

1. What are the functions of legal services institutions in the country?

The legal services institutions right from State Legal Services Authority to Mandal Legal Services Committee have been asked to discharge the following main functions -

- (i) To provide free and competent legal services to the eligible persons
- (ii) To organize Lok Adalats for amicable settlement of disputes
- (iii) To organize Legal Awareness Camps; and
- (iv) To implement the Schemes and policy directed by NALSA through strategic and preventive Legal Service Programmes.

2. What is free Legal Aid?

- a) Legal advice by a legal practitioner
- b) Representation on behalf of entitled person in any legal proceedings.
- c) Payment to the entitled person or on his behalf:
 - (i) Of court fee
 - (ii) Of process fee and expenses of witnesses
 - (iii) Of charges for preparation of paper book, including charges for printing and translation of documents
 - (iv) Of charges for the supply of certified copies of judgments and other documents
 - (v) Of any amount on any other account in any legal proceedings.

3. The following category of persons mentioned under Section 12 of Legal

Services Authority Act are entitled to get legal aid:

- A member of Schedule Caste / Schedule Tribe
- A victim of Trafficking in human being or beggar as referred to Article 23 of the Constitution
- A woman or child 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.

Clause (I) of Section 2 of said Disabilities Act 1995 defines 'Disability' as under:

(I) blindness; (ii) low vision; (iii) leprosy-cured; (iv) hearing impairment; (v) locomotor disability; (vi) mental retardation; (vii) mental illness;

- a. a person under circumstances of underserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- b. an industrial workman; or

- c. in custody, including custody in a protective home within the meaning of clause (g) of Section 2 of the Immoral Traffic (Prevention) Act, 1956, (104 of 1956), or in a juvenile home within the meaning of clause (j) of Section 2 of the Juvenile Justice Act, 1986 (53 of 1986), or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of Section 2 of the Mental Health Act, 1987 (14 of 1987); or
- d. in receipt of annual income less than Rs.1,00,000/-(Rupees One Lakh) Per Annum
- e. (person who satisfy all or any of the criteria specified above shall be entitled to receive legal services, provided that the concerned authority is satisfied that such persons has a prima facie case to prosecute or defend

4. Whether Income Certificate is necessary to prove one's income?

No. When a person is getting free legal aid on income criteria , an affidavit made by a person as to his income is sufficient for making him eligible, unless the concerned authority has reason to disbelieve such affidavit as mentioned u/Sec.13(2) of Legal Services Authority Act.

5. Whether a Caste certificate is required to prove the caste mentioned u/Sec. 12 of Legal Services Authority Act?

Yes, A copy of Caste Certificate is essential.

6. What is the procedure to evaluate the application for legal aid?

The Scrutiny and Evaluation Committees shall evaluate the application for legal service and decide whether the applicant is entitled to legal service or not vide Regulation No.7 of NALSA (Free and Competent Legal Services) Regulations 2010.

7. Whether appeal can be filed for denial of legal services? If so, where appeal can be filed?

Yes, Appeal can be made to the Chairman of the Authority / Committee on denial of grant of legal services (or) before the Hon'ble Executive Chairman of SLSA and the decision of the Chairman shall be final.

8. When can legal services can be withdrawn?

- When the aided person is possessed of sufficient means.
- Where the aided person obtained legal services by misrepresentation or fraud.
- Where the aided person does not cooperate with the Legal Services Authority / Committee or with the legal services advocate.
- Where the person engages a legal practitioner than the one assigned by the Legal Services Authority / Committee.
- In the event of death of the aided person except in the case of civil proceedings where the right or liability survives

- Where the application for legal services or the matter in question is found to be an abuse of process of law (or) of legal services.

9. What are the duties of aided person?

A person seeking legal service shall comply with any requisition or direction that may be made upon him by the Secretary of the Committee or any of its members from the date the application for legal services is made till he enjoys the legal service granted to him. Every aided person or his representative shall attend the office of the Committee as and when required by the Committee or by the legal services advocate rendering legal aid to him and shall furnish full and true information and shall make full disclosure to the legal services advocate concerned and shall attend the court, as and when required, at his own expenses.

10. Whether Legal Aid is available only to particular category of cases?

No. In all cases which can be agitated before a court of law, legal aid can be granted.

11. Whether every person mentioned u/Sec.12 of Legal Services Authority Act is entitled for Free Legal Aid?

Yes. But the individual has to satisfy the existence of prima-facie case to sue or to be sued as mentioned u/Sec. 13(1) of Legal Services Authority Act for grant of legal aid to prosecute (or) to defend.

12. At what levels one can get Free Legal Aid?

At any stage of pending case, legal aid can be granted. Eligible person is entitled for free legal aid even at pre-litigation stage.

13. Where to approach to get free legal aid or free legal service?

A person in need of free legal aid/advice he may approach the nearest;

- a) Taluk Legal Services Committee which is in the premises of the Court in that Taluk;
- b) District Legal Services Authority which is in the premises of the District Court in District headquarters.
- c) High Court Legal Services Committee which is in the premises of High Court of Judicature at Hyderabad.

14. Who is heading these Committees/Authorities?

At Taluk Level:

Senior most Judge of that station as Chairman of the concerned Taluk Legal Services Committee.

At District Level:

Principal District Judge of the District as Chairman of the concerned District Legal Services Authority.

A Judicial Officer in the cadre of Senior Civil Judge is posted as Secretary of the concerned District Legal Services Authority.

At Taluk Level:

Senior Judge of the Hon'ble High Court of Judicature at Hyderabad who have been nominated by the Hon'ble Chief Justice will be the Chairman.

A Judicial Officer in the cadre of District Judge who have been appointed by the Hon'ble Chief Justice will be the Secretary

15. How to apply for Legal Aid?

By filing an application in writing preferably in the prescribed form stating in brief the grievance or the case for which legal aid is required before the appropriate legal services Authority / Committee.

16. What is the procedure to apply for Legal Aid by a illiterate person?

If the applicant is illiterate or is not in a position to write, the Member Secretary or any officer of the legal service Authority / Committee shall record his verbal submission and obtain his thumb impression / signature on the record and such record will be treated as his application.

17. Whether transgenders (people with third gender) are also entitled for Free Legal Aid?

Yes. A petition has been filed in the Hon'ble Supreme Court seeking for recognition of the rights of the trans genders in the light of the traumatic experiences faced by the members of the TG community.

Hon'ble Supreme Court of India in NALSA vs. Union of India (2014) 5 SCC 438 issued the following directions:

1. Hijras, Eunuchs, apart from binary gender, be treated as “third gender for the purpose of safeguarding their rights under Part III of our Constitution and the laws made by the Parliament and the State Legislature.
2. Transgender persons' right to decide their self-identified gender is also upheld and the Central and State Government are directed to grant legal recognition of their gender identity such as male, female or as third gender.

3. Central and the State Governments directed to take steps to treat them as socially and educationally backward classes of citizens and extend all kinds of reservation in cases of admission in educational institutions and for public appointments.

4. Central and State Governments should also take steps for framing various social welfare schemes for their betterment.

5. Central and State Governments should take steps to create public awareness so that TGs will feel that they are also part and parcel of the social life and will not be treated as untouchables. Central and the State Governments should also take measures to regain their respect and place in the society which they enjoyed in cultural and social life.

18. Who is a Legal Aid counsel and at what stages the legal assistance will be provided by him?

A Legal Aid Counsel is an Advocate appointed under Model Scheme for “LEGAL AID COUNSEL” in all the Courts of Magistrates. He is under obligation to remain present in the court during the remand hours and other such hours as maybe directed. Thereafter when a Charge sheet is filed in the Court against the accused in custody the case will be entrusted or assigned to such Advocate to defend him.

The scheme emphasize for legal aid and assistance to the persons in three stages:

- a) when in custody during investigation of the case and need legal assistance for release on bail.
- b) legal assistance during trial for defence; and
- c) Legal assistance for preferring appeals or revisions in case of adverse orders

19. Who is a Panel Lawyer?

“Retainer Lawyer” means a retainer lawyer selected under regulation 8 of the National Legal Services Authority' (Free and competent Legal Services) Regulations 2010. Legal Services Institutions will prepare a list of legal practitioners from among the panel lawyers to be designated as retainers to sit in the front office and to render legal advice to the litigants approaching the legal services institutions. Retainer Lawyers shall devote their time exclusively for legal aid work and shall be available to deal with the legal aid work and to man the front office in the respective legal services institutions.

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21. What is the strength of the Retainer Lawyers at each level ?

The strength of the Retainer Lawyer shall not exceed

1. 20 in the Supreme Court Legal Services Committee
2. 15 In the High Court Legal Services Committee
3. 10 in the District Legal Services Authority
4. 5 in the Taluk Legal Services Committees

22. What is Monitoring Committee?

Monitoring Committee is consisting of Chairman of Legal Services Institution, Secretary and a Senior Advocate from Taluk level to Supreme Court to closely monitor the court-based legal services and progress of legal aid matters.

23. Who is a Para Legal Volunteer?

A person with basic knowledge of law and other available welfare measures and legislations with an inclination to assist their immediate neighbourhood is selected as Para Legal Volunteer by the concerned Legal Services Institution and trained to improve the legal services network.

24. Who should be the Para Legal Volunteer?

- Advocates, Teachers and lecturers of Government and Private Schools and Colleges of all levels.
- Anganwadi workers.
- Private or Government doctors and other Government employees.
- Field level officers of different departments and agencies of the State and Union Governments.
- Students of graduation and post graduation in Law, Education, social services of humanities.
- Members of apolitical service oriented Non Governmental Organizations and Clubs
- Members of Women Neighbourhood Groups, Maithri Sanghams Educated prisoners serving long terms sentences in Central Prison and District Prison.

- Members of Cooperative Societies. Members of Trade Unions.
- Any other persons the District Legal Services Authority or Taluk Services Committee deems fit to be identified as Para Legal Volunteers.

25. What is the procedure for training the PLVs?

The Para Legal Volunteers training programme is to be conducted under the supervision of the Chairmen and the Secretaries of the District Legal Services Authorities.

After completion of six sessions of training, to a batch of Identified PLVs in the District consolidated list of the registered number and names of the PLVs who have undergone the training shall be submitted to the State Legal Services Authority.

A separate review meeting with trained PLVs batch wise be conducted once in three months by the Secretary DLSA and the report shall be submitted to the State Legal Services Authority within one month thereof.

26. What are the duties of trained Para Legal Volunteers and their Honorarium ?

PLVs shall

1. educate people, specially those belonging to Weaker sections of the society,
2. spread awareness among the people about their basic human rights, fundamental rights to enjoy all the constitutionally and statutorily guaranteed rights
3. PLVs shall also constantly keep watch on violators of law or acts of injustice in their operation.
4. They will also assist in conducting legal literacy camps
5. They will work by sitting in front offices
6. They are eligible for a Honorarium of Rs250/- per day when engaged for rendering services in Legal Aid Clinics and Front Offices

27. Whether the work of the Para Legal Volunteers is monitored regularly ?

Yes. The Secretary of DLSA., shall monitor the work done by the PLVs

Every month and the PLVs shall maintain the prescribed Registers.

28. Whether the Para Legal Volunteers can be disqualified and removed?

Yes. Para Legal Volunteer is disqualified if he/she

1. Fails to evince interest in the scheme
2. Has been adjudged as insolvent
3. Has been accused of an offence

4. Has become physically and mentally incapable
5. Has abused his or her position or misconduct in any manner so as to render his / her continuance prejudicial to the public interest.
6. Affiliated to political parties

Such para legal volunteer can be removed by the Chairman DLSA and has to intimate the same to the State Legal Services Authority.

29. Whether there are Para Legal Volunteers in Jails?

Yes. A few educated 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.

30. What is Legal Aid Clinic?

“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. The Legal Aid Clinics shall maintain the prescribed Activity Registers as per the NALSA guidelines.

31. Whom to be contacted for Legal Aid before other Courts?

For details of free Legal Aid before Taluk Court, District Court or High Court, the applicants may contact the Chairman, MLSC, Secretary, DLSA, Secretary, HCLSC, respectively either in person or by sending the details by post or e-mail.

32. What are the functions of High Court Legal Services Committee :

- a) To convene and organize Lok Adalats during regular intervals in respect of High Court cases;
- b) to receive applications for legal services in respect of matters pertaining to High Court;
- c) to encourage and promote conciliatory settlement proceedings;
- d) to ensure that every application is promptly processed and disposed off;
- e) to recommend the State Authority for filing Public Interest Litigation in the High Court for the benefit of large numbers of persons or class of persons who cannot by themselves take recourse of law due to illiteracy or other similar reasons;

33. How one can get a legal aid to file Criminal Appeal from Jail?

A convict prisoner is entitled to file appeal from jail as per the provisions of Section 383 of Cr.P.C. He may present his appeal along with the copy of Judgment through the officer-in-charge of the Jail who shall thereupon forward to the proper appellate court or to the legal services institutions for drafting the grounds of appeal and to file the same before the appellate court.

34. Who are the persons, who come under the category of Middle Income Group to avail Free Legal Aid / Service before the Supreme Court?

The citizens whose gross income is not exceeding Rs.60,000/- per month or Rs.7,50,000/- per annum comes under the category of Middle Income Group.

35. Whether the persons of middle income group can avail free legal aid or service? If so where?

Yes. The persons of middle income group who are unable to afford legal expenses for economic reasons can avail such service in the Supreme Court only in view of formation the Supreme Court Middle Income Group Legal Aid Society which is duly registered.

36. Is it true that approaching the Supreme Court of India for legal remedies is un-affordable to the layman?

No, not at all. All eligible persons can approach the Supreme Court Legal Services Committee for necessary legal services in Supreme Court.

37. When can a person approach the SCLSC?

One can approach the SCLSC, in two situations:

1) to file (or) defend a case in the Supreme Court which includes:

(a) Appeals / Special Leave Petitions, Civil or Criminal, against an order of the High Court.

(b) Petition for violation or enforcement of fundamental rights which includes

(c) Habeas Corpus petitions, petitions challenging the legality of government action or inaction

(d) Petitions challenging the legality of a legislation or order of government that violates fundamental rights

(e) Petition for transferring a case, civil or criminal, pending in one State to another State within India.

2) When the applicant needs LEGAL ADVICE regarding the problem.

38. Are there cases for which no legal aid or advice will be given in Supreme Court ?

Yes. Legal Aid will not be given in the following cases:

- Proceedings wholly or partly in respect of
 - a) defamation (or)
 - b) malicious prosecution; (or)
 - c) a person charged with contempt of court; and
 - d) perjury
- Proceedings relating to any election
- Proceedings incidental to any of the above proceedings
- Proceedings in respect of offences where fine imposed is not more than Rs.50/-
- Proceedings in respect of economic offences and offences against social laws, such as the Protection of Civil Rights Act,1955 and
- the Immoral Traffic (Prevention) Act,1956 unless in such cases the aid is sought by the victim.

However, even in above cases, the Chairman of the SCLSC can, in an appropriate case, direct that legal aid be granted).

39. What is the procedure to obtain legal aid or advice in Supreme Court?

For legal aid, a person, who satisfies the first eligibility criteria, he need to take the following steps:

1. Make an application for legal aid to the SCLSC. The prescribed forms can be obtained in person (or) through post (or) e-mail from the SCLSC at the address indicated below (or) from any of the nearest Taluk/District/State/High Court Legal Services Committees.

Have to submit the completed application form to the SCLSC along with full documentation. For instance, if any person seeks to file an appeal against the Court, comments of the lawyer on the judgment. If these are in a language other than English, submit the translated copies.

There is no fee or charge for obtaining the application form. For obtaining legal advice order of a High Court, that person is required to submit a copy [preferably certified] of the order of the High Court, copies of orders, if any, of the courts below, copies of all the papers filed in the case before the lower court and High, the eligible person can call at the office of the SCLSC on any working day between 10.30 a.m. and 5 p.m.. Or can send query by post,

for which reply will be received within fifteen days. If the query is sent by e-mail, the applicant could expect a reply sooner. , **There are no charges for legal advice. Q**

40. Whether one has to incur expenses at any stage after grant of legal aid

Barring the cost of postage for sending papers to the SCLSC, applicants are not required to pay anything for any of the above services. They are absolutely free. The lawyers on the panel of the SCLSC are paid honorarium by the SCLSC itself. So also the aided persons are not required to pay anything to the Panel Advocate allotted to them either for rendering services or towards expenses before any other Court or tribunal.

41. For further details whom should be contacted in Supreme Court Legal Services Committee?

The Secretary

Supreme Court Legal Services Committee,
109, Lawyers' Chambers, Supreme Court Compound,
New Delhi-110 001
Ph.Nos.23388313, 23073970, 23381257
E-mail: sclsc@nic.in

42. Who is the Competent Authority for payment of victim compensation as per the Telangana Victim Compensation Scheme, 2015?

The Member Secretary of the State Legal Services Authority is competent for payment of Victim Compensation as determined by the Court or as determined by the Legal Services Institutions on an enquiry.

43. What is the procedure to pay the compensation payable to the Acid Victims ?

In Laxmi Vs. Union of India (Supreme Court) 2014 SCC (4) at Page 427 it was directed that the Acid Attack Victims shall be paid compensation of atleast Rs. 3 laksh by the concerned Government as the after care and rehabilitation costs. Of this, a sum of Rs. 1 lakh shall be paid to the victim within 15 days of occurrence of the incident to facilitate immediate medical attention and expenses in this regard. The balance sum of Rs.2 laksh shall be paid as expeditiously as may be possible and positively within 2 months thereafter.

44. How Legal Literacy is spread? Whether NGOs can participate in the activities of the Legal Services Authority to spread legal Literacy/Awareness?

Legal Services Authority spreads legal literacy by:

1. Organizing Legal Literacy Camps;

2. Organizing Workshops on Legal topics;
3. providing Legal Literature to the public in the regional language at low cost by publishing books on various subjects of law written by experts in the field;
4. creating awareness about the law of the land amongst general public by utilizing mass media like Radio, Television and the like.

Legal Services Authority welcomes all individuals and NGOs who are willing to involve themselves in the above mentioned activities of the Authority as it would go a long way in achieving the aims and objectives of the Authority.

45. What is the object of National Legal Literacy Mission?

NALSA constituted National Legal Literacy Mission with the main objective to empower the poor, disadvantaged persons particularly women and children through legal literacy by making aware of them their rights to lead life with dignity and enjoy equality before law.

46. Whether sensitization of Judicial Officers with regard to Legal Services Schemes and Programmes is essential?

Yes. Once all the Judicial Officers in the Country are properly sensitized with regard to the relevance and importance of legal aid schemes they shall themselves start caring for the poor, backward and weaker sections of the society who are not in a position to engage their own counsel and look after their legal causes

47. Who are eligible for Legal Awareness?

Every individual is eligible for legal awareness. The Legal Services Institutions are also mandated to conduct legal literacy and awareness programmes as a part of the preventive and strategic legal aid. Legal Literacy Programmes are conducted every year in schools and colleges. They are also organized for empowerment of women and to tackle social evils such as child marriage, domestic violence, female foeticide etc., These Awareness & legal literacy camps are organized not only in cities & towns but also in rural and remote areas.

48. What is Lok Adalat?

The word Lok Adalat means People's Court. It is a Forum to resolve the disputes by conciliation and participation in an amicable manner. Based on Gandhain principles Lok Adalat is one of the most important components of ADR systems operating in India.

Lok Adalat is an alternative mode of dispute resolution. A Lok Adalat Bench will be constituted at Supreme Court level, High Court level and District court level and Taluq court level for purpose of amicable settlement of dispute between two parties with their consent.

49. Who acts as Conciliator in Lok Adalat?

In every Lok Adalat minimum two conciliators function. One of them is a sitting (or) retired judicial officer and other conciliator shall be an Advocate or Social Worker or both.

50. What types of disputes are settled in the Lok Adalat?

Any case at pending or pre-litigation stage except non-compoundable criminal cases.

51. What are the advantages of Lok Adalats?

There is no strict application of procedural laws like CPC and Evidence Act. Procedural flexibility coupled with straight forward course of action results in speedier dispute resolution. They provide inexpensive justice to the parties. It has attained statutory recognition under Legal Services Authority Act.

52. What is the basis for settlement before Lok Adalat?

Consent of the parties is the only criteria for settlement before Lok Adalat and such settlement should not be illegal and opposed to public policy.

53. Whether Lok Adalat is competent to grant divorce?

No, Lok Adalat cannot grant divorce

54. Whether Lok Adalat can grant interim relief such as injunctions in civil suits (or) bail in criminal case

No. Lok Adalat cannot grant any such relief or interim injunctions or bail

55. What are the special features of Lok Adalats?

- a) There is no court fee and if court fee is already paid it will be refunded if the dispute is settled in Lok Adalat.
- b) The parties to the dispute can directly interact with the Judge through their counsel which is not possible in regular court of law.
- c) The basic feature of Lok Adalat is informal, procedural and speedy justice.
- d) The Award passed by the Lok Adalat is binding on the parties and it has the status of a decree of a civil court and it is non-appealable.
- e) The original Award shall form part of the Judicial records.
- f) The Award can be executable as in the case of Civil matters.

56. Whether Lok Adalat is competent to issue any directions to the parties while passing award?

No. Lok Adalat cannot issue any direction to any of the parties, while passing award. It can only record settlement with the consent of the parties and pass an award.

57. What is the procedure for execution of Decree in Pre Litigation Case ?

The Awards passed by Lok Adalat in respect of the matters at Pre Litigation stage shall be executable through the Court of District Judges of the District in which the Lok Adalat is held as per Rule 18 of AP State Legal Services Authority Rules, 1995.

58. Whether an award passed in a compromise for the offence u/Sec. 138 of Negotiable Instructions Act is executable?

Yes. Such award passed in a compromise u/Sec. 138 of NI Act is equivalent to Civil Court Decree and is executable by the concerned Court.

59. What is a Permanent Lok Adalat?

Permanent Lok Adalat means a Permanent Lok Adalat established under sub-section (1) of Section 22-B of the Legal Services Authorities Act, 1987 to settle the dispute, before the dispute is brought before any court of law pertaining to “Public Utility Services” as defined in the Act, Rules as the case may be.

60. Who presides a permanent Lok Adalat ?

Every Permanent Lok Adalat established for an area will have a District Judge as Chairman and two other persons having adequate experience in public utility services to settle the disputes brought before it.

61. What is the nature of judgment of Permanent Lok Adalat?

Every Award made by the Permanent Lok Adalat be final and binding on all the parties thereto.

Every Award of the Permanent Lok Adalat shall be deemed to be a decree of a civil court

Every Award of the Permanent Lok Adalat shall be final and shall not be called in question in any original suit, application or execution proceeding.

The Permanent Lok Adalat may transmit any Award made by it to a Civil Court having jurisdiction and such Civil Court shall execute the order as if it was a decree made by that Court.

62. How does a permanent Lok Adalat functions?

A Permanent Lok Adalat while conducting conciliation proceedings in pre-litigation stage, in respect of Public Utility Services or deciding a dispute on merits is guided by principles of natural justice and it is not bound by CPC and Evidence Act. When parties reach to an agreement, award is passed in terms of the agreement. But when they fail to reach to an

agreement, it has to decide the dispute on merits. This is the basic area where permanent Lok Adalat differs from ordinary Lok Adalat.

63. Name the Public Utility Services under Chapter-VIA of LSA Act?

Sec. 22A (b) of Legal Services Authorities Act deals with Public Utility Services. They are

- a) Transport service for the carriage of passengers or goods by air, road or water; or
- b) Postal, telegraph or telephone service; or
- c) Supply of power, light or water to the public by any establishment; or
- d) System of public conservancy or sanitation; or
- e) Service in hospital or dispensary; or
- f) Insurance service; or
- g) Banking and Financial institutions
- h) MGNREGA
- i) Education or Educational Institutions
- j) Housing and Real Estate Service