



GUJARAT STATE LEGAL SERVICES AUTHORITY

Gujarat State Legal Services Authority (Legal Services to be provided at Appellate/Revisional Stage to the litigants who have availed Legal Services from the Taluka Legal Services Committee/District Legal Services Authority) Scheme, 2016

[As approved by the Hon'ble Patron-in-Chief, Gujarat State Legal Services Authority vide Order dated 05.04.2016
passed below Office Submission No.113/2016]

1. NAME OF THE SCHEME:

The Scheme shall be called the Gujarat State Legal Services Authority (Legal Services to be provided at Appellate/Revisional Stage to the litigants who have availed Legal Services from the Taluka Legal Services Committee/District Legal Services Authority) Scheme, 2016.

2. DEFINITIONS:

- (1) "ACT" means the Legal Services Authorities Act, 1987.
- (2) "District Authority" means a District Legal Services Authority constituted under section 9 of the Act.
- (3) "State Authority" means State Legal Services Authority constituted under Section 6 of the Act.
- (4) "Taluka Legal Services Committee" means a Taluka Legal Services Committee constituted under section 11-A of the Act.
- (5) The terms Panel Lawyers and Retainer Lawyers will mean the same as defined under the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 and National Legal Services Authority (Legal Services Clinics) Regulations, 2011.

3. OBJECTIVE:

Ignorance of law is not an excuse. If the litigants are made aware about issues relating to their rights to file appeal/revision or appropriate proceedings including writ petition, if there appears prima-facie case to file appeal/revision or appropriate proceedings including writ petition against any Order or Judgment passed by the lower court, such litigants shall also get justice at the Appellate/Revision/Writ stage also.

The objective of the Scheme is to provide Free & Competent Legal Services at the Appellate/Revision/Writ stage to the litigants who have already been provide legal services by Taluka Legal Services Committee/District Legal Services Authority. Panel Advocate who appeared/represented case of the such litigant shall be directed by the Secretary of concerned Authority/Committee to provide legal services like legal opinion as to existence of any prima-facie case to file appeal/revision/writ or not against the Order/Judgment, and if, the answer is positive, the Secretary of concerned Authority/Committee shall take all necessary steps/action to help the litigants to approach Appellate/Revisional/Hon'ble High Court. Due to lack of legal knowledge, many litigants failed to get justice and they does not know as to whom and where to approach to file against the Judicial Order/Judgment passed in his/her matter. Sometime it also happens that he/she is not provided with a details of the Order/Judgment of his/her matter and when such litigant came to know about Order/Judgment passed in his/her matter, limitation period to file Appeal/Revision/other appropriate proceedings is over. To avoid such a situation, it is necessary that litigants at grass-root level should have a services of prominent lawyer who can guide them and at a same time work like a bridge between litigants and Higher Forum. The aim of this scheme is also to provide an inexpensive but competent legal machinery for rendering all kind of legal services of basic nature.

4. ROLE OF THE LEGAL SERVICES INSTITUTIONS:

It is the duty of all the legal services institutions to provide legal services to the litigants as per Section 2 (c) of the Legal Services Authorities Act, 1987. Legal Services includes the rendering any service in the conduct of any case or other legal proceedings before any court or other authority or tribunal and also advice on any legal matter. As such, this is the basic duty of the legal services institutions to help the

litigants by providing effective legal services. Whenever legal services are provided by the Taluka Legal Services Committee/District Legal Services Authority, such institution is not expected to remain silent till the case of the litigants is over, but it is expected that throughout monitoring be conducted by such legal services institution and for that it has to perform active role as under: -

1. Legal Services Institute should keep a copy of petition for the record, wherein the legal services have been provided.
2. Quarterly progress report in each matter be called for from the concerned Panel Advocate wherein the legal services have been provided, and if, any deficiency has been found the Secretary of the concerned Legal Services Institute shall draw the attention of the Chairman and shall take all necessary steps to improve the legal services proceedings.
3. Panel Advocate be requested to intimate the Authority/Committee regarding any Judgment/Order passed by the Court and such Panel Advocate shall be requested to offer his legal opinion for such judicial Judgment/Order.
4. Panel Advocate shall be requested to apply for the certified copy of the Judgment/Order passed by the Court wherein the legal services have been provided and hand over the same to the concerned Legal Services Institute for taking further necessary action in the matter.
5. Legal Services Institute in appropriate cases shall also obtain second legal opinion from the Retainer Advocate to see as to whether any prima-facie case to file any Appeal or Revision application or Review application or other appropriate proceedings including Writ Petition is required to be filed in appropriate Forum.
6. It shall be duty of the Legal Services Institution to inform the litigant to whom legal services have been provided about the decision of the Court.
7. A Photo Copy of the Order/Judgment be furnished to the litigants to whom legal services was provided and such litigants be requested to offer his views as to whether he/she is satisfied with the Order/Judgment of the Hon'ble Court or whether he/she wants to challenge the same. Such litigants may also be informed about his/her right to prefer Appeal/Revision/Writ Petition against such Order.

8. In case of any Appeal/Revision/Writ Petition is preferred by the otherside, and upon service of the notice of such Appeal/Revision/Writ Petition, if litigant approached Legal Services Institute, Legal Services Institute shall guide such litigant that he/she can avail legal services at the Appellate/Revisional Stage also and such legal services institute shall also inform him/her as to whom and where to approach for the purpose.
9. Legal Services Institute shall certify that legal services had been provided, so that straight way legal services may be provided to such litigants before the Higher Forum, without calling of any proof or affidavit etc.
10. Copy of correspondence shall also be forwarded to the concerned legal services institution for its information so that speedy action can be taken by such legal services institution at Appellate/Revisional/Writ Petition Stage.

5. DUTY OF THE PANEL ADVOCATE:

1. After filing an application/petition suit etc. Panel Advocate shall furnish a copy of such application/petition suit etc. to the concerned legal services institute for its record.
2. Panel Advocate shall submit quarterly progress report in each matter wherein the legal services have been provided.
3. Panel Advocate shall intimate the Authority/Committee regarding any Order passed by the Court which is material one to decide the main issue and offer his legal opinion for such judicial Order.
4. Panel Advocate shall also apply for the certified copy of the Judgement/Order passed by the Court wherein the legal services have been provided and shall hand over the same to the concerned Legal Services Institute for taking further necessary action in the matter.

6. THE STATE LEGAL SERVICES AUTHORITIES TO CONDUCT PERIODIC REVIEW OF THE FUNCTIONING OF THE DISTRICT LEGAL SERVICES AUTHORITIES:

The State Legal Services Authorities shall conduct periodical review of the functioning of the District Legal Services Authorities and shall collect half yearly reports from the District Legal Services Authorities and review the implementation of the Scheme.

The State Legal Services Authorities shall issue directions from time to time for improving the legal services to ensure that the District Legal Services Authorities as well as Taluka Legal Services Committees provide legal services in an efficient manner.

The District Legal Services Authorities shall send half yearly reports about the implementation of the Scheme to the Gujarat State Legal Services Authority.
