures as well.
- 3.1.5 **Payment of JVLs:** The payment of honorarium to JVL(s) should normally include the costs incurred in the conveyance to the prisons and back. Additional payment on account of conveyance shall not be made from NALSA fund. The payment to the JVLs must be cleared promptly upon the submission of the weekly report(s) and proof of visit(s), if any. (The rate of honorariums may be revised on a regular basis, subject to directions of NALSA).
- 3.2 **Paralegal Volunteers:** In addition to appointment of JVLs for each PLAC, the DLSA should assign each PLAC with adequate number of convict and community PLVs.
- 3.2.1 **Appointment of Convict PLVs:** Convict PLVs shall be appointed by the DLSA from among the convicts lodged in the relevant prison. Presence of convict PLVs would ensure regular interaction of prisoners with PLVs, and further effective management of the clinics. The selection of the convict PLV would take into account the candidate's position among the prison population as well as minimum criteria of basic education, orientation, character and behavior necessary to ensure proper functioning, documentation and reporting to authorities.
- 3.2.2 **Appointment of Community PLV(s):** The DLSA secretary, should appoint community para-legal volunteer(s) to each PLAC, to bridge the gap between the beneficiaries and Legal Services Institutions. They would discharge similar responsibilities of regular and detailed interaction with prisoners, as convict PLV, but their presence in the community and regular visits/interaction with DLSA would ensure effective communication between the DLSA and the prisoners.
- 3.2.3 **Proportion of PLVs:** The number of PLVs appointed would be proportional to the population of inmates in the respective prisons they would be appointed to. The suggested proportion is as follows:
- For every Central Prison, 2 community & 2 to 3 convict PLVs be appointed.
  - For every District Prison, 1 community & 1 to 2 convict PLVs be appointed.
  - For every Sub-Jail, 1 community PLV be appointed.



- 3.2.4 **Tenure of PLVs:** The tenure would be for a minimum period as prescribed under any directions or policy either by NALSA or SLSA, subject to renewal post assessment of previous performance.
- 3.2.5 **Payment of PLVs:** The payment of honorariums will be made every month by the DLSA after due verification of necessary documents and bills but within 2 weeks after completion of month and submission of voucher/bill.
- 3.2.6 **Timely submission of reports & bills:** It shall be duty of the PLV to submit the reports, grievance or request of the prisoner to the DLSA at earliest. The claim/ voucher and duty report, if any have to be submitted without any delay but not later than one week.
- 3.3 **Orientation/Training of PLAC Functionaries:** The training/orientation of the Jail Visiting Lawyers and Paralegal Volunteers, whether convict or community, appointed to the PLAC, should be conducted, preferably, within the first month of their appointment. It must include the following:
- a) Overview of the prison administration and the role of prison personnel at different levels.
  - b) Information about prison population - sanctioned strength vs actual prison population, categories of prisoners lodged in the concerned prison and the demography of the prison population.
  - c) Legal aid system and grievance redressal portal,
  - d) NALSA mobile app and e-courts services portal,
  - e) General Dos and Don'ts during prison visits.
  - f) Frequency of prison visits and areas to be covered during prison visits.
  - g) Duties of PLAC Functionaries including identifying prisoners in need of legal aid or legal assistance with special needs of undertrials and convicts; assisting them by taking appropriate steps; legal awareness of prisoners; implementation of NALSA campaigns etc.
  - h) Duties regarding documentation work of the PLAC - names and formats of the registers to be maintained, documentation of the grievances of prisoners, follow up and their redressal, etc.
  - i) Functioning of the Under Trial Review Committees;
  - j) E-prison portal and other digital facilitation portals etc.
  - k) Information about any other task that may be assigned.
- 3.4 **General Functions of the PLAC Functionaries:** The duties for jail visiting lawyers and paralegal volunteers have been outlined in the NALSA's Handbook of Formats 2020. These are enumerated below:
- 3.4.1 **Jail Visiting Lawyers:**
- a) To visit the prison legal aid clinic as prescribed in most disciplined manner.
  - b) To identify cases eligible for release under the mandate of the Undertrial Review Committee (UTRC).
  - c) To interact with inmates identified by the paralegal volunteers and provide legal advice.
  - d) To draft applications and petitions for parole/juvenility/bail etc. for the

- undertrials and convicts present in the clinic.
- e) To ensure filling of legal aid application form for those who need legal aid lawyers and submit the same to the legal services authority, without any delay.
  - f) To conduct legal awareness camps inside prisons including apprising new entrants to prison about the free legal services provided by TSLC or SDLSC, DLSA, HCLSC and SCLSC.
  - g) To train the paralegal volunteers and oversee the effective functioning of the PLAC.
  - h) To regularly inform the inmates about the status of their cases.
  - i) To communicate to the defense lawyer any pertinent information that an inmate has requested to be shared with his/her lawyer.
  - j) To get acquainted with the prison manual and the other rules & regulations relating to prisons.
  - k) To ensure that the registers are filled by the paralegals accurately.
  - l) To record attendance and work in the registers available and also record in digital manner, if provided at the prison.
  - m) To also represent the inmates in courts in some cases, if appointed by the LSI but not otherwise.
  - n) To submit a weekly report of the work to the legal service institutions by 1st working day of preceding week.
  - o) To also submit a copy of the register of beneficiaries maintained at the clinic.
  - p) To ensure that a copy of the charge sheet or any document taken from any prisoner is returned.
  - q) To not canvass or solicit for any case in your private capacity.
  - r) To prioritise and focus on personal interactions with the inmates in the PLAC during the visit and then document and prepare the petitions.
  - s) To send intimation to the DLSA in advance if he is unable to visit the PLAC on a particular day.
  - t) To assist the UTRC by coordinating with the inmates and the courts on cases eligible for release.
  - u) To follow the directions given under NALSA SOP for representing persons in custody.
  - v) To bring into notice of DLSA about the concern of inmates in respect of conditions in jail.
  - w) Updating information on digital platform of legal aid and legal aid e-prison.
  - x) Working on NALSA mobile app and digital report mechanism.

#### 3.4.2 Paralegal Volunteers:

- a) To manage/ organise legal aid clinics inside prisons, as prescribed.
- b) To take steps towards identification of inmates who are in need of legal assistance.
- c) This would involve reaching out to all prisoners whether beneficiary of legal aid or not, especially the new entrants.

- d) To seek permission from the prison authorities to visit the wards/ enclosures of prisoners to ascertain that no one remains unrepresented.
- e) To fill out the legal aid application form and promptly send it to the concerned DLSA/SDLSC & also ensure that the prisoners interact with the jail visiting lawyer on his next visit to prison.
- f) To coordinate and assist the jail-visiting lawyers in providing legal advice and aid.
- g) They would also give updates on the case of the inmates.
- h) To counsel inmates and explain any legal provision pertaining to their case. Where there are doubts, then refer the case to the Jail Visiting Lawyer.
- i) To receive legal aid lawyer appointment letters, replies from legal service institutions and other authorities, maintain record and give copies to the concerned prisoner.
- j) If you come across a prisoner who claims to be a juvenile at the time of commission of offence or at arrest, to draft an application to bring the case to the attention of the concerned Legal Services Authority, Juvenile Justice Board and the Child Welfare Committee.
- k) To submit weekly reports to the DLSA.
- l) To submit reports to the DLSA about the Undertrial Review Committee on cases eligible under section 436/436A Cr.P.C.
- m) To write to the concerned LSI about any queries, grievances or for shortage of any basic requirements for the smooth functioning of the clinic.
- n) In case of community PLV to contact the family members of the inmates so as to intimate about his detention and if needed facilitate interviews with family members
- o) To keep track of non-production of any inmate in the court as per the date given and inform the Secretary, DLSA/SDLSC or TLCS.
- p) To assist the inmate in filing any complaint or grievances relating to their stay in prison.
- q) To maintain the registers in the clinic. The Paralegal Volunteers shall maintain registers recording name, fathers name, age, date of admission, offences charged under, case ref & concerned court, details of lawyer, status of case, next production.
- r) To regularly update the registers. In particular, document each prison clinic, record information on all cases, and assist in follow up of cases such as case status, bail, lawyer appointment, next date of hearing, communicating client instructions.
- s) To keep a record of the letters, applications, and petitions written through prison and sent to relevant agencies and similarly keep a record of the documents received.
- t) To send reminders/ letters to the corresponding Legal Services Authority to seek information regarding status of case, name and contact details of the assigned legal aid lawyer.

- u) To send a monthly report of their work to the Secretary of the DLSA/SDLSC or TLCS by 5th of every month.
  - v) To submit a copy of the legal aid register for review to the Secretary of the DLSA/ SDLSC or TLCS every month.
  - w) To not seek any money/ benefits for the work done from the inmates or their families.
  - x) Updating information on digital platform of legal aid and legal aid e-prison.
  - y) Working on NALSA mobile app and digital report mechanism.
- 3.5 Documentation and Reporting in PLAC**
- 3.5.1 Formats used at different stages:** Kindly refer to the formats available in NALSA's Handbook of Formats 2020:
- a) Section 1 - Chapter IV (Pages 15 - 19) for Jail Visiting Lawyers appointed to Prison Legal Aid Clinics.
  - b) Section 1 - Chapter V (Pages 20 - 25) for Community Para Legal Volunteers appointed to Prison Legal Aid Clinics.
  - c) Section 1 - Chapter VI (Pages 26 - 32) for Convict Para Legal Volunteers appointed to Prison Legal Aid Clinics.
- 3.6 Digitization of records:** All these records must be maintained on the computers available in Prison Legal Aid Clinics and regularly updated by JVL and PLV as per directions.
- 4. Monitoring of functioning of PLAC by DLSA**
- 4.1 Periodicity of visits by DLSA Secretary:** DLSA Secretary will visit and inspect the Prison Legal Aid Clinics at least once a month.
- 4.2 Role of the DLSA Secretary during prison visits:** The following is the role:
- a) To ensure that legal aid lawyers have been appointed to represent all undertrials. In circumstances where any prisoner is found without legal representation during the visit by the DLSA, immediate steps to be taken towards ensuring appointment.
  - b) To verify whether panel lawyers are meeting and interacting with prisoners including legal aid beneficiaries. In circumstances where panel lawyers are not interacting and communicating with the prisoners, the lawyer must be called to understand the concern and best respond to it. If need be, where deemed appropriate by the Secretary, DLSA, the concern lawyer may be removed from the panel, and a fresh appointment initiated.
  - c) To check the prison conditions with respect to health, sanitation, food and hygiene in addition to access to legal representation. If any such concerns are raised, the same shall be shared with the Chairman of the DLSA, Member Secretary of SLSA as well as the Board of Visitors who have the authority to raise it to the appropriate authority.
  - d) To track whether there are any instances of non-production at court hearings, be it physical or virtual. If such instances are reported, take immediate steps to rectify such misgivings.
  - e) To ensure that concerns of vulnerable category of prisoners are heard and responded to.

- f) To ensure and check the documentation and reporting practices of the Clinic.
  - g) To ensure that the PLVs and JVLs are able to perform their duties effectively, and have access to the prison at all times. They should ensure that no unnecessary hindrances are set forward from the prison officers, which may create hurdle in working of the PLAC.
- 4.3 **Periodicity of visits by the Chairman, DLSA (District & Sessions Judge):** The Chairman, DLSA (District & Sessions Judge) shall visit the Prison Legal Aid Clinics at least once in three months. He would also visit the premises of the prison to understand any concerns regarding prison conditions, and also enquire into the functioning of the PLAC. They may also interact with prisoners to received feedback for services provided.
- 4.4 **Role of the Chairman, DLSA during prison visits:** The Chairman DLSA would undertake to inspect the condition of the prisons, communicate with the inmates to understand their concerns with respect to their regimen, food, sanitation hygiene etc. in addition to access to legal representation. In circumstances where concerns are raised, the same may be raised in the meetings with the Secretary, DLSA to take measures to combat them. Specialized formats for documentation of prison visits by the Chairman may be prepared by the SLSA.
5. **Role of Law Colleges/Students in assisting DLSA in the functioning of PLAC:**  
Law College through their legal aid clinics and law students can assist the Legal Services Institution to ensure minimum levels of legal awareness among persons in custody. Furthermore, students can support panel lawyers in providing legal research for their legal aid matters. Lastly, they can also be appointed as volunteers to assist the Legal Services Institutions in bridging gaps with geographically remote locations to ensure access to justice. Formal proposals for collaboration in assisting prison legal aid clinics by university/ college legal aid clinics, may be considered by the Chairman, DLSA and appropriate permission may be granted for collaborative work.

**PART B: Process of Application for legal aid and Role of PLAC in Facilitating Appointment of legal aid lawyer**

6. **Awareness about legal aid:** The JVLs, PLVs and Secretary, DLSA shall regularly inform prisoners about the following during their periodic visit to prisons:
- a) prisoners' right to legal aid and that a legal aid lawyer is provided free of charge to the prisoner, irrespective of their financial status.
  - b) prisoners' right to complain and seek redressal if a legal aid lawyer asks for any remuneration, monetary or otherwise, from the prisoner or prisoner's family or if s/he is dissatisfied by the services of a legal aid lawyer. In such cases, the legal aid lawyer should be immediately replaced and appropriate steps shall be taken by the DLSA Secretary and the Chairman, DLSA to verify the claims, and take appropriate action.
7. **Application for legal aid:** If any prisoner, at any stage of remand/trial/court proceeding, wishes to apply for legal aid, s/he may contact the JVL or PLV appointed

to the PLAC. S/he may also approach the DLSA Secretary during their prison visit with the request to appoint a legal aid lawyer.

- 7.1 As soon as the JVL/PLV receives the request, whether oral or written, by a prisoner to apply for legal aid, the application in the prescribed form shall be made by the PLV. The application shall urgently be sent/ handed over to the DLSA Secretary within 24 hours of the request so received.
- 7.2 On receipt of the application for legal aid, the DLSA Secretary shall check with the trial court if the lawyer has already been appointed in that case, and in case it is not, s/he shall ensure that a legal aid lawyer is appointed with 48 hours of the request so received.
- 7.3 The intimation regarding appointment of lawyer along with the contact details of the lawyer, as per prescribed format in NALSA's Handbook of Formats 2020, shall be immediately sent to the prison which in turn should be handed over to the concerned prisoner.
- 7.4 Details of the date of application, date of appointment of lawyer and details of lawyer appointed should be updated by the PLV in the designated registers and online databases, where available.

**PART C: PLAC's Role in providing Legal Aid Services and Legal Assistance to Vulnerable Groups in Prisons**

8. **Newly Admitted Prisoners and 'Case Table':** A person is most vulnerable as soon as s/he is admitted in the prison. S/he requires assistance to navigate through the initial procedures in prison and is in need of support and guidance. For this purpose, 'Case Table' shall be organised for all the newly admitted prisoners on the same day or the next day of the admission. During case table, following officials/ persons shall be present:
  - a) Prison Superintendent/officer-in-charge
  - b) Para legal Volunteers appointed in the PLAC
  - c) Full-time Medical Officer of the prison, if any
  - d) Any other prison officer/staff that the Superintendent directs to be present
- 8.1 The Prison Superintendent shall explain the offences under which the person has been sent to judicial custody; general rights and duties of prisoners and the day-to-day processes inside prison.
- 8.2 During the case table, the Prison Superintendent shall enquire about the following from every newly admitted prisoner and a note of the same shall be made in a separate register maintained by the PLACfunctionaries:
  - a) Whether an undertrial is represented by a legal counsel. If not, s/he must be informed of their right to legal aid services. In case an undertrial is willing to apply for legal aid, such application must be submitted to the DLSA within 24 hours of the request so received. The same must also be documented in a register. In case the person needs time to consider, the paralegal/s shall do the follow-up once every two days till the person has either engaged a private lawyer or agrees to opt for a legal aid lawyer.
  - b) **Whether a prisoner has informed his/her family member about his/**

**her imprisonment.**

- i. If any prisoner has not been able to inform his/her family, the paralegal/JVL shall immediately inform the Prison Superintendent and it has to be ensured that the undertrial is able to speak to his/her family at the earliest either virtually or telephonically.
  - ii. There may be the situation that the prisoner's mobile phone is confiscated by the police at the time of arrest and the person does not remember the contact number of the family member/relative/friend, in such circumstances, a coordinated effort is needed, on behalf of the Prison Superintendent and the concerned police station where the person's belongings may be placed, to procure the contact number/s of the family member/relative/friend.
  - iii. In case the person is unable to communicate with his/her family, and the prisoner belongs to another district or state, the DLSA Secretary in whose jurisdiction the prison is located, shall contact the concerned DLSA or the SLSA of the state, where the relative of the prisoner resides to enable communication between them.
  - iv. To enable prompt communication, postcards, specially developed for the purpose by the postal department and provided free of cost to the prisons, duly filled shall be sent by post to the home/ permanent address of the prisoner, duly signed by the Prison Superintendent and the DLSA Secretary. The PLVs shall conduct this task on a regular basis.
- c) **Where a prisoner needs any urgent medical attention.** In such a case, the paralegal/JVL shall immediately inform the Prison Superintendent and the Medical Officer, attached with the prison. If the prison does not have a full-time medical officer, such undertrial shall be immediately attended as per protocol and the concerned court shall be informed of the same.
- d) **Where a prisoner belongs to another state or country.** An undertrial belonging to any other state may need assistance in understanding the local language in case his/her mother tongue is different, contacting family/ relative/ friend, getting clothes and basic necessities, getting used to the local food, arranging for local surety in case bail is granted, etc. Special attention shall be given to such persons in coordination with the prison authorities. The Superintendent may request the DLSA to arrange for a translator to enable the prisoner to understand the legal proceedings in his/her case.
- e) **Where an undertrial appears to be a minor.** If the person appears to be a minor, the PLV shall enquire about the age proof of the person. In case, the person claims to be below 18 years of age, the PLV shall immediately inform the Prison Superintendent and the DLSA Secretary. An application shall be filed immediately to the concerned court on behalf of the person by the DLSA requesting:
- i. to initiate the proceeding to determine the age of the person and;
  - ii. to immediately transfer the person to the Observation Home under

S.9(4) of the Juvenile Justice (Care and Protection of Children) Act, 2015, while the age of the person is being determined by the court.

- f) **The whereabouts of children of newly admitted prisoners.** In case, there is a child or children who may be alone and without any family support outside, the same shall be immediately communicated by the Superintendent to the DLSA Secretary, who will intern communicate this to the district Child Welfare Committee to ensure safety and care of children.
9. **Legal Assistance to Other Vulnerable Groups in Prisons:** While everyone is vulnerable in prison, there are certain categories of prisoners who need more attention due to their special needs. In order to identify them, the PLV/JVL shall visit all the barracks/wards of the prison regularly. It is important for the PLAC functionaries to play a proactive role and reach out to them directly. The prison authorities shall grant permission to the JVL/PLVs to interact with prisoners. The PLV/JVLs shall frequently communicate with the prisoners falling under the following categories and inform the DLSA Secretary about their grievances, if any, during his/her visit to the prison -
- a) Women Prisoners
  - b) Transgender Prisoners
  - c) Prisoners belonging to other states
  - d) Prisoners without family support
  - e) Prisoners who are unable afford surety for bail
  - f) Older Prisoners
  - g) Young Offenders and Alleged Juveniles
  - h) Prisoners Suffering from Mental Illnesses
  - i) Prisoners suffering from Physical Disabilities
  - j) Prisoners suffering from alcohol and drug dependency, terminal illnesses, HIV and other medical issues
  - k) Foreign National Prisoners
  - l) Asylum seekers and refugees
  - m) Stateless prisoners
  - n) Prisoners on Death Row
  - o) Prisoners on Life Sentence
  - p) Prisoners belonging to religious and caste-based minorities
  - q) Prisoners given prison punishment

#### **PART D: PLAC's Role in Providing Legal Information to Prisoners and their families**

10. **Case Status Information:** Undertrials shall be provided information about the status of their case/es by the PLAC once in two months. Special attention shall be given to apprise women prisoners about their case status and making them aware about the stages of hearings, etc. Lawyers may also be encouraged to send updates on the progress of cases to their clients in prison. For this purpose, NALSA portal or postcards can be specially developed by the postal department and provided free of cost to the legal aid lawyers from the DLSA Office.



11. **E-court Kiosks:** PLAC shall ensure that the kiosks provided to all prisons under the e-courts project are operational at all times. In case they are not, the same shall be communicated to the Prison Superintendent and DLSA Secretary so that time steps could be taken.
12. **Access to information by Family members:** The PLAC and the prison shall publicize about NALSA's portal through which family members could access the information about the case/s of their relative detained in prison.

**PART E: PLAC's Role in providing Legal Awareness to Prisoners and Grievance Redressal**

13. **Legal Awareness Programs in Prisons:** Apart from the information related to their case status, prisoners shall be regularly made aware, through legal awareness programmes by the DLSA about the following from time to time:
  - a) right to legal aid and the procedure for applying to legal aid;
  - b) stages of trial and rights of accused at different stages of the trial;
  - c) information about compoundable offences;
  - d) Eligibility and process of plea bargaining;
  - e) eligibilities under the Undertrial Review Committees;
  - f) process of filing of appeals/petitions;
  - g) process of filing for parole/furlough;
  - h) eligibilities under the state prison rules on premature release of prisoners and the process regarding the same;
  - i) information about legal procedures in special laws like NDPS Act, POCSO Act and state local laws;
  - j) Any other subject that is peculiar to a particular district/state or that the DLSA Secretary thinks appropriate.

The DLSAs may display informative posters covering any or all of the above topics inside the common areas of the prison, in local languages for raising awareness among prisoners.

14. **Grievance Redressal of Prisoners:**
  - 14.1 **A Complaint box** must be set up in the PLAC in every prison by the DLSA and prisoners must be informed about the same and must be encouraged to raise their grievances without any fear. It must be under the lock and the key must be with the Chairman, or Secretary, DLSA only.
  - 14.2 **The DLSA must fix a day at least once in a month as the 'Grievance Redressal Day'**, for example the second or last Saturday of every month. The DLSA Secretary may visit the prison on the fixed day and open the complaint box and interact with the concerned prisoners in the absence of the prison staff. The PLV/JVLs shall assist them in the process. Appropriate steps shall be taken by the DLSA Secretary.
  - 14.3 **As far as possible**, the identities of the complainant shall be kept confidential and in case it is shared with the prison staff, the DLSA Secretary shall ensure that there should be no repercussions/ backlash on the complainants by the prison staff.

**PART F: Legal Assistance in Filing of Petitions/Jail Appeals in the High Court/ Supreme Court by Convict Prisoners**

15. The DLSA, in coordination with the prison and the PLAC shall ensure smooth filing of petitions of convicts in High Court and Supreme Court:
- 15.1 As soon as the order rejecting bail or an order of conviction is pronounced by the court (District Court or High Court), a prisoner shall be informed by the PLAC regarding the right to bail/appeal/review/revision in the High Court/Supreme Court and the process of filing the same.
- 15.2 Steps must be taken promptly through the PLAC to apply for appointment of lawyer by the High Court Legal Services Committee (HCLSC) or the Supreme Court Legal Services Committee (SCLSC), as the case may be. A record of such application must be made in the designated register/database.
- 15.3 Where copy of judgment is not available with the prisoner, the DLSA shall make available an extra copy of the judgment to the prisoner to enable filing of the petition/jail appeal.
- 15.4 The PLVs/JVLs shall prepare and collate the relevant documentation necessary for filing of the petition/jail appeal. The same shall be sent to the concerned HCLSC/SCLSC by the DLSA.
- 15.5 Upon receiving a request for legal assistance, the HCLSC/SCLSC must immediately appoint a lawyer to the case, and details of whom must be duly intimated to the prisoner via the prison superintendent, as per prescribed formats provided in the NALSA's Handbook of Formats 2020.
- 15.6 Details of the lawyer appointed by the HCLSC/SCLSC must be duly noted in the register/databased maintained at the PLAC.
- 15.7 Regular interaction and communication between the counsel and the client/ convict must be ensured by SCLSC, HCLSC, DLSA and SLSC in order to update the beneficiary as to the progress of the case. Where the prisoners complain of lack of interaction with the lawyer assigned by HCLSC/SCLSC – the DLSA shall intimate the same to the HCLSC concerned /SCLSC at the earliest.
- 15.8 The PLV shall provide updates to the prisoner on progress in his/her case. Information may be sourced directly from the HCLSC/SCLSC or through the relevant Court websites.
- 15.9 DLSA may undertake to jointly conduct camps with HCLSC/SCLSC to apprise prisoners of the various remedies in law for bail/appeal/review/revision as well as writ remedies.

#### **PART G: PLAC's Role in the Under Trial Review Committees (UTRC) process**

16. The PLAC functionaries can play an important role in identifying the eligible persons under the mandated categories of review of the UTRC and assisting the prison and the DLSA:
- 16.1 The JVLs and PLVs shall be well informed about the eligible categories of cases that are reviewed by the district-level Under Trial Review Committee.
- 16.2 In case they come across any eligible prisoner within these eligible categories of the UTRC, they shall inform the DLSA Secretary about the same so that a particular case can be shortlisted and reviewed by the UTRC in its next meeting.

## **PART H: Strengthening Communication of Prisoners with their Lawyers**

### **17. Role of Legal Services Institutions:**

- 17.1 DLSA shall ensure that there is effective communication between the lawyer and the prisoner. In cases of physical meeting at Prison, the prison authorities will provide adequate space for lawyers to interact with their clients in a confidential manner. The rules for lawyers to seek visitation/interviews with their clients must be duly displayed outside the prison, in the court complex and made available to the Bar Association. Where lawyers are willing to communicate via video conferencing, DLSA can set up a video conferencing facility in the district courts complex for this purpose that would allow lawyers, whether private or legal aid, to communicate regularly with their clients in prisons. On the side of the prisons, DLSA shall ensure that the video conferencing facility set up in prisons is utilised for communication with lawyers and evening hours are fixed on daily-basis, in coordination with the Prison Superintendent. The information about such a facility shall be publicised by the DLSA at both ends, in the court complex and prison/s falling under their jurisdiction and lawyers and prisoners must be encouraged to use the facility.
- 17.2 The High Court/Supreme Court Legal Services Committees and the State Legal Services Committee shall also coordinate with the Prison Superintendent to ensure that there is effective communication between prisoners and lawyer appointed to represent cases in the High Court and Supreme Court via video conferencing.

## **PART I: Role of the Trial Court**

### **18. Role of the Trial Court:**

- 18.1 **Regarding conduct of Videoconferencing hearing:** The trial court will ensure effective communication between the lawyer, whether private or legal aid, and the client in prison, when the accused is produced through video-conferencing. The court shall give time for them to communicate before and after the virtual hearing.
- 18.2 **Regarding cases of prisoners belonging to other states or countries:** In case the accused belongs to another state or is a foreign national and his/her mother tongue is different from that of the state where he is being tried, if it is felt by the court or requested by the accused, the trial court shall request the District and Sessions Judge for an interpreter to be present in all the hearings and during communication with the lawyer to ensure that the right of self defense is fully exercised by the accused. The payment for an interpreter in such cases may be made from the NALSA grant by the DLSA/SLSA.

## **PART J: Role of the Prison Superintendent**

19. **Role of the prison superintendent in ensuring effective functioning of PLAC**
- The prison superintendent must ensure that PLVs/JVLs are provided necessary permissions to conduct the PLAC inside prison.
  - Adequate space must be allocated for setting up the PLAC.
  - The PLVs must be permitted to display information regarding the PLAC in common areas inside the prison.
  - An attendance register for visits by the community PLV and JVL to the prison, as well as the number of times the PLAC has been conducted in

prison, should be kept with the prison superintendent. This must be shared with the DLSA at the end of every month.

- e) The prison superintendent should seek feedback from prisoners regarding working of the PLAC and any grievances against the PLVs/JVLs so received must be duly communicated to the DLSA.
- f) The prison superintendent must ensure that PLVs/JVLs do not engage in any activity for soliciting clients for their own private practice, or any other lawyer.



**APPROVAL OF NEW CENTRAL SECTOR SCHEME NAMELY  
"LEGAL AID DEFENSE COUNSEL SYSTEM (LADCS)  
SCHEME WITH AN OUTLAY OF RS. 998.43 CRORE FOR THE  
PERIOD OF 3 YEARS (FY 2023- 24 TO FY 2025-26)-REG**

**GOVERNMENT OF INDIA  
DEPARTMENT OF JUSTICE, MINISTRY OF LAW & JUSTICE  
NATIONAL LEGAL SERVICES AUTHORITY**

**B-BLOCK, GROUND FLOOR, ADDITIONAL BUILDING COMPLEX,  
SUPREME COURT OF INDIA, NEW DELHI-110001  
COMMUNICATION ADDRESS-JAISALMER HOUSE, 26,  
MAN SINGH ROAD, NEW DELHI-110011  
EMAIL: naisa dia@nic.in WEBSITE: www.nalsa.gov.in 23381450  
PH: 011-23382778, 21 FAX: 011-23382121**

F. No. L-27/2022-NALSA(Part File)/ 4678-4714

27th March, 2024

To,  
The Member Secretary,  
All the State Legal Services Authorities

Sir/Madam,

With the approval of Hon'ble Executive Chairman, NALSA, I am directed to forward herewith Letter No. A-60011/22/2023-LAP(JUS) (E-8407) dated 15.03.2024 and final EFC Memorandum dated 05.03.2024 received from Department of Justice, Ministry of Law & Justice inter- alia conveying that the proposed Central Sector Scheme namely "Legal Aid Defense Counsel System (LADCS) Scheme" for 3 years (F.Y. 2023-24 to F.Y. 2025-26) with outlay of 998,43 crore has been approved by Ministry of Finance. It is requested that said letter dated 15.03.2024 and final EFC Memorandum dated 05.03.2024 may kindly be placed before the Hon'ble Executive Chairman and Hon'ble Patron-in-Chief. SLISA for information and ensuring compliance.

In this regard, it is stated that "Legal Aid Defense Counsel System (LADCS) Scheme" will be funded with 100% Central share with an outlay of 2998.43 crore for the period of 3 years (FY 2023-24 to FY 2025-26) till FY 2025-26 after which Central share will be scaled down to 75% in 4th & 5th year (2026-28), 50% in 6 & 7th year (2028-30) and 25% in 8th year (2030-31).

Thereafter, LADCS would be completely funded by the State Governments. Primarily, finances are required for monthly honorarium (to support manpower, on contractual basis: 13 nos, personnels for each LADCS office in the 1st year FY 2023-24 and 17 nos. personnels for each LADCS office in the following 2 years (FY 2024-25 & 2025-26) as indicated in Annexure 1(B) of final EFC Memo circulated vide DoJ OM dated 05.03.2024 including expenses incidental to litigation and other Further, I am under direction to request your goodself to ensure that the terms of contract entered into for LADCS office with the Counsels, Office Assistant and others must be so designed as to prevent any claim of the contractual persons to regular Government positions or to Government pay, allowances or perquisites. The contract should clearly stipulate that the payments are as honorarium or on retainer basis and not salaried. The contract entered into with the Counsels and others shall be enforced for two years initially and extended by one year on performance basis. Clear performance yard stick may be incorporated in the contract. There is need for transparent selection process, as the success of the scheme will depend upon the team of Defence Counsels at the District level.

With regards,

Yours sincerely,

(Shailendra Kumar)  
Accounts Officer, NALSA  
Encl: As above

**No. A-60011/22/2023-LAP(JUS) (E-8407)**

**Government of India  
Ministry of Law & Justice  
Department of Justice**

Jaisalmer House  
26, Man Singh Road, New Delhi  
Dated: 15.03.2024

To  
The Member Secretary,  
National Legal Services Authority (NALSA),  
Jaisalmer House, New Delhi.

Subject: Approval of new Central Sector Scheme namely "Legal Aid Defense Counsel System (LADCS) Scheme" with an outlay of Rs. 998.43 crore for the period of 3 years (F.Y.2023-24 to F.Y.2025-26) - reg.

Madam,

I am directed to inform that the proposed Central Sector Scheme namely "Legal Aid Defense Counsel System (LADCS) Scheme" for 3 years (F.Y.2023-24 to F.Y. 2025-26) with outlay of Rs. 998.43 crore has been approved by Ministry of Finance.

2. LADCS Scheme shall provide legal aid to the beneficiaries w.r.t criminal cases only and the beneficiaries shall be as per eligibility criteria as stated in Sections 12 of the LSAA, 1987. The year-wise allocation of the scheme will be as under:

Scheme	FY	Proposed Outlay (INR Crores)
Legal Aid Defense	2023-24	(RE 2023-24) 200.00
Counsel System (LADCS)	2024-25	367.70
	2025-26	430.73
	<b>Total</b>	<b>998.43</b>

3. In this regard, it is informed that the LADCS Scheme will be with 100% Central share till F.Y. 2025-26 after which it will be scaled down to 75% in 4th & 5th year (2026-28), 50% in 6th & 7th year (2028-30) and 25% in 8th year (2030-31).

Thereafter, LADCS would be completely funded by the State Governments. Primarily, finances are required for monthly honorarium (to manpower support, on contractual basis: 13 nos. personnels for the 1st year and 17 nos. personnels for the following 2 years as indicated in Annexure - I(B) of final EFC Memo circulated vide DoJ OM dated 05.03.2024), expenses incidental to litigation and other administrative expenses such as postal, stationary etc. for LADCS office.

4. The proposed scheme is for the XVth Finance Commission cycle. Scheme would be reviewed during the year 2025-26 for which provision of fund for evaluation of LADCS Scheme has been made. Based on the findings of the Evaluation Report, suitable decision on continuation, termination or necessary corrective measures in the Scheme will be undertaken. The Scheme will be monitored centrally by the Project Monitoring Unit (PMU) manned by outsourced staff, at the Department of Justice and NALSA, having institutional experience, will be responsible for successful operations through institutional setup across the country. Provision of fund has also been made for Technology wherein MIS dashboard of LADCS scheme will be worked out in due course after due deliberations. Considering the above, the scheme outlay has been projected at RS.998.43 crore which includes PMU Cost, Technology Cost, Evaluation Cost, Contingency Cost also.

5. Since, it is important to engage with the State Governments before the 100% funding from the Central Government is proposed to be tapered down, it is requested to incorporate monitoring parameters in LADCS which demonstrate engagement with the State Governments through outreach in year one and MoU in year two to ensure that funding of the State Govt. to district level fund and the Taluka fund is well prepared to take up the transition after the 3rd year. In order to maintain uniformity and consistency, a model MOU for engaging with State Governments may be drafted under intimation to DoJ.

6. The terms of contract entered into under LADCS with the Counsels, Office Assistant and other must be so designed as to prevent any claim of the contractual persons to regular Government positions or to Govt. pay, allowances or perquisites. The contract should clearly stipulate that the payments are as honorarium or on retainership basis and not salaried. The contract entered into with the Counsels and others shall be enforced for two years initially and extended by one year on performance basis. Clear performance yard stick may be incorporated in the contract. There is need for transparent selection process, as the success of the scheme will depend upon the team of Defence Counsels at the District level. The draft terms of contract, SOP for engaging counsels and other resources and the yardsticks for performance as the basis for extension may be drafted under intimation to DoJ.

7. The outcomes and output framework and the indicators therein specified in the Final EFC Note (Para 2.2) circulated vide DoJ OM dated 05.03.2024 may be referred to and the same may be complied during implementation for the current year. For the year 2024-25, the new Output-Outcome Monitoring Framework (OOMF) need to be drawn in consultation with NITI Aayog and the same needs to be tabled in the parliament in the upcoming session. The dates for deliberating this will be conveyed in due course.

8. Further, as informed during the EFC Meeting, decisions requiring approval of Central Authority may be included in the agenda items of ensuing Central Authority meeting.

Encl: As above.

(Chandra Mohiyar Bathala)  
Director  
Tel: 23385332



**CONSTITUTION OF DISTRICT LEVEL COMMITTEE IN  
CONNECTION WITH I.A. NO. 71387 OF 2023 IN WRIT  
PETITION (C) NO. 295 OF 2012  
(S. RAJASEEKARAN -VS- UNION OF INDIA & ORS.).**

**ASSAM STATE LEGAL SERVICES AUTHORITY  
GUWAHATI- 781001, ASSAM  
PHONE : 0361-2516367, FAX: 0361-2601843**

No. ASLSA-214/2020/7/507

Dated: Guwahati the 20/04/2024

To,  
The Member Secretary,  
National Legal Services Authority,  
12/11, Jam Nagar House,  
Shahjahan Road, New Delhi-110011.

Sub:- Furnishing information regarding constitution of District Level Committee in connection with I.A. No. 71387 of 2023 in Writ Petition (C) No. 295 of 2012 (S. Rajaseekaran -vs- Union of India & Ors.).

Ref :-Your e-mail dated 19/04/ 2024.

Dated: Guwahati the 20/04/2024.

Respected Madam,

With reference to the subject cited above, I have the honour to enclosed herewith the information of constitution of Monitoring Committee in connection with Hit and Run Motor Accidents Scheme 2022 received from all DLSAs of Assam as sought for.  
Submitted for your kind information.

Enclo :- As stated.

Yours faithfully

(R. Bhattacharjee)  
Member Secretary  
Assam State Legal Services Authority

## List of DLSAs under Assam State Legal Services Authority

Sl. No.	Name of DLSA	Information	Remarks
1.	Barpeta	Committee Constituted	Letter No. DLSA (BPT)/2024/357 dated 5th March, 2024 is enclosed herewith
2.	Baksa	Committee Constituted	Letter No. DLSA/BAK-70/2024/2022 dated 23 <sup>rd</sup> February, 2024 is enclosed herewith
3.	Biswanath	Committee Constituted	Order dated 20/03/2024 is enclosed herewith
4.	Bongaingaon	Committee Constituted	Notification dated 26 February, 2024 is enclosed herewith
5.	Cachar	Committee Constituted	Letter No. DLSA/EST/14/2024/727 dated 22/03/2024 is enclosed herewith
6.	Chirang	Committee Constituted	Order dated 22 <sup>nd</sup> March, 2024 is enclosed herewith
7.	Charaideo	Committee Constituted	Letter No. DLSA/CHD/2024 dated 26th February, 2024 is enclosed herewith
8.	Darrang	Committee Constituted	Letter No. DLSA (D)/567 dated 28th March, 2024 is enclosed herewith
9.	Dhemaji	Committee Constituted	Letter No. DLSA (DH)/204 dated 29th February, 2024 is enclosed herewith
10.	Dhubri	Committee Constituted	Letter No. DLSA/MISC/2024/340 dated 28/02/2024 is enclosed herewith
11.	Dibrugarh	Committee Constituted	Letter No. DLSA/DIB/1062/24 dated 18/04/2024 is enclosed herewith
12.	Dima Hasao	Committee Constituted	Letter No. DLSA/DH/2024/125 dated 23/02/2024 is enclosed herewith
13.	Goalpara	Committee Constituted	Letter No. DLSA (G)/436 dated 19th March, 2024 is enclosed herewith
14.	Golaghat	Committee Constituted	Letter No. DLSA/GLT/2024/315 dated 23 <sup>rd</sup> February, 2024 is enclosed herewith
15.	Hailakandi	Committee Constituted	Letter No. DLSA (H) 58/2016/1 dated 29 February, 2024 is enclosed herewith
16.	Hojai	Committee Constituted	Letter No. DLSA-HSN/61 dated 27/02/2024 is enclosed herewith
17.	Jorhat	Committee Constituted	Letter No. DLSA (J)/460/2024 dated 26/02/2024 is enclosed herewith
18.	Kamrup	Committee Constituted	Letter No. DLSA/KAM (M)/528/2024 dated 26 <sup>th</sup> February, 2024 is enclosed herewith

Sl. No.	Name of DLSA	Information	Remarks
19.	Kamrup(M)	Committee Constituted	Letter No. DLSA/KA/Rep/2024/310 dated 23 <sup>rd</sup> February, 2024 is enclosed herewith
20.	Karimganj	Committee Constituted	Order No. 03 dated 22/02/2024 is enclosed herewith
21.	Karbi Anglong	Committee Constituted	Letter No. DLSA/KA/2024/158 dated 26 February is enclosed herewith
22.	Kokrajhar	Committee Constituted	Letter No. DLSAK-82/2024/120 dated 26 <sup>th</sup> February, 2024 is enclosed herewith
23.	Lakhimpur	Committee Constituted	Order -13 dated 22/02/2024 is enclosed herewith
24.	Morigaon	Committee Constituted	Letter No. DLSA (M)/2024/243 dated 22/02/2024 is enclosed herewith
25.	Majuli	Committee Constituted	Letter No. DLSA (M)/2024/128 dated 22 February, 2024 is enclosed herewith
26.	Nagaon	Committee Constituted	Letter No. DLSA-N/2024/1050 dated 19 April, 2024 is enclosed herewith
27.	Nalbari	Committee Constituted	Letter No. DLSA (N)/354-359 dated 27 <sup>th</sup> February, 2024 is enclosed herewith
28.	Sivsagar	Committee Constituted	Letter No. DLSA/SVR/2024/178 dated 26 <sup>th</sup> February is enclosed herewith
29.	Sonitpur	Committee Constituted	Letter No. DLSA(S) 327 dated 09/02/2024 is enclosed herewith
30.	South Salmara	Committee Constituted	Order dated 02/03/2024 is enclosed herewith
31.	Tinsukia	Committee Constituted	Letter No. DLSA/TSK//24/767 dated 23/02/2024 is enclosed herewith
32.	Udalguri	Committee Constituted	Letter No. DLSA (U) No. 194 dated 23 February, 2024 is enclosed herewith
33.	West Karbi Anglong	Committee Constituted	Letter No. DLSA/2024/151 dated 19 <sup>th</sup> March, 2024 is enclosed herewith

Member Secretary  
Assam State Secretary Legal Services Authority

**GUIDELINES AND STANDARD OPERATING PROCEDURE  
FOR IMPLEMENTATION OF THE SCHEME FOR SUPPORT  
TO POOR PRISONERS.**

**ASSAM STATE LEGAL SERVICES AUTHORITY  
GUWALLATI"81001 ASSAM  
PHONE: 0361 251636, FAX: 0361-2601843**

No. ASLSA-114/2010/Pt-1/188

Dated: Guwahati the 30/08/2023.

To  
The Chairperson cum District & Sessions Judge,  
District Legal Services Authority

Barpeta, Baksa, Biswanath, Bongaigaon, Cachar, Chirang, Charaideo, Darrang, Dhemaji, Kamrup (R), Karimganj, Nalbari, Sivasagar, Sonitpur, South Salmara-Hat Singimari, Tinsukia, Udalguri and West Dhubri, Dibrugarh, Dima Hasao, Goalpara, Golaghat, Hailakandi, Hojai, Jorhat, Kamrup, Karbi Anglong, Kokrajhar, Lakhimpur, Morigaon, Majuli, Nagaon, Karbi Anglong.

Sub: Forwarding Guidelines and Standard Operating Procedure for implementation of the Scheme for support to poor prisoners.

Ref:- Notification received from Secretary to the Govt. of Assam, Home & Political Department, Dispur, Guwahati- 6.

Respected Sir/Madam

With reference to the subject cited above, I am under instruction to forward herewith the Guidelines and Standard Operating Procedure for implementation of the Scheme for support to poor prisoners including Notification No. e-File No. 307142/58/A dated 29/08/2023 and Notification No. e-File No. 307142/57/A dated 29/08/2023 received from the Secretary to the Govt. of Assam Home & Political Department, Dispur, Guwahati, which is self-explanatory.

This is for favour of your kind information.

Enclo: As stated.

Yours faithfully  
(Ranjan Brahma)  
Deputy Secretary  
Assam State Legal Services Authority.

**GUIDELINES AND STANDARD OPERATING PROCEDURE  
(SOP) FOR IMPLEMENTATION OF THE SCHEME PROVID-  
ING FINANCIAL SUPPORT TO POOR PERSONS IN PRIS-  
ONS WHO ARE UNABLE TO AFFORD THE PENALTY OR  
THE BAIL AMOUNT HAVE BEEN RECEIVED.- REG.**

**GOVERNMENT OF ASSAM HOME & POLITICAL DEPARTMENT  
DISPUR: GUWAHATI-06**

e-File No.307142/60

From : Shri Bipul Kumar Das, ACS  
Joint Secretary to the Govt. of  
Assam Home & Political Department

To : The Member Secretary,  
Assam State Legal Services Authority,  
Gauhati High Court, Guwahati-01

Sub : Guidelines and Standard Operating Procedure (SOP) for implementation of the scheme providing financial support to poor persons in prisons who are unable to afford the penalty or the bail amount have been received.- reg.

Madam,

In enclosing herewith a copy of Guidelines and Standard Operating Procedure (SOP) for implementation of the scheme providing financial support to poor persons in prisons issued by the Home Secretary, Govt. of India vide letter D.O. No.17013/26/2023-PR dated 19/06/2023 received from the Secretary, Coordination to Chief Secretary, Assam which is self explanatory, I am directed to request you kindly to circulate the same to the District Level Services Authority.

Encl: As stated above.

Yours faithfully

Signed by Bipul Kumar Das  
Joint Secretary  
Assam Home & Political Department

**Ajay Bhalla, IAS**

D.O. No. 17013/26/2023-PR

19 June, 2023

AS DIRECTED PLEASE TAKE NECESSARY ACTION Secretary, nation to C.S.

Dear Chief Secretary,

As you are aware, a sustained and conscious effort is being made by the Government of India to ensure that the benefits of the Budget are felt across all sections of society. While tabling the Union Budget 2023-24 in Parliament on 14 February 2023, the Union Minister for Finance and Corporate Affairs announced that as part of the Government's priority in Reaching the Last Mile: No one to be left behind', required financial support will be provided to poor persons who are in prisons and are unable to afford the penalty or the bail amount.

2. The Ministry of Home Affairs has therefore finalised a scheme to provide relief to poor prisoners, who are unable to pay the fine imposed on them or are unable to secure bail due to financial constraints. Many of these prisoners may be socially disadvantaged or less educated or belong to low income groups. It is expected that providing financial support to such poor prisoners in paying their fine amount or helping them in securing bail will help them to come out of jail and join the main stream as a responsible citizen of the country.

3. Hon'ble Home Minister has also written to the Chief Minister/Lieutenant Governor of your State/UT on 23rd May, 2023 in this regard, a copy of which is enclosed for your reference.

4. I am now attaching a copy of the 'Guidelines and Standard Operating Procedure' which may be followed in implementation of this scheme. You are requested to go through the same and issue necessary directions to the concerned officers for successful implementation of this scheme.

5. I am hopeful that this Scheme will go a long way in not only mitigating the problems faced by poor and indigent prisoners but will also help in solving the problem of overcrowding in your prisons.

With regards,

Encl. as above

Yours sincerely,

(Ajay Bhalla)

The Chief Secretaries of all States and UTs

**AMIT SHAH**  
HOME MINISTER AND COOPERATION MINISTER  
GOVERNMENT OF INDIA

D.O.No. 17013/26/2023-PR

Dated: 2.3 May, 2023

Shri Himanta Biswa Sarma Ji,

Under the leadership and guidance of Hon'ble Prime Minister Shri Narendra Modi, the Ministry of Home Affairs has been taking several steps from time to time to solve the problems faced by the prisoners lodged in the jails of the country. As part of this series, one of the priorities of the Union Budget this time is to provide benefit to the person sitting at the last end of the society. Under this, among other things in the Budget, an important announcement was made by the Central Government, through which financial assistance will be provided to those poor prisoners who are not being released from jails as they are unable to pay the fine imposed on them or in securing bail due to financial constraints.

Therefore, it has been decided by the Ministry of Home Affairs that the Government of India will provide financial assistance to provide relief to such poor prisoners, most of whom are socially disadvantaged or less educated and from low income groups. This step will help them to come out of the jail and join the main stream once again as an able citizen of the society.

You are aware that prisons are an important part of the criminal justice system and play a vital role in maintaining a peaceful and secure environment in the society. Ministry of Home Affairs, through various advisories issued from time to time, shares important guidelines with the State Governments towards better administration and management of prisons. Further, the Ministry of Home Affairs is providing financial assistance to the State Governments to improve and modernize the security infrastructure in prisons, Free legal aid is also being provided to poor prisoners through Legal Services Authority at various levels.

Recently, in this regard, the outdated 'Prison Act, 1894' and 'Prisoners Act, 1900' of the pre-independence era were reviewed in depth by the Ministry of Home Affairs, and for this purpose a comprehensive 'Model Prisons Act, 2023' has been finalized to make prison management and administration in line with the modern and present times, which has been shared by the Union Home Secretary with the Chief Secretaries/Advisors of all States/Union Territories on 10th May 2023 for implementation.

The broad contours of the 'Scheme to provide financial assistance to poor prisoners to pay fine and secure bail have been finalized in consultation with concerned subject experts, various legal advisors, lawyers and the state officials etc. Under this scheme, the Government of India will provide financial assistance through the State/UT Governments to provide relief to those poor prisoners who are not released from jail due to financial constraints, because of which they are unable to pay the fine or are not able to bear the bail amount Detailed Standard Operating Procedure in this regard is being shared with the State/UT Governments at the administrative level.

Various technology-based solutions are also being implemented to further streamline and strengthen the solution to the problems of prisoners and to ensure that benefits reach the prisoners, such as strengthening the e-prison platform; strengthening of District Legal Services Authority and capacity- building of stakeholders to ensure availability of quality legal aid to needy poor prisoners etc.

You are requested to take full advantage of this Central Government scheme of 'providing financial assistance to poor prisoners' in your State/UT. The funds in this regard shall be borne entirely by the Central Government and will be released to the appropriate institution directly from the funds of the Central Government through the concerned authority of the State/UT Government.

I hope that this step will ensure delivery of benefit to poor prisoners and this scheme will also help in solving the problem of over-crowding in the jails of your State/UT.

With regards,

Yours sincerely,  
(Amit Shah)

Shri Himanta Biswa Sarma,  
Chief Minister of Assam,  
Chief Minister's Block, Janata Bhawan, Assam  
Secretariat, Dispur, Assam-781006



## **Guidelines and Standard Operating Procedure for implementation of the Scheme for support to poor prisoners**

- i) Funds to the States/UTs will be provided through the Central Nodal Agency (CNA). The National Crime Records Bureau has been designated as the CNA for this scheme.
- ii) States/UTs will draw the requisite amount from the CNA on case-to-case basis and reimburse the same to the concerned competent authority (Court) for providing relief to the prisoner.
- iii) An 'Empowered Committee' may be constituted in each District of the State/UT, comprising of i) District Collector(DC)/District Magistrate (DM), ii) Secretary, District Legal Services Authority, iii) Superintendent of Police, iv) Superintendent/ Dy. Supdt. of the concerned Prison and v) Judge incharge of the concerned Prison, as nominee of the District Judge.

**Note:** This Empowered Committee will assess the requirement of financial support in each case for securing bail or for payment of fine, etc. and based on the decision taken, the DC/DM will draw money from the CNA account and take necessary action.

**Note:** The Committee may appoint a Nodal Officer and take assistance of any civil society representative/social worker/ District Probation Officer to assist them in processing cases of needy prisoners.

- iv) An Oversight Committee may be constituted at the State Government level, comprising of i) Principal Secretary (Home/Jail), ii) Secretary (Law Deptt), iii) Secretary, State Legal Services Authority, iv) DG/IG (Prisons) and v) Registrar General of the High Court.

**Note:** The composition of the State level 'Empowered Committee' and 'Oversight Committee' are suggestive in nature. Prisons/persons detained therein being 'State-List' subject, it is proposed that the Committees may be constituted and notified by the concerned State Governments/UT Administrations.

### **Standard Operating Procedure**

#### **UNDERTRIAL PRISONERS**

1. If the undertrial prisoner is not released from the jail within a period of 7 days of order of grant of bail, then the jail authority would inform Secretary, District Legal Services Authority (DLSA).
2. Secretary, DLSA would inquire and examine whether the undertrial prisoner is not in a position to furnish financial surety for securing bail in terms of the bail conditions. For this, DLSA may take the assistance of Civil Society representatives, social workers/ NGOs, District Probation officers or revenue officer. This exercise would be completed in a time bound manner within a period of 10 days.
3. Secretary, DLSA will place all such cases before the District Level Empowered Committee every 2-3 weeks.

4. After examination of such cases, if the Empowered Committee recommends that the identified poor prisoner be extended the benefit of financial benefit under 'Support to poor prisoners Scheme', then the requisite amount upto Rs. 40,000/- per case for one prisoner, can be drawn and made available to the Hon'ble Court by way of Fixed Deposit or any other method, which the District Committee feels appropriate.
5. This benefit will not be available to persons who are accused of offences under Prevention of Corruption Act, Prevention of Money Laundering Act, NDPS or Unlawful Activities Prevention Act or any other Act or provisions, as may be specified later.
6. If the prisoner is acquitted/convicted, then appropriate orders may be passed by the trial court so that the money comes back to the Government's account as this is only for the purposes of securing bail unless the accused is entitled to the benefit of bail U/s. 389 (3) Cr.P.C. in which event the amount can be utilised for bail by Trial Court to enable the accused to approach the Appellate Court and also if the Appellate Court grants bail U/s. 389 (1) of Cr.P.C.
7. If the bail amount is higher than Rs.40,000/-, Secretary, DLSA may exercise discretion to pay such amount and make a recommendation to the Empowered Committee. Secretary, DLSA may also engage with legal aid advocate with a plea to have the surety amount reduced. For any amount over and above Rs. 40,000/-, the proposal may be approved by the State level Oversight Committee.

#### CONVICTED PRISONERS:

1. If a convicted person is unable to get released from the jail on account of non- payment of fine amount, the Superintendent of the Jail would immediately inform Secretary, DLSA (Time bound manner: 7 days).
2. Secretary, DLSA would enquire into the financial condition of the prisoner with the help of District Social Worker, NGOs, District Probation Officer, Revenue Officer who would be mandated to cooperate with the Secretary, DLSA. (Time bound manner: 7 days)
3. The Empowered Committee will sanction the release of the fine amount upto Rs. 25,000/- to be deposited in the Court for securing the release of the prisoner. For any amount over and above Rs. 25,000/-, the proposal may be approved by the State level Oversight Committee.

# CONSTITUTION OF EMPOWERED COMMITTEE FOR IMPLEMENTATION OF THE SCHEME TO PROVIDE FINANCIAL SUPPORT TO POOR PRISONERS

**Government of Assam**  
**Home & Political Departments**  
**Dispur, Guwahati-06**

## NOTIFICATION

e-File No.307142/57: In pursuance of the 'Guidelines and Standard Operating Procedure' of Govt. of India issued vide letter D.O.No.17013/26/2023-PR dated 19/06/2023 in connection with implementation of the scheme to provide financial support to poor prisoners in prisons who are unable to afford the penalty or the bail amount, an Empowered Committee comprising of the following officials is hereby constituted:

- |    |  |   |                  |
|----|--|---|------------------|
| 1. | District Magistrate  | : | Chairperson      |
| 2. | Superintendent of Police   | : | Member           |
| 3. | Secretary, District Legal Services Authority                                 | : | Member           |
| 4. | Superintendent/Deputy Superintendent of the<br>concerned Prison              | : | Member Secretary |
| 5. | Judge in-charge of the concerned Prison,<br>as nominee of the District Judge | : | Member           |

The Empowered Committee will assess the requirement of financial support in each case for securing bail or for payment of fine, etc. and based on the decision taken, the District Magistrate (DM) will draw money from the CNA account and take necessary action.

The Committee may appoint a Nodal Officer and take assistance of any civil society representative/ social worker/ District Social Welfare Officer to assist them in processing cases of needy prisoners.

Signed by Niraj Verma  
Date: 29-08-2023 18:04:17  
Principal Secretary to the Govt. of  
Assam Home & Political Department

e-File No.307142/57/A

Copy to:-

1. The Secretary Co-ordination to Chief Secretary, Assam.
2. The PPS to the Hon'ble Chief Minister, Assam
3. The District Commissioners (All)

4. The Inspector General of Prisons, Assam, Khanapara, Guwahati-22 for information and necessary action.
5. The Superintendents of Police (All)
6. The Director of Printing and Stationary, Assam, Bamunimaidan, Guwahati-2.
7. The P.S. to the Principal Secretary, Home & Political Department for kind appraisal of the Principal Secretary.
8. All Members of the Committee

By order etc...  
Signed by Partha Pratim Majumdar  
Date: 29-08-2023 18:47:02  
Secretary to the Govt. of  
Assam Home & Political Department

# **CONSTITUTION OF OVERSIGHT COMMITTEE FOR IMPLEMENTATION OF THE SCHEME TO PROVIDE FINANCIAL SUPPORT TO POOR PRISONERS**

**GOVERNMENT OF ASSAM  
HOME & POLITICAL DEPARTMENTS  
DISPUR: GUWAHATI-06**

## **NOTIFICATION**

e-File No.307142/58:- In pursuance of the 'Guidelines and Standard Operating Procedure' of Govt. of India issued vide letter D.O.No.17013/26/2023-PR dated 19/06/2023 in connection with implementation of the scheme to provide financial support to poor prisoners in prisons who are unable to afford the penalty or the bail amount, an Oversight Committee comprising of the following officials is hereby constituted:

1. Principal Secretary to the Govt. of Assam, Home & Chairperson Political Department
2. Registrar General, Gauhati High Court or his nominee
3. Secretary to the Govt. of Assam, Judicial Department
4. Secretary to the Govt. of Assam, Home (B) Department
5. Secretary, Assam State Legal Services Authority
6. Inspector General of Prisons, Assam

The functions of this Committee would be to oversee the implementation of the Scheme and to consider cases referred to it by the District Level Empowered Committees.

Signed by Niraj Verma

Date: 29-08-2023 18:05:05

Principal Secretary to the Govt. of Assam  
Home & Political Department

e-File No.307142/58/A

Copy to:-

1. The Secretary Co-ordination to Chief Secretary, Assam
2. The District Commissioners (All)
3. The PPS to the Hon'ble Chief Minister, Assam
4. The Inspector General of Prisons, Assam, Khanapara, Guwahati-22 for information and necessary action
6. The Superintendents of Police (All)
5. The Director of Printing and Stationary, Assam, Bamunimaidam, Guwahati-2.
7. The P.S. to the Principal Secretary, Home & Political Department for kind appraisal of the Principal Secretary
8. All the Members of the Oversight Committee

By order etc.,

Signed by Partha Pratim Majumdar

Date: 29-08-2023 18:46:21

Secretary to the Govt. of Assam  
Home & Political Department



## **NATIONAL LEGAL SERVICES AUTHORITY (LEGAL SERVICES FOR DIFFERENTLY ABLED CHILDREN) SCHEME, 2021**

**12/11, Jamnagar House, Shahjahan Road, New Delhi-110011  
Website: [www.nalsa.gov.in](http://www.nalsa.gov.in)**

### **INTRODUCTION**

About 4-8% of the population in India is differently abled. One in every 10 children is born with or with the passage of time acquires a physical, mental or sensory disability. These translate into 40-90 million children across the world, which is a substantial number. Only 35.29% of the persons with disabilities have access to schools during their lifetime.

Despite improvement in the health care system of the country, the situation of differently abled children remains deplorable, particularly in rural areas and among the lower socio-economic population. Differently abled children in India are subjected to multiple deprivations and limited opportunities in several dimensions of their lives. Some of these include, not being enrolled to schools, lower employment rates, limited awareness of entitlements and services available and lack of social welfare support.

The pseudo-stigma attached to the disabilities makes family members hide the fact of having a disabled or challenged member at home, ultimately leading to social isolation and restrictive behaviors. There is a fear that they would be victims of disgrace and indignity and thereby family members would lose the status or acceptance they enjoy in the community. This denial becomes a hurdle for early identification and treatment.

Such persons would be hidden somewhere and the family members expect, unrealistically, to overcome the situation without realizing the long term consequences of such self-imposed denial.

As per the Census 2011, in India out of the 121 Crore population, 2.68 Crore persons are 'disabled' which is 2.21% of the total population. Out of the 2.68 crore disable persons, 78.64 lakh are children below the age of 18 years.

Total disabled children population as per Census 2011	Major Types of Disabilities (Challenging Words) (approx.)							
	Deaf	Blind	Speech	Movement	Mental Retardation	Mental Illness	Anger/Anxiety	Multiple Disabilities
78,64,636	34,10,554	15,24,303	4,01,771	10,45,760	5,95,231	1,35,731	17,21,06	6,70,512

### TARGET GROUPS:

The target group under the Scheme will be the mentally and physically disabled children including children who are from poor and needy families that cannot afford the education of their child. The recipients of legal literacy would, however include teachers, doctors and Officers responsible for the welfare of children and other stake holders.

### LAWS/LEGISLATIONS

**Constitutional Rights:** Mentally and physically challenged people can avail all the fundamental rights guaranteed to an ordinary citizen by the Constitution of India. No statute bars them from enjoying these rights. However for mentally challenged the most important constitutional rights are:

**Right against discrimination:** By Article 15(2) of Constitution of India any citizen, including mentally challenged people, can't be denied access to public goods. Also, they need to be provided equal opportunities to prosper in life.

**Right to Health:** Article 21 gives the right to life and personal liberty. Right to health flows directly from right to life and the same has been laid down by the Supreme Court in many cases.

#### • **The Rehabilitation Council of India Act 1992 :**

With a view to address the growing concern about the disadvantages suffered by the handicapped persons in every walk of life including education, the Parliament enacted this Act to provide for the constitution of the Rehabilitation Council of India, for regulating and monitoring the training of rehabilitation professionals and personnel; promoting research in rehabilitation and special education; the maintenance of a Central Rehabilitation Register; and for matters connected therewith or incidental thereto. Special teachers for educating and training the handicapped form part of the definition of "rehabilitation professionals" in Section 2(1)(n). This enactment also governs the special teachers engaged by any school/institution for imparting education and training to CwSN. They must fulfil this requirement over and above the qualifications prescribed under the special law concerning registration and recognition of schools and maintaining minimum standards for imparting quality education.

#### • **The Persons with Disabilities (Equal opportunities, protection of rights and full participation) Act 1995:**

This Act recognizes the need to provide equal opportunities and enhance participation of mentally challenged in the society. Few landmark steps taken in this regard were:

- o Establishment of special schools for the education of disabled children.

- o Disabled children are given the right to free education till the age of 18 under this Act.
- o 3% employment reservation for disabled (Including mentally disabled) in government jobs was approved.

• **The Rights of Persons with Disabilities Act, 2016:**

It repealed and replaced the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995. It has been enacted to give effect to the United Nations Convention on the Rights of Persons with Disabilities and for connected matters. More rights have been conferred on the disabled persons and more categories have been added. Access to justice, free education, role of local authorities, National fund, and the State fund for persons with disabilities have been created. 2016

Act is noticeably a sea change in the perception and requires a march forward look regarding the persons with disabilities and the role of the States, local authorities, educational institutions, and the companies.

Individual dignity signifies identifying the individual's worth as an equivalent member of society, respect for dignity of others and fostering conditions in which everyone can evolve according to their capacities. Principle of reasonable accommodation concedes that if disability as a social construct must be remedied, conditions must affirmatively be created for facilitating development of disabled i.e. it is founded in norm of inclusion. Exclusion negates individual dignity and worth. Accommodation implies positive obligation to create conditions conducive to growth and fulfilment of disabled in every aspect of their existence. Accommodation which law mandates is "reasonable" since it must meet requirement of each condition of disability. Expectations of disabled person are unique to nature of his disability and character of impediments encountered as its consequence. Reasonable accommodation

Justice Sunanda Bhandare Foundation v. Union of India, (2017) determinations must be based on case-to-case basis in consultation with disabled person concerned.

• **The Mental HealthCare Act 2017**

Under this Act, a mentally disabled person has the right to treatment and care in a psychiatric hospital. Provision for separate accommodation for mentally challenged people under the age of 18 is provided in the Act. The cost of the treatment in Mental Health Establishment needs to be undertaken by respective state governments unless the relatives of the patient bear it. The Act also provides certain legal safeguards to the mentally challenged. A mentally challenged person has the right to avail legal aid as per section 12 of the Legal Services Authorities Act, 1987.

**JUDICIAL APPROACH**

The Indian judiciary has adopted a sympathetic approach towards mentally disabled people. Time and again the judiciary has taken cognizance of infringement of rights of these people and provided them relief.

Chandan Kumar Vs. State of West Bengal, Writ Petition (Crl.) No. 365 of 1988 decided on 25.04.1990 :- In the mental hospital of Mankaundi in Hoogly District West Bengal, the patients were kept chained with iron ropes and were physically tortured and denied food and water. This was all done in the name of treatment. The Supreme Court ordered the cessation of this inhuman practice, held the State liable and recommended reforms in mental health hospitals across the country. Now no patient in these hospitals can be held chained.



Legal Aid Committee Vs. State of MP, 1994 SCC (5)27 on 10.05.1994:- The Supreme Court highlighted the need to have stricter enforcement of laws made for the betterment of mentally ill.

### **PROBLEMS, GAPS AND CONSTRAINTS**

- **Lack of Mental Health Establishment**

India, though a signatory to various conventions and treaties, still falls short of adequate number of mental health establishments. Ideally, there should be at least one mental health establishment in every district.

- **Poor infrastructure**

Most of the mental health establishments require upgradation. Lack of facilities in addition to staff and doctors exacerbates the situation of mentally challenged.

- **Lack of awareness**

The majority of the country is today unaware of the rights of mentally challenged.

- **Current laws**

The current set up in the country induces incompetence and seclusion in the mentally challenged children rather than seeking to uplift them and assimilate them in the society.

### **WHY THIS SCHEME IS NEEDED**

To ensure effective access to justice to persons with disabilities on an equal basis with others, NALSA has launched the NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015. However, the said NALSA Scheme talks only about the mentally ill and mentally disabled persons which is apparently silent on the rights and benefits of a person who is physically disabled or handicapped. Children with physical disability equally require an extra-care and attention as of mentally ill persons.

They need different and special kind of education, skill training, health-care and other basic facilities for their welfare and rehabilitation. Community support is equally important for their re-integration in society.

### **TYPES OF DISABILITIES**

1. Physical Disability
  - o Locomotor Disability
    - Leprosy Cured Person
    - Cerebral Palsy
    - Dwarfism
    - Muscular Dystrophy
    - Acid Attack Victims
  - o Visual Impairment
    - Blindness
    - Low Vision
  - o Hearing Impairment
    - Deaf
    - Hard of Hearing
  - o Speech and Language Disability
2. Intellectual Disability
  - o Specific Learning Disabilities
  - o Autism Spectrum Disorder

3. Mental Behaviour (Mental Illness)
4. Disability caused due to
  - o Chronic Neurological Conditions such as
    - Multiple Sclerosis
    - Parkinson's Disease
  - o Blood Disorder
    - Haemophilia
    - Thalassemia
    - Sickle Cell Disease
5. Multiple Disabilities
6. Other disabilities described in the Legislations

Children with disabilities in India face many challenges. They need special education and resources for their survival e.g. blind children need to be given training in Braille language and a deaf & dumb children needs to learn sign language to communicate with others. Improving vocational training for children with disabilities is a critical element for enhancing the quality of life for such children and their families.

#### **OBJECTIVES:**

- o To increase educational and future employment accessibility of the children with disabilities by using assistive aids/technologies and comprehensive vocational training.
- o To promote primary and higher education of the Visually Impaired, Disabled and Underprivileged children.
- o To promote special training on communication and language skills through use of Braille script to the blind children.
- o To improve the mobility skills of the children with visual disability and facility in the use of necessary aid and appliances.
- o To give special inputs on managing the daily living skills.
- o To provide for special orientation education with reference to the physical, psychological and social environment.
- o To cope with the normal literacy levels to prepare and provide opportunities for educational integration that would eventually lead to social integration.
- o To involve the parents and encourage them in a participative role in the educational process of their child.
- o To reduce malnutrition related disability through nutritional supplements.
- o To promote and spread art, cultural and recreational avenues for children with disabilities.

#### **SPECIAL MEASURES TO BE TAKEN:**

1. State Legal Services Authorities/District Legal Services Authorities shall ensure legal representation to the disabled children.
2. State Legal Services Authorities/District Legal Services Authorities to ensure maximum enrollment of disabled children in inclusive schools and vocational institutions in the respective Districts. School should not deny admission to any specially disabled child.
3. State Legal Services Authorities/District Legal Services Authorities to ensure that requisite boards reflecting the availability of free legal services to the eligible categories including disabled persons are being displayed outside all Private and Government Schools. The

- possibility for displaying such boards outside hospitals, office of Deputy Commissioners, Panchayat Ghar etc. be also explored.
4. State Legal Services Authorities/ District Legal Services Authorities shall explore each and every possibility to join hands with the other stakeholders including NGOs and public agencies working for the protection, rehabilitation and reformation of disabled children.
  5. All educational institutions and training centres to ensure safety and security of female trainees. Appropriate facilities must be available for female trainees with disabilities to ensure their safety and privacy. SLSAs/DLSAs to take necessary steps accordingly.
  6. Governments and non-governmental organizations are developing special programmes for children with disabilities. SLSAs/DLSAs to create awareness about such special programmes and efforts be made to connect disabled children with these schemes/ programmes to get benefits under them.
  7. Children with disabilities generally have less opportunity to go to school. Training programmes must be developed to use hands-on training techniques to teach new skills to children with disabilities.
  8. Children with special needs have different characteristics. Due to such characteristics and constraints, they require a special form of educational service tailored to their abilities and potential. SLSAs/DLSAs to ensure admission of specially targeted children in special or normal schools in accordance with their specificity.
  9. There is an urgent need of using media for children with special needs to facilitate learning process and vocational skills of children with special needs. With interactive multimedia, acceptance of the informative material will be more easily captured than the delivery by using books and props.
  10. Ensure Issuance of Disability Certificates in Schools: State Legal Services Authorities/ District Legal Services Authorities in co-ordination with District Education Officers, Chief Medical Officers and other relevant departments shall ensure (through Principals) that disability certificates are issued to all the disabled students. Confirmation regarding the issuance of the same be sent to respective District Legal Services Authorities/ State Legal Services Authorities.
  11. Ensuring accessible toilets and drinking water facilities in Schools for disabled Children: At times, the Children with disabilities do not attend school for want of an accessible toilet and drinking water facilities. The district education officer shall ensure that such basic facilities are made easily accessible. in their schools. The same shall be ensured by District Legal Services Authorities/ State Legal Services Authorities.
  12. Competitions for Disabled Children in Schools: To promote a sense of belonging and togetherness among disabled children, competitions and easy games viz. essay competitions, street play competitions, poster making, debate etc. be organized in schools for disabled children. Separate teams may be formed for such competitions. Ideally, the teams so formed may include normal children and those with disability.
  13. Special awareness camps for issuing disability certificates in villages: Special awareness camps be organized for issuing disability certificates in villages/rural and urban areas in co-ordination with Chief Medical Officers and other relevant departments.

14. Disabled children are more prone to be victims of violence: Children with disabilities are more likely to be victims of violence. Estimates indicate that children with disabilities are at significantly higher risk of experiencing violence than peers without disabilities: 3.7 times more likely for combined measures of violence, 3.6 times for physical violence and 2.9 times for sexual violence. State Legal Services Authorities/District Legal Services Authorities to organize legal awareness camps for the victims of violence particularly with disabilities.
15. Children with disabilities and their families face particular challenges in emergencies: Children with disabilities or their representatives should be associated in the planning and implementation of disaster risk reduction and recovery processes. Special awareness campaigns for disabled children in coordination with Disaster Management teams be organized where disabled children are sensitized on rescue measures to be adopted in times of emergencies.
16. Legal Awareness Camps be linked with NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015