झारखण्ड राज्य विधिक सेवा प्राधिकार

न्याय सब के लिए

ACCESS TO JUSTICE FOR ALL

JHARKHAND STATE LEGAL SERVICES AUTHORITY

Diary 2017

Diary 2017

Prepared by
Jharkhand State Legal Services Authority
Near A.G. Office, Doranda, Ranchi
Phone : 0651-2481520, 2482392, Fax : 0651-2482397
Email : jhalsaranchi@gmail.com
Website : www.jhalsa.org

HON'BLE CHIEF JUSTICE OF INDIA
AND
HON'BLE JUDGES OF SUPREME COURT OF INDIA

Hon'ble Mr. Justice Justice T.S. Thakur
Chief Justice of India-cum-Patron-in-Chief, NALSA

Hon'ble Mr. Justice J. S. Khehar
Judge, Supreme Court of India &
Executive Chairman, NALSA

Hon'ble Mr. Justice Dipak Misra
Judge, Supreme Court of India

Hon'ble Mr. Justice
Jasti Chelameswar
Judge, Supreme Court of India

Hon'ble Mr. Justice
Justice Ranjan Gogoi
Judge, Supreme Court of India

Hon'ble Mr. Justice
Madan Bhimarao Lokur
Judge, Supreme Court of India

Hon'ble Mr. Justice
Pinaki Chandra Ghose
Judge, Supreme Court of India

Hon'ble Mr. Justice
Kurian Joseph
Judge, Supreme Court of India

Hon'ble Mr. Justice
Arjan Kumar Sikri
Judge, Supreme Court of India

Hon'ble Mr. Justice
Sharad Arvind Bobde
Judge, Supreme Court of India

Hon'ble Mr. Justice
R. K. Agrawal
Judge, Supreme Court of India

Hon'ble Mr. Justice
N.V. Ramana
Judge, Supreme Court of India

Hon'ble Mr. Justice
Arun Mishra
Judge, Supreme Court of India

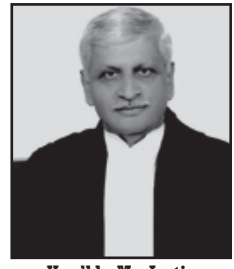
Hon'ble Mr. Justice
Adarsh Kumar Goel
Judge, Supreme Court of India

Hon'ble Mr. Justice
R.F. Nariman
Judge, Supreme Court of India

Hon'ble Mr. Justice
Abhay Manohar Sapre
Judge, Supreme Court of India

Hon'ble Mr. Justice
R. Banumathi
Judge, Supreme Court of India

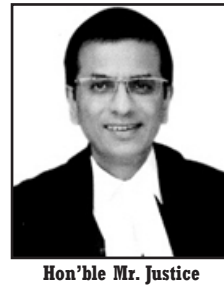
Hon'ble Mr. Justice
Prafulla Chandra Pant
Judge, Supreme Court of India



Hon'ble Mr. Justice
Uday Umesh Lalit
Judge, Supreme Court of India

Hon'ble Mr. Justice
Amitava Roy
Judge, Supreme Court of India

Hon'ble Mr. Justice
A.M. Khanwilkar
Judge, Supreme Court of India



Hon'ble Mr. Justice
D.Y. Chandrachud
Judge, Supreme Court of India

Hon'ble Mr. Justice
Ashok Bhushan
Judge, Supreme Court of India

Hon'ble Mr. Justice
L. Nageswara Rao
Judge, Supreme Court of India

HON'BLE CHIEF JUSTICE AND HON'BLE JUDGES OF HIGH COURT OF JHARKHAND

Hon'ble Mr. Justice P.K. Mohanty
Acting Chief Justice, High Court of Jharkhand-cum-Patron-in-Chief, JHALSA

Hon'ble Mr. Justice D.N. Patel
Judge, High Court of Jharkhand & Executive Chairman, JHALSA

Hon'ble Mr. Justice H.C. Mishra
Judge, High Court of Jharkhand

Hon'ble Mr. Justice Aparesh Kumar Singh
Judge, High Court of Jharkhand

Hon'ble Mr. Justice S. Chandrashekhar
Judge, High Court of Jharkhand

Hon'ble Mr. Justice Amitav Kumar Gupta
Judge, High Court of Jharkhand

Hon'ble Mr. Justice Pramath Patnaik
Judge, High Court of Jharkhand

Hon'ble Mr. Justice Rongon Mukhopadhyay
Judge, High Court of Jharkhand

Hon'ble Mr. Justice Ratnakar Bhengra
Judge, High Court of Jharkhand

Hon'ble Mr. Justice Ananda Sen
Judge, High Court of Jharkhand

Hon'ble Mr. Justice Anant Bijay Singh
Judge, High Court of Jharkhand

Hon'ble Mr. Justice Dr. S.N. Pathak
Judge, High Court of Jharkhand

Hon'ble Mr. Justice Rajesh Shankar
Judge, High Court of Jharkhand

THE LEGAL SERVICES AUTHORITIES ACT, 1987

(Act No. 39 OF 1987)

[11th October 1987]

An Act to constitute legal services authorities to provide free and competent legal Service 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 organise Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.

BE it enacted by Parliament in the Thirty-eighth 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, -

[1][(a) "Case" includes a suit or any proceeding before a court;

(aa) "Central Authority" means the National Legal Services Authority constituted under section 3;

(b) "District Authority" means a District Legal Services Authority constituted under section 9;

[2][(bb) High Court-Legal Services Committee" means a High Court Legal Services Committee constituted under section 8A;]

(c) "Legal service" includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter;

(d) "Lok Adalat" means a Lok Adalat organised under Chapter VI;

(e) "Notification" means a notification published in the Official Gazette;

(f) "Prescribed" means prescribed by rules made under this Act;

[3][(ff) "Regulations" means regulations made under this Act;]

1 Substituted by Act 59 of 1994, S.2, for Cl.(a) (w.e.f. 29-10-1994).
2 Inserted by Act 59 of 1994, S.2, (w.e.f. 29-10-1994).
3 Inserted by Act 59 of 1994, S.3, for S.3 (w.e.f. 29-10-1994).

(g) "Scheme" means any scheme framed by the Central Authority, a State Authority or a District Authority for the purpose of giving effect to any of the provisions of this Act;

(h) "State Authority" means a State Legal Services Authority constituted under section 6;

(i) "State Government" includes the administrator of a Union Territory appointed by the President under Article 239 of the Constitution.

[3](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

[4][3. Constitution of the National Legal Services Authority —

(1) The Central Government shall constitute a body to be called the National Legal Services Authority to exercise the powers and perform the functions conferred on, or assigned to, the Central Authority under this Act.

(2) The Central Authority shall consist of-

(a) The Chief Justice of India who shall be the Patron-in-Chief,

(b) A serving or retired Judge of the Supreme Court to be nominated by the President, in consultation with the Chief Justice of India, who shall be the Executive Chairman; and

(c) Such number of other members, possessing such experience and qualifications, as may 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 Substituted by Act 59 of 1994, S.3, for S.3, (w.e.f. 29-10-1994).

(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 authorised by the Executive Chairman of that Authority.

(9) No act or proceeding of the Central Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Central Authority.

3A. Supreme Court Legal Services Committee —

(1) The Central Authority shall constitute a committee to be called the Supreme Court Legal Services Committee for the purpose of exercising such powers and performing such functions as may be determined by regulations made by the Central Authority.

(2) The Committee shall consist of-

(a) A sitting Judge of the Supreme Court who shall be the Chairman; and

(b) Such number of other members possessing such experience and qualifications as may be prescribed by the Central Government, to be nominated by the Chief Justice of India.

(3) The Chief Justice of India shall appoint a person to be the Secretary to the Committee, possessing such experience and qualifications as may be prescribed by the Central Government.

(4) The terms of office and other conditions relating thereto, of the members and Secretary of the Committee shall be such as may be determined by regulations made by the Central Authority.

(5) The Committee may appoint such number of officers and other employees as may be prescribed by the Central Government, in consultation with the Chief Justice of India, for the efficient discharge of its functions.

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

4. Functions of the Central Authority —

The Central Authority shall [5][***] perform all or any of the following functions, namely : -

(a) lay down policies and principles for making legal services available under the provisions, of this Act;

(b) frame the most effective and economical schemes for the purpose of making legal services available under the provisions of this Act;

(c) utilise the funds at its disposal and make appropriate allocations of funds to the State Authorities and District Authorities;

(d) take necessary steps by way of social justice litigation with regard to consumer protection, environmental protection or any other matter of special concern to the weaker sections of the society and for this purpose, give training to social workers in legal skills;

(e) organise legal aid camps, especially in rural areas, slums or labour colonies with the dual purpose of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through Lok Adalats;

(f) encourage the settlement of disputes by way of negotiations, arbitration and conciliation;

(g) undertake and promote research in the field of legal services with special reference to the need for such services among the poor;

(h) to do all things necessary for the purpose of ensuring commitment to the fundamental duties of citizens under Part 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;

[6](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;

---

* As on 30-07-2004.

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

6 Substituted by Act 59 of 1994, S.5, for S.6, (w.e.f. 29-10-1994).

(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) co-ordinate and monitor the functioning of [7][State Authorities, District Authorities, Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees and voluntary social service institutions] and other legal services organisations and give general directions for the proper implementation of the legal services programmes.

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

CHAPTER III
STATE LEGAL SERVICES AUTHORITY

[8][6. Constitution of State Legal Services Authority —

(1) Every State Government shall constitute a body to be called the Legal Services Authority for the State to exercise the powers and perform the functions conferred on, or assigned to, a State Authority under this Act.

(2) A State Authority shall consist of-

(a) the Chief Justice of the High Court who shall be the Patron-in-Chief;

(b) a serving or retired Judge of the High Court, to be nominated by the Governor, in consultation with the Chief Justice of the High Court, who shall be the Executive Chairman; and

(c) such number of other members, possessing such experience and qualifications as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.

(3) The State Government shall, in consultation with the Chief Justice of the High Court, appoint a person belonging to the State Higher Judicial Service, not lower in rank than that of a District Judge, as the Member-Secretary of the State Authority, to exercise such powers and perform such duties under the Executive Chairman of the State Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority:

7 Substituted by Act 59 of 1994, S.4, for "State and District Authorities and other voluntary social institutions," (w.e.f. 29-10-1994).

8 Substituted by Act 59 of 1994, S.5, for S.6 (w.e.f. 29-10-1994).

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

(4) The terms of office and other conditions relating thereto, of members and the Member-Secretary of the State Authority shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(5) The State Authority may appoint such number of officers and other employees as may be prescribed by the State Government, in consultation with the Chief Justice of the High Court, for the efficient discharge of its functions under this Act.

(6) The officers and other employees of the State Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(7) The administrative expenses of the State Authority, including the salaries, allowances and pensions payable to the Member-Secretary, officers and other employees of the State Authority shall be defrayed out of the Consolidated Fund of the State.

(8) All orders and decisions of the State Authority shall be authenticated by the Member Secretary or any other officer of the State Authority duly authorised by the Executive Chairman of the State Authority.

(9) 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 subsection (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 [9][Lok Adalats including Lok Adalats for High Court cases];

(c) undertake preventive and strategic legal aid programmes; and

(d) perform such other functions as the State Authority may, in consultation with the [10][Central Authority,] fix by regulations.

[11][8. State Authority to act in coordination with other agencies etc., and be subject to directions given by Central Authority — In the discharge of its functions the State Authority shall

9 Substituted by Act 59 of 1994, S.6, for “Lok Adalats” (w.e.f. 29-10-1994).

10 Substituted by Act 59 of 1994, S.6, for Central Government” (w.e.f. 29-10-1994).

11 Substituted by Act 59 of 1994, S.7, for former Ss.8 and 9 (w.e.f. 29-10-1994).and shall also be guided by

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

8-A. 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 qualification 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.

9. 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 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.

---

such directions as the Central Authority may give to it in writing.

(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 Justices of the High Court for the efficient discharge of its functions.

(6) The officers and their employees of the District Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of services 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 authorised 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 subsection (1), the District Authority may perform all or any of the following functions, namely: -

[12][(a)Co-ordinate 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 [13][***] fix by regulations.

12 Substituted by Act 59 of 1994, S.8, for Cl. (a) (w.e.f. 29-10-1994).

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

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, wherever appropriate, act in coordination with other governmental and non-governmental institutions, universities çshall also be guided by such directions as the Central Authority or the State Authority may give to it in writing.

[14][11-A. Taluk Legal Services Committee —

(1) The State Authority may constitute a Committee, to be called the Taluk Legal Services Committee, for each taluk or mandal or for group of taluks or mandals.

(2) The Committee shall consist of-

(a) The [15][Senior-most Judicial Officer] operating within the jurisdiction of the Committee who shall be the ex-officio Chairman; and

(b) Such number of other members, possessing such experience and qualifications, as may be prescribed by the State Government, to be

(3) The Committee may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.

(4) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

(5) The administrative expenses of the Committee shall be defrayed out of the District Legal Aid Fund by the District Authority.

11-B. 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 taluk

(b) Organise Lok Adalats within the taluk; and

(c) Perform such other functions as the District Authority may assign to it.

CHAPTER IV
ENTITLEMENT TO LEGAL SERVICES

12. Criteria for giving legal services — Every person who has to file or defend a case shall be entitled to legal services under this Act if that person, is-

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

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

14 Inserted by Act 59 of 1994, S.9 (w.e.f. 29-10-1994).

15 Substituted by Act 37 of 2002, S.2, for “Senior Civil Judge” (w.e.f. 29-10-1994). nominated by that Government in consultation with the Chief Justice of the High Court.

(c) A women or a child;

[16][(d) A person with disability as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996);]

(e) A person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or

(f) An industrial workman; or

(g) In custody, including custody in a protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention) Act, 1956 (104 of 1956), or in a juvenile home within the meaning of clause (j) of section 2 of the Juvenile Justice Act, 1986 (53 of 1986), or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987 (14 of 1987); or

[17][(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 utilised for the purposes of this Act.

15. National Legal Aid Fund. -

(1) The Central Authority shall establish a fund to be called the National Legal Aid Fund and there shall be credited thereto-

(a) All sums of money given as grants by the Central Government under section 14;

16 Substituted by Act 59 of 1994, S.10 for Cl.(h) (w.e.f. 29-10-1994).
17 Substituted by Act 59 of 1994, S.10 for Cl.(h) (w.e.f. 29-10-1994).

(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;

[18][(b) the cost of legal services provided by the Supreme Court Legal Services Committee;

(c) any other expenses which are required to be met by the Central Authority.]

16. State Legal Aid Fund —

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

(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;

[19][(b) the cost of legal services provided by the High Court Legal Services Committees;

(c) any other expenses which are required to be met by the State Authority.]

17. District Legal Aid Fund —

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

(a) all sums of money paid or any grants made by the State Authority to the District Authority for the purposes of this Act;

[20](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.

18 Substituted by Act 1 of 1996, S.74 for Cl.(d) (w.e.f. 7-2-1996).
19 Substituted by Act 59 of 1994, S.12 for Cl.(b) (w.e.f. 29-10-1994).
20 Substituted by Act 59 of 1994, S.13 for Cl.(b) (w.e.f. 29-10-1994).

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

(a) The cost of functions referred to in section 10 [21][and 11 B];

(b) Any other expenses which are required to be met by the District Authority.

18. Accounts and audit —

(1) The Central Authority, State Authority or the District Authority (hereinafter referred to in this section as 'the Authority'), as the case may be, shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the income and expenditure account and the balance-sheet in such form and in such manner as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Authorities shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority concerned to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the auditing of the accounts of an Authority under this Act shall have the same rights and privileges and Authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the auditing of the Government accounts and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authorities under this Act.

(4) The accounts of the Authorities, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually by the Authorities to the Central Government or the State Governments as the case may be.

[22][(5) The Central Government shall cause the accounts and the audit report received by it under sub-section (4) to be laid, as soon as may be after they are received, before each House of Parliament.

(6) The State Government shall cause the accounts and the audit report received by it under sub-section (4) to be laid, as soon as may be after they are received, before the State Legislature.]

CHAPTER VI
LOK ADALATS

[23][19. Organisation of Lok Adalats —

21 Inserted by Act 59 of 1994, S.13 for Cl.(h) (w.e.f. 29-10-1994).
22 Inserted by Act 59 of 1994, S.14 (w.e.f. 29-10-1994).
23 Substituted by Act 59 of 1994, S.15 for Ss. 19 and 20 (w.e.f. 29-10-1994).

(1) Every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may be, Taluk Legal Services Committee may organise Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit.

(2) Every Lok Adalat organised for an area shall consist of such number of-

(a) Serving or retired judicial officers; and

(b) Other persons, of the area as may be specified by the State Authority or the District Authority or the Supreme Court Legal Services Committee or the High Court Legal Services Committee, or as the case may be, the Taluk Legal Services Committee, organising such Lok Adalat.

(3) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats organised by the Supreme Court Legal Services Committee shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.

(4) The experience and qualifications of other persons referred to in clause (b) of subsection (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 organised:

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

20. Cognisance of cases by Lok Adalats —

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

(i) **(a)** the parties thereof agree; or

(b) one of the parties thereof makes an application to the court, for referring the case to the Lok Adalat for settlement and if such court is prima facie satisfied that there are chances of such settlement; or

(ii) the court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat, the court shall refer the case to the Lok Adalat:

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

(2) Notwithstanding anything contained in any other law for the time being in force, the Authority or Committee organising the Lok Adalat under sub-section (1) of section 19 may, on receipt of an application from any one of the parties to any matter referred to in clause (ii) of sub-section (5) of section 19 that such matter needs to be determined by a Lok Adalat, refer such matter to the Lok Adalat, for determination:

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

(3) Where any case is referred to a Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section (2), the Lok Adalat shall proceed to dispose of the case or matter and arrive at a compromise or settlement between the parties.

(4) Every Lok Adalat shall, while determining any reference before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of justice, equity, fair play and other legal principles.

(5) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the court, from which the reference has been received under sub-section (1) for disposal in accordance with law.

(6) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, in a matter referred to in sub-section (2), that Lok Adalat shall advice 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 (l)].

21. Award of Lok Adalat —

[24][(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 25[Lok Adalats or Permanent Lok Adalats.]

(1) The [25][Lok Adalat or Permanent Lok Adalat] shall, for the purposes of holding any determination under this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit in respect of the following matters, namely —

24 Substituted by Act 59 of 1994, S.16 for Sub-S. (1) (w.e.f. 29-10-1994).
25 Substituted by Act 37 of 2002, S.2 for "Lok Adalat" (w.e.f. 11-06-2002).

(a) The summoning and enforcing the attendance of any witness and examining him on oath;

(b) The discovery and production of any document;

(c) The reception of evidence on affidavits;

(d) The requisitioning of any public record or document or copy of such record or document from any court or office; and

(e) Such other matters as may be prescribed.

(2) Without prejudice to the generality of the powers contained in sub-section (1), every [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 25[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 or Permanent Lok Adalat] shall be deemed to be a Civil Court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

[26][CHAPTER VI-A]
PRE-LITIGATION CONCILATION AND SETTLEMENT

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

(a) "Permanent Lok Adalat" means a Permanent Lok Adalat established under sub-section (1) of section 22B;

(b) "public utility service" means any –

(i) transport service for the carriage of passengers or goods by air, road or water; or

(ii) postal, telegraph or telephone service; or

(iii) supply of power, light or water to the public by any establishment; or

(iv) system of public conservancy or sanitation; or

(v) service in hospital or dispensary; or

(vi) insurance service, and includes any service which the Central Government or the State Government, as the case may be, may, in the public interest, by notification, declare to be a public utility service for the purposes of this Chapter.

22B. Establishment of Permanent Lok Adalats —

(1) Notwithstanding anything contained in section 19, the Central Authority or, as the case may be, every State Authority shall, by notification, establish Permanent Lok

26 Inserted by Act 37 of 2002, S.4 (w.e.f. 11-06-2002).

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 areas notified under subsection (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. Cognisance of cases by Permanent Lok Adalat —

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

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

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

Provided also that the Central Government, may, by notification, increase the limit of ten lakh rupees specified in the second proviso in consultation with the Central Authority.

(2) After an application in 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 subsection(1), it –

(a) shall direct each party to the application to file before it a written statement, stating therein the facts and nature of dispute under the application, points or issues in such dispute and grounds relied in support of, or in opposition to, such points or issues, as the case may be, and such party may supplement such statement with any document and other evidence which such party deems appropriate in proof of such facts and grounds and shall send a copy of such statement together with a copy of such document and other evidence, if any, to each of the parties to the application;

(b) may require any party to the application to file additional statement before it at any stage of the conciliation proceedings;

(c) shall communicate any document or statement received by it from any party to the application to the other party, to enable such other party to present reply thereto.

(4) When statement, additional statement and reply, if any, have been filed under sub-section(3), to the satisfaction of the Permanent Lok Adalat, it shall conduct conciliation proceedings between the parties to the application in such manner as it thinks appropriate taking into account the circumstances of the dispute.

(5) The Permanent Lok Adalat shall, during conduct of conciliation proceedings under sub-section (4), assist the parties in their attempt to reach an amicable settlement of the dispute in an independent and impartial manner.

(6) It shall be the duty of every party to the application to cooperate in good faith with the Permanent Lok Adalat in conciliation of the dispute relating to the application and to comply with the direction of the Permanent Lok Adalat to produce evidence and other related documents before it.

(7) When a Permanent Lok Adalat, in the aforesaid conciliation proceedings, is of opinion that there exists elements of settlement in such proceedings which may be acceptable to the parties, it may formulate the terms of a possible settlement of the dispute and give to the parties concerned for their observations and in case the parties reach at an agreement on the settlement of the dispute, they shall sign the settlement agreement and the Permanent Lok Adalat shall pass an award in terms thereof and furnish a copy of the same to each of the parties concerned.

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

22D. Procedure of Permanent Lok Adalat —

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

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

(1) Every award of the Permanent Lok Adalat under this Act made either on merit or in terms of a settlement agreement shall be final and binding on all the parties thereto and on persons claiming under them.

(2) Every award of the Permanent Lok Adalat under this Act shall be deemed to be a decree of a Civil Court.

(3) The award made by the Permanent Lok Adalat under this Act shall be by a majority of the persons constituting the Permanent Lok Adalat.

(4) Every award made by the Permanent Lok Adalat under this Act shall be final and shall not be called in question in any original suit, application or execution proceeding.

(5) The Permanent Lok Adalat may transmit any award made by it to a Civil Court having local jurisdiction and such Civil Court shall execute the order as if it were a decree made by that court.

CHAPTER VII
MISCELLANEOUS

[27][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 Committees, Taluk Legal Services Committees and officers and other employees of such Authorities, Committees and [28][the members of the Lok Adalats or the persons constituting Permanent Lok Adalat] shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

24. Protection of action taken in good faith — No suit, prosecution or other legal proceeding shall lie against-

(a) The Central Government or the State Government;

(b) The Patron-in-Chief, Executive Chairman, members, Member-Secretary or officers or other employees of the Central Authority;

(c) Patron-in-Chief, Executive Chairman, member, Member-Secretary or officers or other employees of the State Authority;

(d) Chairman, Secretary, members or officers or other employees of the Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees or the District Authority; or

(e) Any other person authorised by any of the Patron-in-Chief, Executive Chairman, Chairman, member, Member-Secretary referred to in subclauses (b) to (d), for anything which is in good faith done or intended to be done under the provisions of this Act or any rule or regulation made there under.]

25. Act to have overriding effect —

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

27 Substituted by Act 59 of 1994, S.17 for former Ss.23 and 24 (w.e.f. 29-10-1994).
28 Substituted by Act 37 of 2002, S.5 for “Members of the Lok Adalat” (w.e.f. 11-06-2002).

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

[29][27. Power of Central Government to make rules —

(1) The Central Government in consultation with the Chief Justice of India may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -

(a) the number, experience and qualifications of other members of the Central Authority under clause (c) of sub-section (2) of section 3;

(b) the experience and qualifications of the Member-Secretary of the Central Authority and his powers and functions under sub-section (3) of section 3;

(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 subsection (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 subsection (2) of section 3A

(g) the experience and qualifications of Secretary of the Supreme Court Legal Services Committee under sub-section (3) of section 3A.

(h) the number of officers and other employees of the Supreme Court Legal Services Committee under sub-section (5) of section 3A and the conditions of service and the salary and allowances payable to them under sub-section (6) of that section;

(i) the upper limit of annual income of a person entitling him to legal services under clause (h) of section 12, if the case is before the Supreme Court;

(j) the manner in which the accounts of the Central Authority, the State Authority or the District Authority shall be maintained under section 18;

(k) the experience and qualifications of other persons of the Lok Adalats organised by the Supreme Court Legal Services Committee specified in sub-section (3) of section 19;

(l) other matters under clause (e) of sub-section (1) of section 22;

29 Substituted by Act 59 of 1994, S.18 for former Ss.27, 28 and 29 (w.e.f. 29-10-1994).

[30][(Ia)the other terms and conditions of appointment of the Chairman and other persons under sub-section (2) of Section 22B;]

(m) any other matter which is to be, or may be, prescribed.

28. Power of State Government to make rules —

(1) The State Government in consultation with the Chief Justice of the High Court may, by notification, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing 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 subsection (5) of section 6;

(e) The conditions of service and the salary and allowances of officers and other employees of the State Authority under sub-section (6) of section 6;

(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 subsection (5) of section 9;

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

(k) The number, experience and qualifications of members of the Taluk Legal Services Committee under clause (b) of sub-section (2) of section 11A;

(l) The number of officers and other employees of the Taluk Legal Services Committee under sub-section (3) of section 11A;

30 Inserted by Act 37 of 2002, S.6 (w.e.f. 11-06-2002).

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

29A. Power of State Authority to make regulations —

(1) The State Authority may, by notification, make regulations not inconsistent with the provisions of this Act and the rules made 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 subsection (2) of section 7;

(b) The powers and functions of the High Court Legal Services Committee under subsection (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 subsection (2) of section 10;

(h) The terms of office and other conditions relating thereto, of members and Secretary of the Taluk Legal Services Committee under subsection (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.

❑❑❑

THE SUPREME COURT LEGAL SERVICES COMMITTEE REGULATIONS, 1996[1]

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.— (1) These regulations may be called the Supreme Court Legal Services Committee Regulations, 1996.

   (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) "Central Authority" means the National Legal Services Authority constituted under section 3 of the Act;

   (c) "Chairman" means the Chairman of the Supreme Court Legal Services Committee;

   (d) "Committee" means the Supreme Court Legal Services Committee;

   (e) "Legal Service Advocate" means an advocate who has been assigned any work related to legal service;

   (f) "Legal Service Counsel-cum-Consultant" means an Advocate appointed as Legal Service Counsel-cum-Consultant by the Committee;

   (g) "Member" means a member of the Committee;

   (h) "Secretary" means the Secretary of the Committee appointed under sub-section (3) of section 3A of the Act.

3. General effect of vesting.—On and from the date of commencement of these regulations,—

   (1) All the assets, liabilities, rights, title and interest of the erstwhile Supreme Court Legal Aid Committee stand transferred to, and vest in, Supreme Court Legal Services Committee;

   (2) The staff who have been serving under the erstwhile Supreme Court Legal Aid Committee shall be deemed to be working for the Supreme Court Legal Services Committee;

   (3) The Committee shall pay the fee bills submitted by the Legal Aid Panel Lawyers for their professional services and all other dues incurred by and which have been pending before the erstwhile Supreme Court Legal Aid Committee after verifying the same;

   (4) The Committee shall become successor of the erstwhile Supreme Court Legal Aid Committee and will honour all the commitments made by the erstwhile Supreme Court Legal Aid Committee in so far as providing legal aid in cases before Supreme Court of India, concerned. No asset or liability of the Supreme Court (Middle

1 Vide G.S.R. 336(E), dated 26-7-1996, published in the Gazette of India, Ext., Pt. II, S.3(ii), dated 26-7-1996.

Income Group) Legal Aid Committee will devolve on the Committee, but the Committee may extend such facilities of its establishment to the said Supreme Court (Middle Income Group) Legal Aid Committee as the chairman may approve.

4. The term of office and other conditions relating thereto of the members of the Committee.—(1) The term of the office of a member of the Committee, other than ex-officio member, shall be two years.

(2) Where a person is nominated as an ex-officio member, such person shall cease to be a member of the Committee if he ceases to hold the post or office by virtue of which he has been nominated as an ex-officio member.

(3) Any vacancy in the office of a member of the Committee shall be filled up in the same manner as the originally appointed member and the person so nominated shall continue to be a member for the remaining period of term of office of that member in whose place he has been nominated.

(4) A member other than ex-officio member shall be eligible for nomination for not more than two term.

5. Powers and functions of the Committee.—The powers and functions of the Committee shall be—

(a) To administer and implement the legal services programme in so far as it relates to the Supreme Court of India and for this purpose take all such steps as may be necessary and to act in accordance with the directions issued by the Central Authority from time to time;

(b) To receive and scrutinize applications for legal services and to decide all questions as to the grant of or withdrawal of legal service;

(c) To maintain panels of [2][advocates on record and of senior advocates in the Supreme Court for giving the legal advice;

(d) To decide all matters relating to the payment of honorarium, costs, charges and expenses of legal services to the advocates on record and to senior advocates of the Supreme Court;

(e) To prepare and submit returns, reports and statistical information in regard to the legal services programme to the Central Authority.

6. Functions and powers of the Chairman.—(1) The Chairman of the Committee shall be in overall charge of administration and implementation of the programmes of the Committee:

Provided that the Chairman shall not directly concern any question as to grant or withdrawal of legal service to any person.

(2) The Chairman shall cause the meetings of the Committee convened through the Secretary at least one in a period of three months.

(3) The Chairman shall preside over the meetings of the Committee.

2 Substituted by G.S.R. 646(E), dated 31-7-2012 (w.e.f 23-8-2012).

(4) The Chairman shall have all the residuary powers of the Committee.

7. Terms and conditions of service of the Secretary.—(1) The term of the Office of the Secretary shall be three years.

(2) The Secretary shall be entitled to receive such honorarium as fixed by the Chairman.

(3) The Secretary can be removed at any time by the Chief Justice of India.

8. Functions and powers of the Secretary.—(1) The Secretary shall be the principal officer of the Committee and shall be the custodian of all assets, accounts, records and funds at the disposal 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.

(3) The Secretary shall convene meetings of the Committee with the previous approval of the Chairman and shall also attend meetings and shall be responsible for maintaining a record of the minutes of the proceedings of the meetings.

9. Meetings of the Committee.—(1) The Committee shall meet at least once in three months on such date, and at such place as the Chairman may direct.

(2) The Chairman shall preside over the meetings of the Committee and in the absence of the Chairman, a person chosen by the members present from amongst themselves shall preside over the meetings of the Committee.

(3) The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the secretary and such minutes shall be open to inspection at all reasonable times by the member of the Committee. A copy of the minutes shall, as soon as may be, after the meeting, be forwarded to the Executive Chairman of the Central Authority.

(4) The quorum for the meeting shall be four including the Chairman.

(5) All questions which come up before any meeting of the Committee shall be decided by a majority of votes of the members present and voting, and in case of a tie, the Chairman or the person presiding shall have the right to exercise a second or casting vote.

10. Funds, audit and accounts of the Committee.—(1) The Committee shall maintain a Fund to be called Supreme Court Legal Services Committee Fund to which shall be credited,—

(a) such amounts as may be allocated and granted to it by the Central Authority;

(b) all such amounts received by the Committee by way of donations;

(c) all such amounts by way of costs, charges and expenses recovered from the persons to whom legal service is provided or the opposite party.

(2) All the amounts credited to the said Fund, shall be deposited in a nationalized bank.

Explanation.— In the sub-regulation "nationalized bank" means a corresponding new 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 incidental minor charges, such as court-fee, stamps and expenditure necessary for obtaining copies of documents etc., a 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 service, accommodation and staff of the Committee as also expenditure necessary for carrying out the various functions of the Committee shall be met out of the Funds of the Committee and in accordance with the prior approval of the Chairman.

(5) The funds of the Committee may be utilized for meeting the expense incurred on or incidental to travels undertaken by the Chairman or other members of the Committee of the Secretary in connection with legal services activities. The travelling allowance and the dearness allowance payable to the Chairman, the ex-officio members and the Secretary shall be such as to which they are entitled by virtue of their respective offices held.

(6) The Secretary of the Committee and one member of the Committee designated by the Chairman for this purpose shall jointly operate the bank accounts of the Committee in accordance with the directions of the Chairman.

(7) The Committee shall cause to be kept and maintained true and correct accounts of all receipts and disbursements and furnish quarterly returns to the Central Authority.

(8) The accounts of the Committee shall be audited annually by a qualified Auditor and submitted to the Central Authority.

11. Application for legal services.—(1) Any person deserving legal service for bringing or defending any action in the Supreme Court may make an application in writing in that behalf. However, if the applicant is illiterate or is not in a position to write, the Secretary or an officer of the Committee shall record his verbal submissions an obtain his thumb impression/signature on the record and such record will be treated as his application.

(2) The Committee shall maintain a register of applications wherein all applications for legal service shall be entered and registered date wise and the action taken on such applications shall be noted against the entry relating to such applications.

12. Disposal of applications.—(1) On receipt of an application for legal service mentioned in Regulation 11, the Secretary shall first cause the eligibility of the applicant as per the provisions of the Act read with the rules, examined and determined.

(2) If the applicant satisfied the eligibility criteria, the Secretary shall proceed to examine the merit of his application. For examining the merits of the application, the Secretary may take the assistance of legal services advocates or other advocate willing to provide free legal advice. The Secretary may also take the advice of the

Legal Service Counsel-cum-Consultant employed by the Committee. The Secretary shall not be precluded from seeking more than one opinion if any particular case requires in-depth examination.

(3) In case the applicant satisfied the eligibility criteria and also has merit in his application, the Secretary shall proceed to decide the mode of legal service.

(4) An application for the grant of legal services in any matter if it is not found fit may be rejected, for the reasons to be recorded in writing, by the Secretary.

(5) In case of refusal for the grant of legal services, the Secretary shall inform the applicant in writing of such refusal.

(6) The applicant whose application for grant of legal services has been rejected may prefer an appeal before the Chairman for a decision.

13. Modes of Legal Services.—Legal services to be provided may include any one or more of the following—

(a) payment of court-fees, process fees and all other charges payable or incurred in connection with any legal proceedings;

(b) charges for drafting, preparing and filling of any legal proceedings and representation by a legal practitioner in legal proceedings;

(c) cost of obtaining and supply of certified copies of judgements, order and other documents in legal proceedings;

(d) cost of preparation of paper book (including paper, printing and translation of documents) in legal proceedings and expenses incidental thereto.

14. Legal Services not to be provided in certain cases.—Legal services shall not be given in the following cases, namely:—

(1) Proceedings wholly or partially in respect of —

(a) defamations; or

(b) malicious prosecution, or

(c) a person charged with contempt of court proceedings; and

(d) perjury.

(2) Proceedings relating to any election.

(3) Proceedings incidental to any proceedings referred to in sub-regulations (1) and (2).

(4) Proceedings in respect of offences where the fine imposed is not more than Rs.50.

(5) 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: Provided that the Chairman may in an appropriate case grant legal services even in such proceedings.

(6) Where a person seeking legal services,—

(a) is concerned with the proceedings only in a representative or official capacity; or

(b) is a formal party to the proceedings, not materially concerned in the outcome of the proceedings and his interests are not likely to be prejudiced on account of the absence of proper representation.

15. Legal Services may be granted in certain cases.—Irrespective of the means test, legal service may be granted—

(a) in cases of great public importance; or

(b) in a special case, reasons for which to be recorded in writing, is considered otherwise deserving of legal services.

16. Honorarium payable to Legal Service Advocate.—(1) The legal service advocate shall be paid such honorarium as may be fixed by the Committee.

(2) No legal service advocate to whom any case is assigned either or legal advice or for legal services shall receive any fee or remuneration whether in cash or in kind or any other advantage, monetary or otherwise, from the aided person or from any other person on his behalf.

(3) The legal service advocate who has completed his assignment, shall submit a statement showing the honorarium due to him together with the report of the work done in connection with the legal proceeding conducted by him on behalf of the aided person, to the Secretary of the Committee, who shall, after due scrutiny sanction the fee and expenses payable to him. It will however, be open to the legal service advocate to waive the honorarium wholly or partially. In case of any dispute on the quantum payable to the legal service advocate, the matter shall be placed before the Chairman for decision.

17. Duties of aided person.—(1) A person seeking legal services 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 services granted to him.

[3][****]

(3) Every aided person or his representative shall attend the office of the Committee as and when required by the Committee or by the legal service advocate rendering legal aid to him and shall furnish full and true information and shall make full disclosure to the legal service advocate concerned and shall attend the court, as and when required, at his own expense.

18. Withdrawal of legal services.—(1) The Committee may either on its own motion or otherwise withdraw legal services granted to any aided person in the following circumstances, namely:—

3 Sub-Regn. (2) omitted by G.S.R. 150(E), dated 22-2-2000 (w.e.f. 22-2-2000).

(a) in the event of it being found that the aided person was possessed of sufficient means or that he obtained legal service by misrepresentation or fraud;

(b) in the event of any material change in the circumstances of the aided person;

(c) in the event of any misconduct, misdemeanour or negligence on the part of the aided person in the course of receiving legal service;

(d) in the event of the aided person not co-operating with the Committee or with the legal service advocate assigned by the Committee.

(e) in the event of the aided person engaging a legal practitioner other than the one assigned by the Committee;

(f) in the event of death of the aided person, except in the case of civil proceedings where the right or liability survives;

(g) in the event of the application for legal service or the matter in question is found to be an abuse of the process of law or of legal services: Provided that legal service shall not be withdrawn without giving due notice thereof to the aided person or to his legal representatives in the event of his death, to show causes as to why the legal service should not be withdrawn.

(2) Where the legal services are withdrawn on the grounds set out in clause (a) of sub-regulation (1) above, the Committee shall be entitled to recover from the aided person the amount of legal service granted to him.

AFFIDAVIT

I, ... aged about ..... years, son/daughter of/wife of Shri .... resident of .... do hereby solemnly affirm and state as under:—

1. **(a)** I belong to a member of a Scheduled Castes/Scheduled Tribes.

(b) I am a victim of trafficking in human beings or a beggar.

(c) I am eligible for legal services as I am a woman/child.

(d) I am mentally ill or otherwise disabled person.

(e) I am a person under circumstances of underserved want being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster.

(f) I am an industrial workman.

(g) I am in custody.

(h) My annual income from all sources is below Rs. 50,000 (Rupees fifty thousand only).

(Delete whatever is not applicable)

2. I shall comply with any requisition and direction that may be made by the Secretary or any of the members of the Supreme Court Legal Services Committee.

3. I shall furnish full and true information of all facts of my case to the legal service advocate to be provided by the Committee.

(a) In appeal from the judgement of .... in ....

(b) in writ jurisdiction for ....

(Delete whatever is not applicable)

4. I hereby agree that in the event of the Court passing a decree order in my favour awarding cost to me or other monetary benefit or advantage, I shall repay by way of reimbursement to the Committee all costs, charges and expenses incurred by the Committee in giving me legal service. I hereby also authorize the Secretary of the Supreme Court Legal Services Committee to do all such acts and things as may be necessary for recovery or realization of the amount decreed or ordered to be paid to me and to reimburse the same for the above-mentioned purpose.

5. I agree that my case be listed before Lok Adalat in the Hon'ble Supreme Court, if at any stage it is considered by the Committee that my matter can be reconsidered or settled through Lok Adalat.

DEPONENT

VERIFICATION

I, Shri/Smt./Kum .... the above-named Deponent do hereby verify that the contents of the Paragraphs 1 to 5 are true and correct to my knowledge and nothing stated therein is false and nothing has been concealed.

Verified on this day of ...., 200.....at .....

DEPONENT

Note:—This affidavit must be on non-judicial stamp paper of appropriate value under the Stamp Act of your State and sworn before an Oath Commissioner or Notary Public or 1st Class Magistrate.

❑❑❑

THE JHARKHAND STATE LEGAL SERVICES AUTHORITY RULES, 2001

1. Short title and commencement.—(1) These Rules may be called the Jharkhand State Legal Services Authority Rules, 2001.

   (2) It shall come into force on such date as the State Government may, by notification, published in Official Gazette, appoint.

2. Definitions.—In these Rules unless the context otherwise requires.—

   (a) "Act" means the Legal Services Authorities Act, 1 987;

   (b) "Chairman" means the Executive Chairman of the State Authority or as the case may be, of the High Court Legal Services Committee, District Legal Services Authority and the Sub-divisional Legal Services Committee;

   (c) "High Court" means the High Court of Jharkhand, Ranchi;

   (d) "High Court Committee" means a High Court Legal Services Committee;

   (e) "Member" means the Member of the State Legal Services Authority, or as the case may be, member of the High Court Legal Services Authority, or, as the case may be, member of the District Legal Services Authority, as the case may be, member of the Sub-divisional Legal Services Authority;

   (f) "Secretary" means the Member Secretary of the State Legal Services Authority or, as the ease may be, Secretary of the High Court Legal Services Committee, or as the case may be, Secretary of the District Legal Services Authority;

   (g) "State Government" means the State Government of Jharkhand;

   (h) "Sub-divisional Authority" means the Sub-divisional Legal Services Authority;

   (i) All words and expressions used in these Rules but not defined shall have the same meaning as assigned to them in the Act.

3. Constitution of the State Legal Services Authority.— Besides the Chief Justice of High Court as its Patron-in-Chief, a serving or retired Judge of a High Court nominated by the Governor in consultation with the Chief Justice of the High Court as its executive Chairman, the State Legal Services Authority shall consist of the following :

   (A) *Ex-officio* Members :

      (i) Advocate-Genera!, Jharkhand,

      (ii) President, State Bar Council, as and when constituted,

      (iii) Secretary to Government of Jharkhand, Department of Home Affairs,

      (iv) Secretary, Finance Department,

      (v) Secretary, Law Department,

(vi) Director-General of Police, Jharkhand,

(vii) Director, Tribal Research Institute, Ranchi.

(B) The following other members to be nominated by the State Government in consultation with the Chief Justice of the High Court (hereinafter referred to as the nominated members):—

(i) Two chair-persons of the District Authority or two District Judges or Addl. District Judges,

(ii) Three eminent Social Workers, of which one shall be a woman engaged in the upllftment of the weaker, sections of the society, such as scheduled castes, scheduled tribes, backward classes, women, children and rural and urban labour or peasants;

(iii) One woman member of the Bar;

(iv) One representative of industrial workers: and

(v) Such other person or persons as the State Government in consultation with the Chief Justice may think fit

(C) An Officer of the State Higher Judicial Services, not lower in rank than a District Judge to be appointed by the State Government in consultation with the Chief Justice of the High Court, shall be the Member-Secretary of the State Authority.''

4. Powers and Functions of the Member Secretary.—(1) The Secretary shall be the Chief Executive Officer of the State Authority and shall under the control of the State Authority exercise all the administrative and financial powers in respect of the affairs of the State Authority are vested in the Head of Office under the Jharkhand Service Code, the Jharkhand Financial Rules and other Rules, Codes, Circulars or resolutions of the State Government.

(2) Without prejudice to the generality of the foregoing provisions, the powers and functions of the Secretary inter-alia, shall be—

(a) to be custodian of, and to manage the properties, records and funds of the State Authority;

(b) to maintain or cause to be maintained, proper accounts of the State Authority;

(c) shall get the accounts of the State Authority to be audited annually by proper Authority;

(d) to prepare annual Budget of the State Authority and shall send it to the State Government for approval;

(e) to work out modalities of the Legal Services Schemes and programmes approved by the State Authority and ensure their effective monitoring and implementation;

(f) to inform the general public about the various aspects of the Legal Services Schemes and Programmes;

(g) to lay stress on the resolution of rural dispute and to take measures to .draw up schemes for legal services for settling rural disputes;

(h) to liaise with Social Acting Groups and District Authority and Subdivisionai Authority;

(i) to maintain up-to-date and complete statistical information including progress made in the implementation of various legal services programmes from time-to-time;

(j) to process proposals for financial assistance and issue utilisation certificates thereof;

(k) to perform such other functions as the Member Secretary may deem fit and proper for the advancements of the objects of the Act or as may be assigned to him under the Scheme by the State Authority.

5. Terms and conditions of Office Members and Member Secretary.—(1) The Secretary shall be an officer of the State Higher Judicial Service, not lower in rank than that of District Judge in super time scale who shall be appointed by the State Government in consultation with the Chief Justice of the High Court.

(2) The Secretary shall be a whole time Officer and shall hold office for a period of three years.

(3) The Secretary shall be entitled to such salary, allowances and other benefits as are admissible to a District Judge and shall also be governed by the Bihar Superior Judicial Service Rules.

(4) The term of the member of the State Authority, High Court Legal Services Committee, District Legal Services Authority and Sub-divisional Legal Services Committee shall be for a period of two years and shall be eligible for renomination.

(5) A nominated member of the State Authority may be removed by the State Government on the advice of the Chief Justice of the High Court, if his continuance as a Member is not desirable.

(6) Any nominated member of the State Authority may resign his membership by communication in writing signed by him and addressed to the Chief Justice of the High Court.

(7) Any vacancy caused by any Member resigning or being removed or otherwise shall be filled up in the same manner as the original nomination and the person so nominated shall continue to be member for the remaining term of the member in whose place he is nominated.

(8) A member shall be entitled to draw travelling allowance and daily allowance for attending the meeting of the State Authority in accordance with rules as are applicable to Class I Officers of the State Government.

(9) Whenever a retired Judge of the High Court is nominated to perform the functions of the Executive Chairman, he shall be entitled to all the emoluments and other benefits admissible to a sitting Judge of the High Court,

6. Staff of the State Authority.—The State Authority shall have such number of officers and other employees for its day to day functions as are set out in the Schedule of these rules. The Schedule shall, however, be amended by the State Government on the advice of the Chief Justice.

7. Pay, allowances, and other facilities to the Officers and employees of the State Authority,—(1) In all matters like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters, the Member Secretary shall be governed by the Jharkhand Superior Judicial Service Rules and other judicial officers below the rank of Additional District & Sessions Judge shall be governed by the rules of their parent departments and they shall be on deputation to the State Authority.

(2) The other employees of the State Authority shall be governed by Jharkhand Service Code and the rules and circulars applicable to the State Government employees. However such employees who are on deputation to the State Authority / shall be governed by the respective rules and circulars applicable to them of their A parent department.

(3) The Officers and other employees of the State Authority shall be entitled to such other facilities, and benefits as. may be notified by the State Government from time to time.

8. Appointment of the Secretary of the High Court Legal Services Committee.—A person shall not be qualified for appointment as Secretary of the High Court Legal Services Committee unless he is an officer of the High Court not below the rank of Joint Registrar.

9. Staff of the High Court Legal Services Committee and their salary and allowances.—(1) The High Court Legal Services Committee shall have such number of officers and employees for its day-to-day functions as are set out in Schedule of these rules. The schedule shall, however, be liable to be modified on the advice of the Chief Justice.

(2) Such pay and allowances to the staff of the High Court Legal Services Committee admissible shall be as may be determined by the State Government from time to time.

(3) The Officers and other employees of the High Court Legal Services Committee governed by the Jharkhand Service Code and rules and circulars applicable to the State Government employees, or, as the case may be, by the Staff Rules of the High Court of Jharkhand.

10. Constitution of District Authority.—The District Authority shall consist of—

(a) District Judge—*Chairman.*

(b) District Magistrate—*Vice-Chairman*.

Members

(c) Superintendent of Police.

(d) District Government Pleader.

(e) District Public Prosecutor.

(f) President, District Bar Association.

(g) One social worker, who is engaged in upliftment of the weaker sections shall be nominated by the State Government in consultation with the Chief Justice of High Court.

(h) One S.C./S.T. member of the District Bar to be nominated by the State Government in consultation with the Chief Justice of the High Court.

(i) An officer belonging to the State Judicial Service not lower in rank than that of a Sub-ordinate Judge of the District to be appointed by the State Authority in consultation with the Chief Justice—*Secretary*.

Notification

[No. 3-Memo No. 123A/2002 dated 31st May, 2002—in exercise of the powers conferred under the provisions of section 9(3) of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987) as amended by the Legal Services Authority (Amendment Act No. 59 of 1994) read with Rule 10(1) of the Jharkhand State Legal Services Authority Rules, 2001 and in consultation with the Chairman of the District Legal Services Authority of every District, wherever necessary to give effect to the provisions of the Act, the Jharkhand State Legal Services Authority does hereby appoint the Subordinate Judge I posted at the seat of the District Judiciary at each District within the State of Jharkhand, as Secretary of the District Legal Services Authority of his District to exercise such powers and perform such duties under the Chairman of the District Authority as may be assigned to him by such Chairman.]

11. Staff of the District Authority.—The District Authority shall have such number of staff for its day-to-day functions as are set out in the schedule of these rules or as may be notified by the State Government from time to time in consultation with the Chief Justice.

12. Allowance to the staff of the District Authority.—(1) The staff of the District Authority shall be appointed by the Chairman from amongst the Civil Court employees of the District on deputation.

13. Constitution of Sub-divisional Legal Services Committee.—The Sub-divisional Legal Services Committee shall consist of—

(a) Senior-most Judicial officer of the Sub-division—*Chairman.*

(b) Sub-divisional Magistrate—*Vice-chairman*.

Members

(c) One Asstt. Government Pleader.

(d) One member of the Local Bar Association to be nominated by the State Government in consultation with the Chief Justice of the High Court.

(e) One member of the Scheduled Castes/Scheduled Tribes to be nominated by the State Government in consultation with the Chief Justice of the High Court.

(f) Sub-divisional Judicial Magistrate or in case the Cadre S.D.J.M. is Chairman the next Judicial officer posted at the Station—*Secretary*.

14. Staff of the Sub-divisional Committee.—The Sub-divisional Legal Services Committee shall have such number of staff for its day-to-day functions as are set out in the Schedule of these rules or as may be notified by the State Government from time to time.

15. Allowance to the staff of the Sub-divisional Committee.—The staff of the Sub-divisional legal services committee shall be appointed by the Chairman of the District Authority from amongst the staff of the civil court on deputation.

16. Persons eligible for Legal Services.—Persons who are bonafide residents of Jharkhand having income of not more than Rs. 1,00,000 per annum under Section 12 (h) of the Act shall be eligible for legal services under the Act.

17. Constitution of Lok Adalats.—A person shall not be qualified to be included in the Bench of LokAdalat unless he is—

(a) A serving or retired Judicial officer.

(b) A distinguished social worker who is engaged in the upiiftment of the weaker sections of the people including Scheduled Castes/Scheduled Tribes, Women, Children, Rural and Urban Labour.

(c) A lawyer of standing.

(d) A person of repute who is specially interested in the implementation of the legal services schemes and programmes.

SCHEDULE-1
State Authority

Sl.No.	Post		No. of Posts.	Scale
1	2		3	4
1.	Member-Secretary	—	1	5900-6700 (Un-revised) (Senior Judicial Service in Supertime Scale)
2.	Joint Registrar	—	1	3700-5000 (Un-revised) (Senior Judicial Service)
3.	Section Officer	—	1	6500-10500/-
4.	Senior P.A.	—	1	6500-10500/-
5.	P.A.	—	2	5500-9000/-
6.	Assistant (Shall perform the duty of the Routine Clerk in addition to his duty)	—	4	5500-9000/- (Required proficiency in Typing as well as Computor)
7.	Accountant	—	1	4000-6000/-

8.	Treasury Sarkar	–	1	2650-3540/-
9.	Driver	–	1	3050-4590/-
10.	Sweeper (Shall perform the duty in Authority & Services Committee at the same time)	–	1	on the basis of contract
11.	Peon	–	4	2550-3200/-
12.	Night Guard	–	4	2550-3200/-

High Court Legal Services Committee Ranchi

1.	Secretary	–	1	3700-5000/- (Un-revised) Senior Judicial Service as District
2.	Section Officer	–	1	6500-10500/-
3.	P.A.	–	1	5500-9000/-
4.	Assistant (Shall perform the duty of Routine Clerk in addition to his duty)	–	3	5500-9000/- (Required proficiency in Typing and Computer)
5.	Peon	–	2	2550-3200/-

District Legal Services Authority

1.	Clerk	–	1	4000-6000/-
2.	Typist	–	1	400-6000/-
3.	Peon	–	1	2550-3200/-
4.	Sweeper	–	1	2550-3200/-

Subdivisional Legal Services Committee

1.	Clerk-cum-Typist	–	1	4000/-6000/-
2.	Peon	–	1	2550-3200/-
3.	Sweeper	–	1	2550-3200/-

❑❑❑

THE JHARKHAND STATE LEGAL SERVICES AUTHORITY, REGULATION, 2002

Notification No. 2 — dated 16.03.2002. — In exercise of the powers conferred under the provisions of section 29A of the Legal Services Authority Act, 1987 (Act No. 39 of 1987) as amended by the Legal Services Authorities (Amendment Act No. 59 of 1994) and in consultation with Hon'ble chief Justice, Jharkhand High Court, wherever necessary to give effect to the provisions of the Act, Jharkhand State Legal Services Authority is pleased to make the following regulations, namely :

Jharkhand Legal Services Authority
Regulation, 2002

(As Amended by)
Amendment Notification No. 12 dated 21.02.2013 and
Amendment Notification No. 13 dated 18.06.2013

CHAPTER-1

1. Title and commencement.—These Regulations may be called the Jharkhand State legal services Authority Regulations and they shall come into force from such date as may be fixed by the Authority.

2. Definitions— In these Regulations, unless the context otherwise requires :

   (a) "Act" means the Legal Services Authorities Act, 1987(No. 39 of 1987).

   (b) "State Authority" means the Jharkhand Legal Services Authority.

   (c) "High Court Committee" means the Jharkhand High Court Legal Services Committee constituted under section 8A of Legal Services Authority Act.

   (d) "District Authority"means the District Legal Services Authority constituted under section 9 of Legal Services Authority Act.

   (e) "Sub-divisional Committee" means the Sub-divisional Legal Services Committee constituted under section 11A of Legal Services Authority Act for each sub-division of the District in the State.

   (f) "Rules" means the Jharkhand Legal services Authorities Rules, 2001.

   (g) "Legal Practitioner" shall have the meaning assigned to that expression in the Advocates Act, 1961.

   (h) "Member" means a member of the State Authority, High Court Committee, District Authority or the Sub-divisional Committee as the case may be.

   (I) "Nominated Member" means a member nominated to the State Authority, High Court Committee, District Authority or the Sub-divisional Committee as the case may be.

(j) All other words and expressions used in these Regulations but not defined shall have the meaning respectively assigned to them in the Act and the Rules framed thereunder.

CHAPTER-II

3. Power and Functions of the Patron-in-Chief— (1) The Patron-in-Chief shall have overall Supervision and control over the functioning of the State Legal Services Authority, High Court Legal Services Committee, District legal Services Authority and Sub-divisional Legal services Committees.

(2) The Patron-in-Chief shall at any time call upon the Member Secretary of the State Legal Services Authority, Secretary of the High Court Legal Services Committee, the Chairman and the Secretary of the District Legal Services Authority and the Sub-divisional Committee, as the case may be and give such instruction from time to time to implement the Schemes of the Act.

(3) The Patron-in-Chief may undertake such tour throughout the State for promoting the Legal Services Programmes and the Schemes of the Act and to implement in the perspective manner. The expenses incurred by Patron-in-Chief, in respect of the tour and of other programmes, shall be met out by the funds of Jharkhand State Legal Services Authority.

(4) The Executive Chairman may also undertake such tour throughout the State for promoting the Legal Services Programmes and Schemes of the Act as proposed in the agenda of the meeting of the Authority or as desired by the Patron-in-Chief. The State Authority shall meet the expenses in respect of such tour and other programmes.

CHAPTER-III

4. Meetings of State Legal Services Authority— 1. The State Authority shall meet atleast once in 3 months at the place, date and time specified by the Executive Chairman of the Authority.

2. The meetings of the State Authority shall be presided over by the Executive Chairman or in his absence by any member chosen by the members present and the quorum of the meeting of the State Authority shall be nine and no quorum shall be necessary for adjourning the meeting.

3. All the subject matter of the agenda shall be decided in the meeting by the majority of the votes of the members present and in case of equal number of votes, the person presiding shall have a second or casting vote.

4. Any 10 Members of the Authority may give a requisition in writing addressed to the Member- Secretary for convening a meeting of the Authority for consideration of the subjects or matters specified therein. On receipt of such requisition, the Member-Secretary shall, after obtaining the orders of the Executive Chairman, convene a meeting of the Authority within a month from the date of receipt of such requisition to consider the subjects or matters specified in the requisition.

5. Any member of the State authority desiring consideration of any subject or matter at ant meeting of the State Authority, may intimate in writing such subject or matter to the Member-Secretary. If such intimation is received before issue of the notice of the meeting, the subject or matter shall if so directed by the Executive Chairman, be included in the Agenda of the meeting. If such intimation is received after issue of the notice, the subject or matter may be considered at the meeting with the permission of the person presiding at the meeting.

6. The Member-Secretary of the State Authority shall prepare the Agenda of the meeting of the State Authority with final approval by the Executive Chairman. The notice of every meeting of the State Authority shall be given in writing by the Member-Secretary to the Members, at least 7 clear days before the date of the meeting. However, in urgent matters, the notice of only three days may be given or if necessary, may be communicated telephonically.

7. The Agenda of the meetings shall be sent to the members alongwith the notice.

8. The Member-Secretary shall draw up the minutes of the meeting of the State Authority and after it is approved by the Executive Chairman, send it to the other members of the Authority, as soon as possible but not later than the date of dispatch of the notice of the next meeting. Any member after receipt of the minutes of previous meeting may give any suggestion in the next meeting, which shall be considered accordingly.

9. The minutes shall contain a record of the decisions taken and resolutions passed at the meeting and the discussions at the meeting shall not ordinarily form part of the minutes, unless the Chairman of the meeting so directs. The minutes shall be recorded in a separate register maintained for that purpose in the office of the State Authority.

10. The Member-Secretary shall, at the commencement of the next meeting of the State Authority inform the Members, the action taken on the decisions taken in the previous meeting.

11. The signature of the Members present at the meeting shall be obtained in a register maintained for that purpose.

12. The Member-Secretary with the approval of the Executive Chairman may pass the T.A. Bills of all the Members of the State Authority and the Committees and also of others who have attended the meetings or programmes of the State Authority.

13. The State Authority shall meet the expenses of every meeting, which will be held quarterly as aforesaid or at any time.

5. Allowances payable to the Members of the State Authority — 1. The sitting fee payable to the non-official Members of the State Authority for attending the meeting or of any Committee thereof as may be fixed by the Executive Chairman.

2. No allowances is payable to the Patron-in-Chief, Executive Chairman and the Member-Secretary of the State Authority attending the meeting of the State Authority or of any Committee thereof, provided that any such meeting of any

Committee thereof, provided that any such meeting of any Committee is held at Ranchi.

6. Removal of Member from Office in certain circumstances — 1. On recommendation of the Executive Chairman, in consultation with the Patron-in-Chief of the State Authority, the State Government shall remove any nominated member of the State Authority, who—

(a) fails, without sufficient cause, to attend three consecutive meetings of the State Authority; or

(b) has been adjudged insolvent; or

(c) has been convicted of an offence which in the opinion of the Executive Chairman, involved 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 State Authority prejudicial to the public interest.

2. Notwithstanding anything contained in Clause (1) of this Regulation, no Member shall be removed unless the recommendation for his removal has been made on any of the grounds mentioned above and only after affording him reasonable opportunity to be heard.

7. Other functions to be performed by the State Authority— In addition to the functions to be performed by the State Authority, as laid down by Section 7(1) and 7(2)(a)(b)(c) of the Act, the State Authority may also perform the following functions :

1. The State Authority may conduct legal literacy camps in different parts of the State, with a view to transmitting knowledge about the legal aid schemes conducted in the State, or with a view to spreading consciousness about the legal rights and duties of citizens with special reference to tribal and rural populations, women, children, handicapped and the weaker sections of the society.

2. The State Authority may finance public interest litigations before appropriate Courts in the State if it is satisfied that such litigations are for the general benefit of large body or class of persons who cannot by themselves take recourse to law due to poverty, illiteracy or other similar reasons.

3. The State Authority may conduct legal aid clinics in different parts of the State in collaboration with Law Colleges, Universities and other social service organisations.

4. The State Authority may also establish or the direct the District Authority to establish conciliation Committees at various Centers in the State with a view to providing permanent or quasi-permanent infrastructure for resolving legal disputes between the parties, whether they may be pending in Courts or may be in offing. For establishing such Committee it will be open to the State Authority or the District Authority to take active assistance/support of such social service organisations that have zeal for legal aid work.

5. The State Authority may review the cases where legal services are refused by the District Authority, on application or suo moto.

8. Funds, Budget Accounts and Audit of the State Authority — 1. The funds of the State Authority shall consist of such funds and grants as may be allotted and granted to it by the State Government, the Central Government and the National Legal Services Authority and also such other amount, grant received by way of donations or otherwise as provided under Section 16 of the Act.

2. The fund of the State Authority other than those provided under section 6(7) of the Act shall be maintained in a Nationalised Bank in the Name of Jharkhand State Legal Services Authority, Ranchi. The Member-Secretary shall operate the bank account of the Authority with the prior approval and direction of the Executive Chairman.

3. All expenditures of the State Authority including legal aid and services and other expenses for carrying out the various functions of the Authority, shall be met out of the funds of the State Authority. For this purpose, the State Authority shall prepare its annual budget before the beginning of the financial year and no expenditure shall be met out of the fund of the Authority unless it is provided for in the annual budget of the Authority;

Provided that in exceptional circumstances, the Patron-in-Chief and/or the Executive Chairman may permit any expenditure even if it is not provided in the annual budget of the Authority.

CHAPTER-IV

9. Constitution of the Jharkhand High Court Legal Services Committee— The State Authority shall constitute a Committee called the High Court Legal Services Committee consisting of a sitting Judge of the High Court who shall be nominated by the Patron-in-Chief as Chairman and the following members to be nominated by the Patron-in-Chief.

(i) Secretary as defined under Sub-Section 3 of Section 8A of the Act.

(ii) The President of the Jharkhand High Court Advocates' Association.

(iii) One Member of the Jharkhand High Court Advocates' Association having not less than 15 years of standing practice at the Bar.

(iv) One Lady Member of the Jharkhand High Court Advocates' Association having not less than 5 years of standing practice at the Bar.

(v) Additional Legal Remembrancer(in Cadre of Addl. D.J.).

(vi) I,G./D.I.G.(Human Rights), Ranchi City.

(vii) State Public Prosecutor or the Government Advocate.

(viii) One serving or retired eminent Law Teacher of a University.

(ix) An eminent social worker engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, Women, Children and Rural Labour.

(x) A person of repute, who is specially interested in the implementation of the Legal Services Schemes.

10. Term of Office of the Members and Secretary of the high Court Legal Services Committee— 1. The term of the office of the Secretary and members of the High Court Committee shall be for a period of two years unless earlier terminated by the Patron-in-Chief.

All members of the Committee except the Secretary shall function in honorary capacity.

2. If any member including the Chairman ceases to be the member of the High Court 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 the member or the Chairman, as the case may be, for the remaining term of the member or the Chairman in whose place he is nominated.

11. Meetings of the High Court Legal Services Committee— 1. Subject to the special or general instructions of the State Authority, the Chairman of the High Court Legal Services Committee may as frequently as the business may warrant shall atleast once in three months, call a meeting of the High Court Legal Services Committee.

2. The Chairman of the High Court Legal Services Committee or in his absence a Member chosen by the Members present from among themselves shall preside over the meeting of the Committee.

3. The quorum for the meeting shall be 4 members, but this quorum is not required for the adjourned meeting.

4. All questions at a meeting shall be decided by majority of the votes of the members present and in case of equality of votes the person presiding shall have a second or casting vote.

5. Minutes shall contain the names of the Members present and of the proceedings of each meeting which shall be signed at the next ensuing meeting by the person presiding at such meeting and shall be open to inspection by any member.

6. A copy of the minutes shall be sent to the State Authority.

7. The non-official members of the High Court Legal Services Committee shall be paid a sitting as may be fixed by the Executive Chairman.

8. The expenses of the High Court Legal Services Committee, shall be met out by the funds provided by the State Legal Services Authority.

9. The High Court Legal Services Committee shall consist of the staff as per schedule I of Sub-Section (5) of Section 8A of the Act.

12. Powers and Functions of the High Court Committee— Subject to the general superintendence and control of the State Authority, the High Court Committee shall exercise the following powers and perform the following functions :

(a) Recommend for filing of public interest litigation in the High Court for the general benefit of a large body or class of persons who cannot by themselves take recourse of law due to penury, illiteracy or other similar reasons.

(b) Convene and organise Lok Adalats at regular intervals in respect of High Court Cases.

(c) Receive applications for legal services in respect of cases pertaining to High Court of Jharkhand.

(d) Ensure that the case of every applicant is promptly processed and disposed of.

(e) Consider the cases brought before it for legal services and decide as to what extent legal services can be made available to the applicant.

(f) Persuade the parties to appear before it and make efforts to bring about a just settlement between them and, if necessary, also refuse the legal services, if in its opinion, the conciliation has failed due to any fault on the part of the applicant.

(g) Encourage and promote conciliation and settlement in all legal proceedings.

(h) Take proceedings for the recovery of the costs awarded to a person to whom legal services are rendered.

(i) Submit recommendations and suggest improvement to the State Authority in the working of these Regulations.

(j) Prepare and submit such reports, returns and other statistics or information, as the State Authority may call for; and

(k) Perform and exercise such other functions and powers as may be determined by Regulations made by the State Authority from time to time.

13. Powers and Functions of the Secretary of the High Court Legal Services Committee— 1. To implement the scheme to give free legal service to the eligible and weaker section.

2. To workout modalities of the Legal Services Schemes and Programmes.

3. To exercise the powers in respect of administration, house keeping, finance and budget matters.

4. To manage the properties, records and funds of the High Court Legal Services Committee.

5. To maintain true and proper accounts including checking and auditing in respect thereof.

6. To prepare Annual Income and Expenditure Account and Balance Sheet.

7. To maintain up-to-date and complete statistical information including progress made in the implementation of various Legal Service Programmes from time to time.

8. To process proposals for financial assistance and issue Utilization Certificate thereon.

9. To organize various Legal Services Programmes and convene Meeting/Seminars and Workshops connected with legal service programmes and preparation of reports and follow up action thereon.

10. To perform such of the functions as are assigned to him under the Schemes, formulated under the Act.

11. To perform such other functions as may be expedient for efficient functioning of the High Court Legal Services Committee.

12. To transmit the minutes of every such meeting of the committee alongwith the decisions taken, resolutions passed, directly to the State Authority.

14. Funds, Accounts and Audit of the Committee — 1. The funds of the Committee shall consist of such funds as may be allotted and granted to it by the State Authority and also such amount, as may be received by the Committee from time to time by way of donations or by way of cost, charges and expenses recovered from the legal aided persons or the opposite party or otherwise.

2. The funds of the Committee shall be maintained in a Scheduled Bank.

3. For the purpose of meeting the incidental minor charges such as court fee, stamps and expenditure necessary for obtaining copies of documents etc. permanent advance of Rs.3000/- shall be placed at the disposal of the Secretary of the Committee.

4. All expenditure on the legal aid and advice, provisions of other legal services as also expenditure necessary for carrying out the various functions of the Committee, shall be met out of the funds of the Committee. The Secretary shall operate the bank accounts of the Committee in accordance with the directions of the Chairman.

5. The Committee shall cause to keep and maintain true and correct accounts of all receipts and disbursements and furnish quarterly reports to the State Authority.

6. The accounts of the Committee shall be audited by the Accounts Officer as mentioned in Section 18 of the Act.

15. Panel of Advocates — (I) The High Court Legal Services Committee, District Authority and Sub-divisional Committee shall prepare a panel of advocates with the approval of their respective Chairman to conduct the cases referred to them.

[1]*(ii)* [***]

1 Deleted by Amendment Notification 13 dt 18.06.2013, sec. 3(B) (w.e.f. 18.06.2013) , Sub -Regulation 15(ii), before deletion stood as under: (ii)

(a) The Legal Practitioner appearing in the High Court shall be paid consolidated fee as per Schedule I.

(b) The Legal Practitioner appearing in the matters arising out of the cases referred to by the District Authority, shall be paid consolidated fee as per Schedule II.

(c) The Legal Practitioner appearing in the matter referred to by the Sub-divisional Committee, shall be paid consolidated fee as per Schedule III.

(d) The Legal Practitioner representing in the cases referred to by the respective Authorities

[2]*(ii)* The Advocate on the respective panel, shall continue at the pleasure of the respective Chairman.

CHAPTER-V

District Authority

16. Term of Office of the Members and Secretary of the District Authority — 1. The term of the office of the members and Secretary of the District Authority shall be for a period of two years.

2. If any member of the District Authority ceases to be the member 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 the member for the remaining term of the member in whose place he is nominated.

3. A member of a District Authority may resign his office writing under his hand addressed to the State Government through the Executive Chairman of the State Authority and forwarded through the Chairman of the District Authority. The resignation shall take effect from the date on which it is accepted.

17. Removal of the Member from Office in certain circumstances— 1. On recommendation of the Patron-in-Chief in consultation with the Executive Chaairman of the State Authority, the State Government shall remove any nominated member from the District Authority, who —

(a) fails, without sufficient cause, to attend three consecutive meetings of the District Authority, or

(b) has been adjudged insolvent; or

(c) has been convicted of an offence which in the opinion of the Patron-in-Chief, involved 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 District Authority prejudicial to the public interest.

2. Notwithstanding anything contained in Clause (1) of this regulation, no member shall be removed unless the recommendation for his removal has been made on any of the grounds mentioned above and only after affording him reasonable opportunity to be heard.

18. Additional Functions of the District Authority — In addition to the functions assigned to it under the Act and Rules, the District Authority shall perform the following functions, subject to the general superintendence and control of the State Authority :

---

and Committees as the case may be pending before any Tribunals or Authorities or Forum , shall be paid as per Schedule I.

2 Sub Regulation 15(iii) renumbered as sub-regulation 15(ii) thereof by Amendment Notification 13 dt 18.06.2013, sec. 3(c) (w.e.f. 18.06.2013)

1. Shall perform such other functions as the State Authority may fix by Regulations from time to time and shall also be guided by such directions as Central Authority or the State Authority may give to it in writing from time to time.

2. Conduct legal literacy camps in different parts of the District with a view to transmitting knowledge about the legal aid schemes conducted in the State or with a view to spreading consciousness about the legal rights and duties of citizens with special reference to the tribal and rural population, women, children, disabled, handicapped and the weaker sections of the society .

3. Conduct legal aid clinics in different parts of the District in collaboration with Law Colleges, Universities and other social service organization.

4. Supervise, direct and guide the working of the Sub-Divisional Committees in the District.

5. Call for from the Sub-divisional Committees in the District such periodical reports, returns and other statistics or information as it may think fit, or as are required by the State Authority.

6. Prepare, consolidate and submit such reports, returns and other statistics or information in respect of the District Authorities, as the State Authority may call for.

7. Receive applications for legal services and ensure that every application is promptly processed and disposed of.

8. Consider the cases brought before it for legal services including pre-litigation matters and decide as to what extent legal services can be made available to the applicant.

9. Persuade the parties to appear before it and make efforts to bring about a just settlement between them and, if necessary, also refuse the legal services, if in its opinion the conciliation has failed due to any fault on the part of the applicant.

10. Encourage and promote conciliation and settlement in all legal proceedings, including pre-litigation matters.

11. Take proceedings for recovery of costs awarded to a person to whom legal services are rendered.

12. May review the cases where legal services are refused by the Sub-divisional committee, on application.

[3]*13. The expenditure incurred on any single Legal Awareness Camp/Legal Literacy Camp/Programmes etc. organized by District Legal Services Authority shall not exceed Rs. 5,000/-.*

CHAPTER-VI

Sub-divisional Legal Services committee

3 Ins. by Amendment Notification 12 dt 21.02.2013, sec. 2 (w.e.f 21.02.2013)

19. Term of Office and other conditions relating thereto of Members of the Sub-divisional Committee — 1. The term of the office of the members of the Sub-Divisional Committee shall be for a period of two years.

2. If any member of the said Committee ceases to be such member 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 the member for the remaining term of the member in whose place he is nominated.

3. A member of the Sub-Divisional Committee may, resign his office by writing under his hand addressed to the Executive Chairman of the State Authority and forwarded through the Chairman of the District Authority under intimation to the Chairman of the Sub-divisional Committee, such resignation shall take effect from the date on which it is accepted by the Executive Chairman of the State Authority.

20. Removal of the Member from the Office in certain circumstances— A nominated member of the Sub-divisional Committee shall be removed by the State Government on the recommendation of the Executive Chairman of the State Authority for such removal on any of the grounds mentioned in Regulation 15(1)(a) to (e) when the recommendation is made after affording the member a reasonable opportunity to be heard.

21. Additional functions of the Sub-divisional Committee — In additions to the functions assigned to it under the Act and Rules, the Sub-divisional Committee shall perform the following functions subject to the general superintendence of the District and State Authorities:

1. receive applications for legal services in respect of cases in all the Courts functioning in the Sub-Divisional area of the Committee.

2. ensure that the case of every applicant is promptly processed and disposed of.

3. consider the cases brought before it for legal services including pre-litigation matters and decide as to what extent legal services can be made available to the applicant.

4. persuade the parties to appear before it and make effects to bring about a just settlement between them and if necessary also refuse the legal services, if in its opinion the conciliation has failed due to any fault on the part of the applicant.

5. encourage and promote conciliation and settlement in all legal proceedings including pre-litigation matters.

6. take proceedings for the recovery of costs awarded to a person to whom the legal services were rendered.

7. perform such other functions and discharge such other duties as the District Authority or the State Authority may entrust to it from time to time.

CHAPTER-VII

Conduct of Business

22. Meetings — The Member-Secretary of the State Authority, with the prior approval of the Executive Chairman of the State Authority shall convene meeting of the State Authority at least once in three months or as frequently as the business may warrant.

The Secretary of the High Court Committee or of the District Authority, with the prior approval of the Chairman of the respective Authority, and the Chairman of the Sub-divisional Committee, as the case may be, shall convene meetings of the respective bodies at least once in two months or as frequently as the business may warrant.

In the absence of the Executive Chairman of the State authority or of the Chairman of the High court Committee, the District Authority or the Sub-divisional Committee as the case may be, one of the ex-officio members chosen be the Members present at the meeting shall preside over the meeting of the respective bodies.

23. Minutes of the Meeting—The minutes of the proceedings of every meeting shall be prepared by the Member-Secretary of the State Authority or the Secretary of the High Court Committee or the District Authority as the case may be as soon as possible after the meeting and after obtaining the approval of the respective Chairman thereto, he shall circulate the minutes to the members. The minutes shall be confirmed and signed by the respective Chairman unless any member who was present at the meeting to which the minutes relate and has objected to the minutes as having been incorrectly or incompletely recorded and has communicated his objections in writing to the Member-Secretary or the Secretary as the case may be, within seven days of the receipt of the minutes by him or her. Any objections received shall be considered by the respective Chairman of the bodies who may make such modifications in the minutes as are thought proper, and the modified minutes shall then be confirmed and signed by the respective Chairman.

The minutes of the proceedings of every meeting of the Sub-divisional Committee shall be prepared under the guidance of the Chairman by such officer as he directs. The minutes of the meeting shall be circulated to the members and be confirmed and signed by the Chairman in similar manner as is provided for the High Court Committee or the District Authority, as far as possible.

24. Decisions by way of Resolutions— All decisions of the State Authority, High Court Committee, District Authority, or the Sub-Divisional Committee shall be by way of resolutions passed in the meeting and in the event of any dissension, the decision of the Executive Chairman or the Chairman of the different other bodies as the case may be, shall be final.

Provided that in such matters as may be directed by the Executive Chairman or the Chairman of the different other bodies as the case may be, the decision of the State Authority or of the High court Committee, the District Authority or the Sub-divisional Committee may be taken by circulation.

25. Expenditure for the meeting— (a) The Member-Secretary of the State Authority is authorised to spend an amount not exceeding [4]*Rs. 5000/- (Rupees five thousand only)* for

4 Subs. by Amendment Notification 12 dt 21.02.2013 , sec. 3(1), for "Rs. 600/- (Rupees six hundred only) (w.e.f 21.02.2013)

a meeting of the State Authority, and an amount not exceeding [5]*Rs. 2000/-(Rupees two thousand only)* for a meeting of any Sub-Committee, from out of the Legal Aid Fund.

(b) The Member-Secretary may sanction an amount not exceeding [6]*Rs. 3000/- (Rupees Three thousand only)* for each meeting of the High Court Committee on the requisition of the Secretary of the Committee.

(c) The Chairman of the District Authority may incur an expenditure not exceeding [7]*Rs. 2000/- (Rupees Two thousand only)* for a meeting of the District Authority.

(d) The Chairman of the District Authority is authorised to sanction an amount not exceeding [8]*Rs. 1000/- (Rupees One thousand only)* from out of the District Legal Aid Fund for each meeting of the Sub-Divisional Committee on the requisition of the Chairman of the Sub-Divisional Committee.

CHAPTER-VIII

Legal Aid

26. Receiving of the Application for Legal Services — A person seeking legal services from the High Court Legal Services Committee, District Authority or the Sub-Divisional Committee as the case may be, shall send an application directly to the High Court Committee, District Authority or the Sub-Divisional Committee under affidavit containing the brief facts of the case, and where the applicant is a person as stipulated under section 12(h) of the Act, not being one covered under any other clauses of that section, the affidavit shall also state the details of properties possessed by him and his annual income from all sources:

Provided that if any such application as afores aid, is received by the State Authority directly for seeking legal services, the Authority will send the same to the respective Committee or Authority for doing the needful.

[9]*27. "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 and State.*

5 Subs. by Amendment Notification 12 dt 21.02.2013 , sec. 3(1), for "Rs. 200/- (Rupees two hundred only) (w.e.f 21.02.2013)

6 Subs. by Amendment Notification 12 dt 21.02.2013 , sec. 3(2), for "Rs. 400/- (Rupees four hundred only) (w.e.f 21.02.2013)

7 Subs. by Amendment Notification 12 dt 21.02.2013 , sec. 3(3), for "Rs. 250/- (Rupees Two hundred and fifty only) (w.e.f 21.02.2013)

8 Subs. by Amendment Notification 12 dt 21.02.2013 , sec. 3(4), for "Rs. 150/- (Rupees One hundred and fifty only) (w.e.f 21.02.2013)

9 Subs. by Amendment Notification 13 dt 18.06.2013, sec. 5, (w.e.f. 18.06.2013). Regulation 27 before substitution, stood as under ;-

Scrutiny of Applications — The application shall be scrutinsed and disposed of by the Secretaries of the High Court Committee, District Authority and by the Chairman the Sub-Divisional Committee as the case may be, giving such directions as the allowing of such legal services as are thought necessary.

Provided that all orders passed by the Secretaries of the High Court Committee or the District Authority rejecting legal services shall be passed after obtaining order of the respective Chairman.

Provided further that all orders of grant of legal services by the Secretaries of the High Court

(2) The Committee shall be constituted by the Executive Chairman or Chairman of the Legal Services Institution and shall consist of, -

(i) The Member Secretary or Secretary of the Legal Services Institution as its Chairman and two members out of whom one may be a Judicial Officer preferably having working experience in the Legal Services Institution and;

(ii) A legal professional having at least fifteen years standing at the Bar or Government pleader or Assistant Government Pleader or Public Prosecutor or Assistant Public Prosecutor, as the case may be.

(3) The tenure of the members of the Committee shall ordinarily be two years which may be further extended for a maximum period of one year and the Member Secretary or Secretary of the Legal Services Institution shall, however, continue as the ex-officio Chairman of the Committee.

(4) The Committee shall scrutinise and evaluate the application and decide whether the applicant is entitled to the legal services or not within a period of eight weeks from the date of receipt of the application.

(5) 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.

(6) The Legal Services Institution shall maintain a list of such agencies, institution or persons who have expressed willingness to render free legal services.

(7) Any person aggrieved by the decision or order of the Committee, he or she may prefer appeal to the Executive Chairman or Chairman of the Legal Services Institution and the decision or order in appeal shall be final".

Provided further that all orders of grant of legal services shall be subject to control, modifications and final approval by the Chairman of the respective Legal Services Institutions."

28. Preparation of Advocate Panel — The High Court Committee, the District Authority and the Sub-Divisional Committee shall prepare three panels of Advocates, for entrustment of the cases for rendering legal services, as follows :

(i) Advocates who volunteer to render legal services gratuitously;

(ii) Advocates of more than 15 years standing who can entrusted with important cases:

(iii) Advocates with standing at the Bar between 5 and 15 years who can be entrusted with the cases :

Provided the the Advocate members of the State Authority, High court Committee, District Authority or the Sub-Divisional Committee may always venture to render legal services gratuitously:

Committee or District Authority shall be subject to control and modifications by the Chairman of the respective bodies.

Provided further that in choosing the panels care shall be taken to empanel Advocates of repute who are specially interested in implementation of legal services scheme.

[10]29. [***]

30. Duty of legal Practitioner to take further action, after the decision of a case by the Court — The legal practitioner conducting a case on behalf of a person receiving the services shall, as soon as the case is decided, apply for a copy of a judgment and decree, if any, and immediately on receipt of the copies shall submit them to the body appointing him together with his detailed comments. The Sub-Divisional Committee, the District Authority or the High Court Committee, as the case may be, shall take steps to recover the expenses of the services rendered from out of the costs, if any, awarded by the Court to the person concerned and received by him. Such bodies may also consider, where necessary, the feasibility of filing an appeal, revision or a writ petition if---

(i) the case has been decided against the person;

(ii) the case is prima facie fit taking to such remedies;

(iii) the aided person has applied for legal services for taking recourse to such remedies.

Provided that it will not be necessary to make a fresh inquiry as to eligibility under section 12(h) of the Act, wherever applicable unless the Sub-Divisional Committee, District Authority or the High Court Committee, as the case may be, is of the opinion that a change of circumstances has taken place since the grant of legal services.

31. Modes of Legal Services and Advice — The legal services admissible under these Regulations shall be in all or in any of the following modes namely :

(a) legal advice by a legal practitioner on the list of legal practitioners maintained by the Sub-Divisional Committee, the District Authority or the High Court Committee or any of the voluntary organisation sponsored and encouraged by the State Authority.

(b) legal services in the form of ---

(i) representation of an entitled person by a legal practitioner on the list in the legal proceedings.

(ii) payment to the entitled person or on his behalf ---

(a) of court fee;

(b) of process fee and expenses of witnesses;

(c) of charges for preparation of paper books, including charges for printing and translation of documents;

---

10 Regulation 29 omitted by by Amendment Notification 12 dt 21.02.2013 , sec. 4, (w.e.f 21.02.2013). Regulation 29, before omission stood as under:

"Part Payment of Fees to Advocates ---- In suitable cases Advocates may be paid one third of the fees at the commencement of the case or at intermediate stage."

(d) of charges for the supply of certified copies of judgment, decision, order and other documents;

(e) of any amount on any other account in any legal proceedings.

LOK ADALATS

32. Procedure for Organising Lok Adalat — The Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, shall convene and organise Lok Adalat at regular intervals :

Provided that the Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, shall convene a Lok Adalat as soon as 30 cases preferred to it under section 20 of the Act or otherwise are available for being taken up.

The Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, may associate the members of the legal profession, colleges, students, social organization, charitable and philanthropic institutions and other similar organizations with the Lok Adalats.

33. Intimation to the State Authority — The Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, shall inform the State Authority about proposal to organize 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 :

(i) the place aand the date on which the Lok Adalat is proposed to be organized;

(ii) whether some of the organizations referred to in Regulation 30(2) have agreed to associate themselves with the Lok Adalat

(iii) categories and nature of cases, pending cases or pre-litigation disputes or both proposed to be placed before the Lok Adalat;

(iv) number of cases proposed to be brought before the Lok adalat;

(v) any other information relevant to the convening and organizing of the Lok Adalat.

34. Notice to the Parties concerned — The Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, convening and organizing the Lok Adalat shall inform every litigant whose case is referred to the Lok Adalat well in time so as to afford him an opportunity to prepare himself for the Lok Adalat.

35. Composition of the Lok Adalat — [11]*(1)* ***At State Authority Level.-*** *The Member-Secretary organizing the Lok Adalat shall constitute benches of the Lok Adalats, each bench*

11 Subs. by Amendment Notification 12 dt 21.02.2013 , sec. 5(a), for "1. At the High Court Level : The Secretary of the High Court Committee organising the Lok Adalat shall constitute Benches of the Lok Adalats, each bench compromising two or three of the following :

(I) a sitting or retired Judge of the High Court;

(ii) a senior member of the legal profession; and

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.

(2) ***At High Court Level.-*** *The Secretary of the High Court Legal Services Committee organising the Lok Adalats 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 (i) above.

(3) ***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 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 (i) above or a person engaged in para-legal activities of the area, preferably a woman.

(iii) a (local) social worker of repute who is engaged in the upliftment of the weaker sections of the people, including scheduled castes, scheduled tribes, woman, children, rural and urban labour and interested in the implementation of the Legal Services Schemes and Programmes.

2. At District Level : The Secretary of the District Authority organising the Lok Adalat shall constitute Benches of the Lok Adalats, each bench compromising two or three of the following :

(I) a sitting or retired Judicial Officer;

(ii) a senior member of the Local Bar; and

(iii) a (local) social worker of repute who is engaged in the upliftment of the weaker sections of the people, including scheduled castes, scheduled tribes, woman, children, rural and urban labour and interested in the implementation of the Legal Services Schemes and Programmes.

3. At Sub-Divisional Level : The Chairman of the Sub-Divisional Committee organising the Lok Adalat shall constitute Benches of the Lok Adalats, each bench compromising two or three of the following :

(I) a sitting or retired Judicial Officer;

(ii) a senior member of the Local Bar; and

(iii) a (local) social worker of repute who is engaged in the upliftment of the weaker sections of the people, including scheduled castes, scheduled tribes, woman, children, rural and urban labour and interested in the implementation of the Legal Services Schemes and Programmes. (w.e.f 21.02.2013)Sub Regulation 1 to 3 renumbered as 1 to 4

(4) ***At Subdivision Level.-*** *The Chairman of the Subdivisional Legal Services Committee organising the Lok Adalats shall constitute benches of the Lok Adalat, each bench comprising of a sitting or retired judicial officer and anyone 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 (i) above or a person engaged in para- legal activities of the area, preferably a woman.

[12](*5*) The Chairman of the High Court Committee, the District Authority and the Sub-Divisional Committee may directly supervise the Lok Adalat organised by the respective bodies.

36. Solemnity in conducting Lok Adalat — 1. Every lok Adalat shall be conducted with the solemnity attached to a Court and avoiding any ostentatious show.

37. Expenditure for the Lok Adalat — The expenditure incurred for arganising Lok Adalat shall not exceed [13]*Rs. 5000/- (Rupees Five Thousand Only)* including expenditure incurred for publicity etc.

Necessary help from publicity media like Press, Radio and Television can be taken in giving publicity of the proposed Lok Adalat.

Non political and voluntary services institutions may partake in organizing Lok Adalat by organising free distribution of food packets to the public gathered at the Lok adalat.

[14]*However, DLSA shall be competent to spend an amount not exceeding Rs.25000/- (twenty five thousand only) for Mega Lok Adalat to be organized under guidelines of 13th Finance Commission . However, this shall be operational only till the 13th Finance Commission guidelines remain in force.(co-terminus with the period of 13th Finance Commission)*

38. Summoning of the Records and the Responsibility for its safe custody — 1. The Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, may call for the judicial records of those pending cases which are referred to the Lok Adalat under section 20 of the Act from the concerned Courts.

2. If any case is referred to the Lok Adalat at the prelitigation stage, the version of each party shall be obtained by the Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, to be placed before the Lok adalat.

3. The Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, shall be responsible for the

---

12 Sub Regulation 35(4) renumbered as sub-regulation 35(5) by Amendment Notification 12 dt 21.02.2013 , sec. 5(b) (w.e.f 21.02.2013)

13 Subs. by Amendment Notification 12 dt 21.02.2013 , sec. 6(1), for "Rs. 500/- (Rupees Five hundred only (w.e.f 21.02.2013)

14 Ins. by Amendment Notification 12 dt 21.02.2013 , sec. 6(2), (w.e.f 21.02.2013)

safe custody of the records from the time he receives them from the Court till they are returned.

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

5. The judicial records shall be returned within ten days of the Lok Adalat irrespective of whether or not the the case is settled by the lok adalat with an endorsement about the result of the proceedings.

39. Functioning of the Lok Adalat — The Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, shall assign specific cases to each Benches of the Lok Adalat.

The Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, prepare a "Cause List" for each Bench of the Lok Adalat and intimate the same to all concerned atleast two days before the date of Lok Adalat.

Every Bench of the Lok Adalat shall make sincere efforts to bring about a conciliatory settlement in every case put before it without bringing about any kind of coercion, threat or undue influence, allurement or misrepresentation.

40. Holding of Lok Adalat — (a) A Lok Adalat may be organised at such time and place and on such days preferably on Saturdays, Sundays and holidays as the State Authority, High Court committee, District Authority, Sub-Divisional Committee, as the casee may be , organising the Lok Adalat deems appropriate.

(b) The Lok Adalat shall be held at a public place.

41. Procedure for effecting compromise or settlement at Lok Adalat — 1. Every award of the Lok Adalat shall be signed by the panel constituting the Lok Adalat.

2. The original award shall form part of the judicial records and a copy of the award shall be given to each of the parties duly certified to be true by the panel constituting the Lok Adalat.

42. Award to be categorical and lucid — 1. Every award of the Lok Adalat shall be categorical and lucid and shall be written in the language used in the local courts. The award may be drawn up in English or in the Regional language.

2. The parties to the dispute shall be required to affix their signature or, as the case may be, thumb impression on the award of the Lok Adalat.

43. Compilation of Results — At the conclusion of the session of the Lok Adalat the Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, shall compile the results for submission to the State Authority.

44. Maintenance of the Panel of Lok Adalat Judges — The Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, shall maintain a panel of retired Judges, Advocates, Social Workers etc,

possessing qualifications and experience prescribed under section 28(o) of the Act, who may work in Lok Adalats.

[15]45[***]

46. Procdure for Maintaining Record of Cases Referred under section 20 of the Act or Otherwise — 1. The Secretary of the High Court Committee or the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, shall maintain a register wherein all the cases referrred by him by way of reference to the Lok Adalat shall be entered giving particulars of the

(I) Date of Receipt;
(ii) Nature of the Case
(iii) Such other particulars as may be deemed necessary; and
(iv) Date of settlement and return of the case file.

2. When the case is finally disposed of by the Lok Adalat, an appropriate entry will be made in the register.

47. Budget — 1. The High Court Committee and the District Authority shall submit the Budget proposals to the State Authority on financial year basis in respect of the Lok Adalat Scheme.

2. The Sub-Divisional Committee, shall submit the Budget proposals to the District Authority on financial year basis in respect of the Lok Adalat Scheme.

3. The expenditure for Lok Adalat Scheme shall constitute Non-plan expenditure and may be, met out of the grants received by the High Court Committee and the District Authority and the Sub-Divisional Committee, as the case may be.

---

15 Regulation 45 omitted by by Amendment Notification 12 dt 21.02.2013 , sec. 7, (w.e.f 21.02.2013). Regulation 45, before omission stood as under: "Remuneration to the Judge and Members of the Lok Adalat ---- 1. The Judge of the Lok Adalat Bench, if he is retired Judicial Offider and other members shall be proived with conveyance or conveyance allowance as per actuals for to and fro journey between their residence and the place of Lok Adalat.

2. (i) The Presiding Officer of the Lok Adalats held at District and Sub-Division levels, who is not a serving Judicial Officer shall be entitled to honorarium at such rates as may be determined by the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, but not exceeding Rs. 20/- per case decided and subject to a maximum, of Rs. 100/- per day.

(ii) The other members of the Lok Adalats held at the District and Sub-Divisional levels shall be entitled to honorarium at such rates as may be determined by the District Authority or the Chairman of the Sub-Divisional Committee, as the case may be, but not exceeding Rs. 15/- per case decided and subject to maximum, of Rs. 75/- per day.

(iii) The Presiding Officer of the Lok Adalats held at High Court level, who is not a sitting Judge shall also be entitled to honorarium at such rates as may be determined by the Chairman of the High Court Committee but not exceeding Rs. 40/- per case decided and subject to maximum, of Rs. 200/- per day."

(iv) The other members of the Lok Adalat held at High Court level shall be untitled to honorarium at such rates as may he determined by the Chairman of the High Court Committee but not exceeding Rs. 25/- per case decided and subject to a maximum of Rs. 125/- per day.

48. Maintenance of Accounts — 1. The Chairman of the High Court Committee or the District Authority or the Sub-Divisional Committee, as the case may be, shall exercise complete and full control over the expenditure to be incurred on the Lok Adalats.

2. The Secretary of the High Court Committee or the District Authority, as the case may be, shall render true and proper accounts to the State Authority every quarter.

3. The Chairman of the Sub-Divisional Committee shall render true and proper accounts to the District Authority every month.

49. Funding — On a request received from the High Court Committee or the District Authority or the Sub-Divisional Committee, as the case may be, the State Authority may release special grants for convening or holding of Lok Adalats, if considered necessary.

[16]Schedule A

(1) Consolidated fee for Legal Aid Counsel for High Court cases

16 Subs. by Amendment Notification 12 dt 21.02.2013 , sec. 8, for Schedule I, II and III upto para (a) and (b) (w.e.f. 21.03.2013), before omission Schedule I, II and III upto part (a) and (b) stood as under.

SCHEDULE-I

Consolidated Fee for the High Court Cases

Writ Petition	Rs. 500/-
L.P.A	Rs 750/-
Second Appeal	Rs 750/-
First Appeal	Rs 1000/-
Civil Misc. Appeal	Rs 500/-
Criminal Revision Appeal	Rs 500/-
Civil Revision	Rs 500/-
Any Other Legal Proceeding	Rs 500/-

SCHEDULE-II

Consolidated Fee for District Court Cases

Suit before Sub-Judge, Munsif	Rs 500/-
Suit and Appeals or any other proceeding before District Judge	Rs 500/-
Criminal Cases before Asstt. Sessions Judge or Sessions Judge (Including Revision & Appeal)	Rs. 500/-
In Uncontested Case	Rs 200/-

SCHEDULE-III

Consolidated Fee for the Other Cases

Criminal Case including Maintenance Case	Rs 500/-
Bail Petition if Counsel not paid Fee in Main Case	Rs 100/-
Cases before Member Board of Revenue, Commissioner, Collector, Addl. Collector, other courts of the same rank Including courts of settlement officers hearing cases Relating to survey cases	Rs. 700/-
Cases before SDM, Executive Magistrate, LRDC & other Courts of the same nature and rank in Subdivisions	Rs 500/-
All cases relating to Tribal Lands (for the Members of S.C. & S.T.)	Rs 700/-

In any case, for reasons to be recorded in writing, it is considered by the Chairman to be of such

(a)	*Writ petition, contempt, LPA, First Appeal, Second Appeal Cr. Revision [17]Criminal Appeal Civil Revision*	*Up to admission stage Rs. 3000/- Drafting fee Rs. 1000/-*	*For final hearing Rs. 3000/-*
(b)	*B.A., A.B.A. Quashing matter, CMP, Transfer Petition, Misc. Appeal, IA and any other similar application*	*Rs. 1500/- (One Time)*	

Consolidated fee for Legal Aid Counsel for cases before State or Central Level Tribunal or Commission, Board of Revenue, Divisional Commissioner or other like Forum

(a)	*For matters like Original application, appeal etc.*	*Up to admission stage Rs. 2500/- Drafting fee Rs. 1000/- shall be admissible*	*For final hearing Rs. 2500/-*
(b)	*For interlocutory application restoration, misc. or other like matter*	*Rs. 1000/- (One Time)*	

Schedule B
Fee for Legal Aid Counsels in Subordinate Court

CIVIL CASES			
(1) Before District Judges including MACT, Family Court, Labour Court			
(a)	For civil appeal	Up to admission stage Rs. 1000/-	After final disposal Rs. 2000/-
(b)	For original Civil, Labour, Matrimonial, , Probate, Succession, Letter of Administration, Arbitration, Land Acquisition, Insolvency or any other original proceeding	Rs. 4000/- Drafting fee Rs. 500/- for (a) & (b)	Rs 1000/- on framing of issues or points, Rs. 1500/- on closure of evidence and Rs. 1500 on final disposal
(c)	For Misc. appeal, restoration application, Transfer application, misc. application etc.	Rs. 500/-	Rs. 1000/-

nature/importance requiring payment of higher fees to the legal practitioner, may pay the higher fee as it deems fit; Fees payable under Sub-Regulation (ii) shall be paid in two instalments as under :

(a) 1/3rd of the fee on engagement of the legal practitioner after first hearing of the case.

(b) The remaining 2/3rd fee after final decision of the case.

17 Ins. by Amendment Notification 13 dt 18.06.2013, sec. 2 (w.e.f. 18.06.2013)

(2) Before Civil Judge (Senior or Junior Divisions)		
(a)	For original suit	Rs. 4000/- (Rs. 1000/- at the stage of framing of issues or point, Rs. 1500/- after the closure of evidence and Rs. 1500/- on final disposal)
		Drafting fee Rs. 500/-
(b)	For Execution application	Rs. 2500/- (one time payment)
(c)	For any other application or proceeding	Rs. 1500/- (one time payment)

Criminal Cases

(1)	Before Sessions Court	
(a)	For cases involving sentence of death or life imprisonment or imprisonment exceeding 7 yrs.	Rs. 6000/- (1/3 on framing of charge, 1/3 on conclusion of evidence and 1/3 on final disposal)
(b)	For all other Sessions Cases including cases under Spl. Acts	Rs. 5000/- (1/3 on framing of charge, 1/3 on conclusion of evidence and 1/3 on final disposal)
(c)	Criminal Appeal or Criminal Revision	Rs. 2500/- (one time)
		Drafting fee Rs. 500/-
(d)	Bail or ABP	Rs. 1500/- (one time)
(e)	Any other application, IA etc requiring hearing in the case.	Rs. 500/- per case
(2)	Before CJM/ ACJM, JM 1st Class or any Judicial Magistrates under Special Act (Be it GR, Public or Private Complaint or the like)	Rs. 3000/- (1/3 payment at the stage of framing of charge, 1/3 at conclusion of evidence, 1/3 on final disposal)
	Bail application or any other application requiring hearing in the case	Rs. 500/- (one time)

Schedule C

For cases before District Level Revenue Court or Executive Court i.e. Deputy Commissioner, Addl. Commissioner, DCLR, SDO/SDM, City Magistrates			
1.	Appeal or original proceeding	Up to admission stage Rs. 1000/-	For final hearing Rs. 2000/-
2.	Misc. appeal, restoration proceeding or other misc. proceeding	Rs. 800/-	Rs. 1700/-

Expl.

1. *In batch matter with substantially similar pleading or nature or arising out of same FIR, order or common judgment one extra fee of Rs. 500/- for a set of three persons/cases shall be admissible subject to a maximum of 3 times of original fee*

2. *The court fee, clerkage (10% of the fee), Typing charges, photo copy and other misc. expenses shall be admissible on actual on production of genuine bill*

3. *Court fee through Legal Aid shall be payable by way of judicial stamp.*

4. *The Executive Chairman, JHALSA, Chairman, (HCLSC) or Chairman (DLSA or SDLSC) may in appropriate cases approve for availing the services of any Legal Practitioner other then those on the panel of JHALSA/HCLSC/DLSA or SDLSC.*

5. *Likewise, he may in appropriate cases approve for any Special Fee different from the above prescribed fee or remuneration in any special case to be paid to any legal Practitioner or Legal Aid Counsel.*

SCHEDULE D

Fee for Mediation

A. Honorarium/fee payable at the Level of High Court, JHALSA or HCLSC	
1. For successful Mediation/ Conciliation	Rs. 2000 per case
2. For unsuccessful Mediation/Conciliation	Rs. 500 per case
B. Honorarium/ fee at the District or Sub Division Level.	
1. For successful Mediation/Conciliation	Rs. 1400 per case
2. For unsuccessful Mediation/Conciliation	Rs. 350 per case
As the idea of enhancement of Mediation Fee was under consideration from Jan., 2010, we hereby fix the Mediation Fee for the Period from Jan., 2010 till Notification of the above, which is as follows:	
A. Honorarium/fee payable at the Level of JHALSA/HCLSC	
1. For successful Mediation/ Conciliation, per case	Rs. 600
2. For unsuccessful Mediation/Conciliation , per case	Rs. 200
B. Honorarium/Fee payable at the District level or Sub Division Legal Services Authority Level	
1. For Successful Mediation or Conciliation, per case	Rs. 500
2. For un Successful Mediation or Conciliation, per case	Rs. 200

[18] *"provided that the fee for unsuccessful Mediation/Conciliation shall be admissible only after putting in efforts in atleast 3 sessions at three different dates."*

Note:1. Any Mediation or Conciliation proceedings in pre-litigation matters at any level of the Legal Services Authority or Committee shall be treated as taking place at the level of District Legal Services Authority.

1. The newly amended fee structure as above shall be made effective after the Notifications of the Resolution of this General Body Meeting

SCHEDULE E

18 Ins. by Amendment Notification 13 dt 18.06.2013, sec. 3(A) (w.e.f. 18.06.2013)

Honorarium/Fee Payable

1	*Honorarium/Fee Payable a. to Presiding Officer (Retd.) of the Lok Adalat held U/s 19 of Legal Services Authorities Act, 1987 at the High Court Level*	*Rs.2000/- per sitting of Lok Adalat*
	b. Payable to other Members	*Rs.1000/- per sitting of Lok Adalat.*
2	*Honorarium/Fee Payable a. to Presiding Officer (Retd.) of the Lok Adalat held U/s 19 of Legal Services Authorities Act, 1987 at the District or Sub Divisional Level.*	*Rs. 100 per case subject to maximum of Rs.500 per sitting of Lok Adalat*
	b. Payable to other Members	*Rs.75 per case subject to Rs.375 per sitting of Lok Adalat.*
3.	*Honorarium/Fee payable to Retd Judicial Officers, Legal Aid Counsels or Panel lawyers attached to Legal Aid Clinics, to jails, Juvenile Justice Board, Remand Home, Observation Home, Probation Home, Shelter Home, if deputed by JHALSA, DLSA, HCLSC, SDLSC*	*Rs. 500/- per visit with detailed report of minimum of 5 cases or 5 inmates + expenses.**
4.	*Honorarium/Fee payable to Legal Aid Counsels/ Panel lawyers other advocates, legal experts, social workers, law students, attending the Legal Aid Clinics, Literacy awareness, or mobile awareness camps in colleges, universities and other places if deputed specially by JHALSA, DLSA, HCLSC, DLSA.*	*Rs. 350/- per visit + expenses**
5.	*Honorarium/ Fee payable for utilization of specific services of the trained Para Legal Volunteers*	*Rs.250/- per visit + expenses**
6.	*a. Honorarium /Fee payable to outstation lawyers, other legal experts as Resource Person approved by JHALSA/HCLSC/ DLSA/ SDLSC for imparting training of legal services.*	*Rs.1000/- per day + expenses**
	b. Honorarium /Fee payable to local lawyers and other legal experts as Resource Person approved by JHALSA/HCLSC/ DLSA/ SDLSC for imparting training of legal services. *Provided also that in appropriate cases with prior approval of the Hon'ble Executive Chairman of JHALSA, special honorarium/remuneration/fee and other expenses may be sanctioned in favour of any person being invited as Resource Person for any National, State or district Level Conference, Seminar, Workshop, Symposium etc.*	*Rs. 500/- per day+ expenses**

**Expenses:*

[19]""1. TA shall be admissible to outstation non-official participants at the rate of 3 Rs/Km.

19 Subs. by Amendment Notification 13 dt 18.06.2013, sec. 4, (w.e.f. 18.06.2013). Clauses 1 and 2 before substitution, as inserted by Amendment Notification 12 dt. 21.02.2013 stood as under. "1. On actuals on production of Tickets by rail or by bus or on production of vouchers or Rs. 5/- per Km, whichever is less.

2. Rs. 75/- would be paid for local traveling per day within the jurisdiction of DLSA."

3. With the prior approval of Executive Chairman, JHALSA; Chairman, HCLSC; Chairman, DLSA and SDLSC respectively; above expenses including bills for any other expenses may be sanctioned and passed by the Member Secretary or Secretary as the case may be.

4. For organizing Awareness camps, Seminars, literacy programmes etc, or supervising any other activity, DLSA can arrange transport by hiring vehicle on need base locally with ceiling of 60 ltrs. Fuel per month. The Chairman of the DLSA/ SDLSC may approve extra fuel not exceeding 20 ltrs. in special case for such purposes the expenses to be met out of State Legal Aid fund of the DLSA/SDLSC as the case may be. The DLSA or SDLSC shall maintain proper Log Book for the same. Actual incidental expenditure including typing misc. charges incurred by the legal aid advocate will be reimbursed provided it is supported by the vouchers and a certificate is given to that effect by such Legal Aid advocates. Single set of honorarium shall be payable in cases in which more than one person is involved.

Such legal practitioner to whom any case is assigned either for legal advice or for legal aid shall not receive any fee or renumeration, whether in cash or in kind or any other advantage, monetary or otherwise, from such person or from any other person on his behalf and he shall submit a certificate to that effect and in case it is found that he indulges in such activities, the matter will be referred to the Bar Council for necessary action.

Such legal practitioner on the panel, who has completed his assignment, shall submit a statement showing the fee due to him in connection with the legal proceeding conducted by him on behalf of such persons, to the Secretary of the District Authority/Committee who shall, after due scrutiny obtain sanction of the Chairman. And on such sanction being given, the remaining amount shall be paid by the Secretary to the legal practitioner.

CHAPTER-X
Legal Aid Clinic

50. (1) For the purpose of rendering legal assistance to the poor and downtrodden, the State Legal Services Authority may establish Legal Aid Clinics in different district headquarters.

(2) Such Legal Aid Clinics will be arranged at such place, time and intervals as may be fixed by the High Court Committee at Ranchi and the District Authorities in their respective district headquarters.

51. There shall be a panel of lawyers approved by the High Court Committee and the District Committee for the Legal Aid Clinics who shall give honorary services to the clinic. In addition to the lawyers, legal experts, social workers and psychomedical experts shall also be actively associated with the clinic and law students would collaborate in its functioning.

52. Legal Aid Clinic shall interalia perform following functions :

(a) Interviewing with the clients.

(b) Property ascertaining facts of the case or problem.

---

2. Rs.150/- would be paid for Local traveling within the jurisdiction of DLSA."

(c) Counselling the clients

(d) Exposure of common people about mechanism of Legal Aid Schemes, Lok Adalat.

(e) Motivating the people to resolve their disputes through alternative redressal forum.

Services rendered by the lawyers and other active members in the Legal Aid Committee shall be free of cost.

53. Legal Aid Clinic shall operate by its regular office situated at a particular place and also time to time visit rural areas and serve the poor people. The Legal Aid Clinic will hear the problems of villagers relating to revenue, agriculture, bank loan, family matter and civil and criminal cases and advise them accordingly.

CHAPTER-XI

Miscellaneous

54. (i) The State Authority shall have the powers to make amendment in consultation with the chief Justice in any of the provisions of the Regulations as and when situation arises.

(ii) Any proposal of amendment in the Regulation shall be placed in the meeting of the State Authority by the Member-Secretary and for that purpose the meeting of the State Authority may be called at any time with the approval of the Executive Chairman.

55. Notwithstanding anything to the contrary contained in these Regulations, in case the Patron-in-Chief or the Executive Chairman of State Authority or the Chairman of the Authority/Committee is of the opinion that when such situation is arisen wherein immediate action is required to be taken or there is no possibility of immediately convening the meeting of the Authority/Committee then he may in anticipation of approval of the Committee/Authority concerned, take such decision as he may deem fit and thereafter he shall, as soon as possible sent report of his action so taken to the Committee/Authority concerned.

56. If any difficulty arises in giving effect to the provisions of these Regulations, the Executive Chairman may in consultation with the Patron-in-Chief, by order published in the Official Gazette make such provision of the Regulations as appeared to him to be necessary or expedient for removing the difficulty.

❑❑❑

NATIONAL LEGAL SERVICES AUTHORITY (LOK ADALATS) REGULATIONS, 2009

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. — (1) These regulations may be called The National Legal Services Authority (Lok Adalats) Regulations, 2009.

   (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. — In these regulations, unless the context otherwise requires,—

   (a) 'Act' means the Legal Services Authorities Act, 1987 (39 of 1987);

   (b) 'Lok 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.— (1) 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.

   (2) 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 any one 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 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

(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 oiie 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.— (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, 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.— (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).

(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.

11. Summoning of records and 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 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.

(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 often 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 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.

(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 inckiding 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 its 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 terms of such 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 the parties under the guidance and assistance from Lok Adalat.

(2) When both parties sign or affix their thumb impression and the members of the Lok Adalat countersign it, it becomes an award, (see a specimen at Appendix-I) Every award of the Lok Adalat shall be categorical and lucid and shall be written in regional language used in the local courts or in English. It shall also contain particulars of the case, viz., case number, name of court and names of parties, date of receipt, register number assigned to the case in the permanent register (maintained as provided under regulation 20) and date of settlement. Wherever the parties are represented by counsel, they should also be required to sign the settlement or award before the members of the Lok Adalat affix their signature.

(3) In cases referred to Lok Adalat from a court, it shall be mentioned in the award that the plaintiff or petitioner is entitled to refund of the court fees remitted.

(4) Where the parties are not accompanied or represented by counsel, the members of the Lok Adalat shall also verify the identity of parties, before recording the settlement.

(5) Member of the Lok Adalat shall ensure that the parties affix their signatures only after fully understanding the terms of settlement arrived at and recorded. The members of the Lok Adalat shall also satisfy themselves about the following before affixing their signatures:

(a) that the terms of settlement are not unreasonable or illegal or one-sided; and

(b) that the parties have entered into the settlement voluntarily and not on account of any threat, coercion or undue influence.

(6) Members of the Lok Adalat should affix their signatures only in settlement reached before them and should avoid affixing signatures to settlement reached by the parties outside the Lok Adalat with the assistance of some third parties, to ensure that the Lok Adalats are not used by unscrupulous parties to commit fraud, forgery, etc.

(7) Lok Adalat shall not grant any bail or a divorce by mutual consent.

(8) The original award shall form part of the judicial records (in prelitigation matter, the original award may be kept with the Legal Services Authority or Committee, concerned) and a copy of the award shall be given to each of the parties duly certifying them to be true by the officer designated by the Member-Secretary or Secretary of the High Court Legal Services Committee or District Legal Services Authority or, as the case may be, the Chairman- of Taluk Legal Services Committees

free of cost and the official seal of the Authority concerned or Committee shall be affixed on all awards.

18. Confidentiality. — (1) The members of the Lok Adalat and the parties shall keep confidential all matters relating to the proceedings in the Lok Adalat and the members of the Lok Adalat shall not be compelled to disclose the 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.

(2) The views expressed and discussions made by parties during the proceedings of Lok Adalat in respect of the possible settlement of a dispute and the proposals made by the members of Lok Adalat or admission made by any party or the conduct of the parties in the course of the proceeding before Lok Adalat shall not be brought in evidence or made use of in other court or arbitral proceedings.

(3) Members of the Lok Adalat shall not record the statement of any of the parties or record any conduct of the parties or express any opinion in such a manner as it would prejudice such party in any other proceedings before a court or arbitrator.

(4) If any member of the Lok Adalat violates the confidentiality and the ethical concerns which are akin to any other judicial proceedings, such member shall be removed from the panel of members of Lok Adalat.

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

20. Compilation of results. — At the conclusion of session of the Lok Adalat, the officer designated by the Member Secretary, the Secretary of the High Court Legal Services Committee, the District Authority or the Chairman of the Taluk Legal Services Committee, as case may be, shall compile the results for submission to the State Authority in the proforma given in Appendix-11.

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 Tahik 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.— (1) The officer designated by the Member Secretary, the Secretary of the High Court Legal Services committee, the District Authority or the Chairman of the Taluk Legal Services Committee, as the case may be, shall maintain a permanent register wherein all the cases and pre-litigation matters received by him by way of reference to the Lok Adalat shall be entered giving particulars of:

(i) date of receipt;

(ii) nature of the case or pre-litigation matter;

(iii) other particulars, if any;

(iv) date of compromise or settlement and the manner in which the case or matter was finally disposed of; and

(v) date of return of the case file.

(2) A copy of the award, if passed, duly certified in the manner stated in regulation 17 shall be kept in the office of the Authority or Committee, as the case may be, as a permanent record.

(3) Records other than the original of the awards of pre-litigation Lok Adalats may be destroyed after a period of three years from the date of disposal of the matter by Lok Adalat.

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

[ADVT-lll/4/I23/09-Ext>.]

Appendix - I

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, ir 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

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

❑❑❑

NATIONAL LEGAL SERVICES AUTHORITY, (FREE AND COMPETENT LEGAL SERVICES) REGULATION, 2010

NOTIFICATION
New Delhi, dated 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) 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;

   (ea) {Inserted by amendment notification dated 31.07.2012} "Panel Lawyer means a legal practitioner empanelled as a Panel Lawyer under regulation 8;

   (f) "Para-Legal Volunteer" means a para-legal volunteer trained as such by a Legal Services Institution;

   (fa) {Inserted by amendment notification dated 31.07.2012} "Retainer Lawyer" means a Panel Lawyer designated as the Retainer Lawyer under sub-regulation (6) 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 panel lawyer and" - omitted vide Amendment Notification dt. 31.07.12) one or more para-legal volunteers available during office hours.

Proviso: {Inserted vide Amendment Notification dt. 31.07.12)) - "(1) 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."}.

(2) {Substituted vide Amendment Notification dt. 31.07.12} - "(2) In the case of court based legal services, services of a panel lawyer or retainer lawyer may be provided and such lawyer shall, after considering the application, forward the same to the Committee constituted under regulation 7."}

(3) {Substituted vide Amendment Notification dt. 31.07.12} - "(3) The Para-Legal Volunteers in the front office shall render services such as issuing of simple notices, drafting of applications and petitions, providing basic information on the course of action to be taken in a situation and to act as an intermediary between the persons in need of legal services and the legal services institutions to enable such persons to gain access to justice.";

(4) {Substituted vide Amendment Notification dt. 31.07.12} - "(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."

(5) {Substituted vide Amendment Notification dt. 31.07.12} - "(5) In case of urgent matters, the retainer lawyer may be called to the front office to provide legal assistance of appropriate nature to the persons in need of legal services :

Provided that the Committee constituted under regulations 7 may consider and approve the action taken by such lawyer."

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 of the Legal Services Institution and shall consist of, -

(i) the Member Secretary or Secretary of the Legal Services Institution as its Chairman and two members out of whom one may be a Judicial Officer preferably having working experience in the Legal Services Institution and;

(ii) a legal professional having at least fifteen years' standing at the Bar or Government pleader or Assistant Government Pleader or Public Prosecutor or Assistant Public Prosecutor, as the case may be.

(3) The tenure of the members of the Committee shall ordinarily be two years which may be further extended for a maximum period of one year and the Member Secretary or Secretary of the Legal Services Institution shall, however, continue as the ex-officio Chairman of the Committee.

(4) The Committee shall scrutinise and evaluate the application and decide whether the applicant is entitled to the legal services or not within a period of eight weeks from the date of receipt of the application.

(5) 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.

(6) The Legal Services Institution shall maintain a list of such agencies, institutions or persons who have expressed willingness to render free legal services.

(7) Any person aggrieved by the decision or order of the Committee, he or she may prefer appeal to the Executive Chairman or Chairman of the Legal Services Institution and the decision or order in appeal shall be final.

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 the District and Taluk level) and the respective Presidents of the Bar Associations as the case may be.

(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) {Substituted vide Amendment Notification dt. 31.07.12} - "(1) The Panel Lawyer or, as the case may be, the retainer shall be available to deal with legal aid cases :

Provided that such lawyers may take up other briefs, but shall not appear against a party to whom legal aid has been given through the legal services institutions :

Provided further that such restriction shall not apply where both the parties have availed legal aid."

(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 matters.

(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 are 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, 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 halfyearly 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-SecretaryForm -I, National Legal Services Authority

Form - I
National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010

(see regulation-3)

The Form of Application for Legal Services
(this may be prepared in the regional language)

Registration No. :

1. Name :
2. Permanent Address
3. Contact Address with phone no. if any, e-mail ID, if any. :
4. Whether the applicant belongs to the category of persons mentioned in section -12 of the Act :
5. Monthly income of the applicant :
6. Whether 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. :

Signature of the applicant

Place:
Date:

Form-II

National Legal Services Authority (Free and Competent Legal Services) Regulation, 2010

(see regulation-11)

Information furnished to the Monitoring Committee about the legal Services provided

(i) Name of the Legal Services Institution. :

.....

(ii) Legal aid application number and date on which legal aid was given. :

.....

(iii) Name of the legal aid applicant. :

.....

(iv) Nature of case (civil, criminal, constitutional law etc,). :

.....

(v) Name and roll number of the lawyer assigned to the applicant. :

.....

(vi) Name of the Court in which the case is to be filed / defended. :

.....

(vii) The date of engaging the panel lawyer. :

.....

(viii) Whether any monetary assistance like, court fee, advocate commission fee, copying charges etc. has been given in advance? :

.....

(ix) Whether the case requires any interim orders or appointment of commission? :

.....

(x) Approximate expenditure for producing records, summoning of witnesses etc. :

.....

(xi) The expected time for conclusion of the proceedings in the Court. :

.....

MEMBER-SECRETARY / SECRETARY

Dated:

❑❑❑

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

NOTIFICATION

New Delhi, the 10th August, 2011

F. No. L/08/11/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 said Act (he 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 Mahatma Gandhi National Rural Employment Guarantee (MGNREG) Scheme, identity card for different government purposes, liaison with the government offices and public authorities, helping the common people who come to the clinic for solving their problems with the government officials, authorities and other institutions also shall be part of the legal services in the legal aid clinic:

   Provided, that the legal aid clinic shall provide assistance by giving initial advice on a problem, assistance hi 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 mat, 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 institutions 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 prelitigation 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 volunteers and the lawyers in the legal aid clinic to hand over the registers to the legal services institution having territorial jurisdiction as and when called for.

21. Use of mobile lok adalat vehicle. — (1) The lawyers rendering legal services in the legal aid clinic or the para-legal volunteers may request the District Legal Services Authority to send the mobile lok adalat van with members of the lok adalat bench to the 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 Secretary

[ADVT. III/4/123/11-Exty.]

❑❑❑

9 SCHEMES
OF
NATIONAL LEGAL SERVICES AUTHORITY

NALSA (LEGAL SERVICES TO SENIOR CITIZENS) SCHEME, 2016

1. BACKGROUND

1.1 The Senior Citizens constitute a class in themselves.[1] They are a reservoir of experience and knowledge, yet in many cases they are marginalized and almost wished away by the younger sections of the society as a burden on the society. The senior citizens do not constitute a homogenous group, the differences being based on the age gap amongst the senior citizens themselves, level of physical and mental alertness, their ability to work and suchlike.

1.2 Over the years, with advancement in science, there has been a substantial increase in life expectancy. As mentioned in the National Policy on Senior Citizens, 2011, "the demographic profile depicts that in the years 2000-2050, the overall population in India will grow by 55% whereas population of people in their 60 years and above will increase by 326% and those in the age group of 80+ by 700%- the fastest growing group." 1/8th of the world's elderly population lives in India. In real terms the population of elderly persons has increased from nearly 2 crores in 1951 to 7.2 crores in 2001 to 10.38 crores in 2011. Thus about 8% of the population is above 60 years. The highest percentage ofpeop1e aged above 60 years is found in Kera1a with the elderly constituting 12.55% of the population of the state. The number of females is larger in the category of 60+ age group with the number of females being 5,27,77,168 to 5,10,71,872 males as per the Census of 2011.

1.3 Senior citizens face a myriad of challenges- social, physical, mental and economic which are unique to them. The economic problems could be on account of loss of employment with a consequent loss of income and economic insecurity. Physical problems include health and medical problems. Social problems could be lack of familial support and social maladjustment. Security is another major issue for the older persons. The problem is made more acute with the break-up of the joint family system and more and more elderly persons being left to fend for themselves. There is migration of productive members of the family from the rural to urban areas. As such the women and the older persons in rural areas face greater problems.

1.4 There is also evidence of systematic and continuous abuse of the elderly i.e. infliction of physical, emotional or psychological harm on the older persons. Half of the elderly population reportedly experience abuse besides disrespect and neglect. According to the report of the National Crime Records Bureau (NCRB), a total of 8,973 cases were registered as crimes against senior citizens from January 2014 to October, 2014. As such every society and State recognizes certain rights of the senior citizens, distinct from the rest of the society.

1.5 The issue of ageing has been raised at the United Nations from time to time since 1948. The World Assembly on Ageing was held in Vienna in 1982 where an International Plan of Action on Ageing was adopted with the objective to strengthen the ability of individual countries to deal effectively with the ageing in their population, keeping in mind the special concerns and needs of the

1 Note: For the purposes of this Scheme, the persons above the age of 60 years are referred to as 'senior citizens' and the terms 'older persons', 'elder persons' are used synonymously.

elderly. In 1991, the UN General Assembly adopted certain principles aimed at independence, participation, care, self-fulfilment and dignity of the older persons. 1st October has been declared as the International Day for the Elderly, now known as the International Day of the Older Persons.

2. CONSTITUTIONAL GUARANTEES

2.1 The Constitution of India guarantees the right to life and liberty of every individual under Article 21. This has been interpreted to include the right to live with dignity and would encompass the right to live with dignity of the senior citizens. Article 41 of the Constitution lays down that the State shall, within the limits of economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want. Article 46 also imposes a positive obligation on the State to promote with special care the economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation. Articles 41 and 46 are included in the Directive Principles of State Policy which are not enforceable in any court of law, nevertheless, they impose positive obligations on the State and are fundamental in the governance of the country.

2.2 Entry 9 in the State List and entries 20, 23 and 24 of the Concurrent List in the Seventh Schedule to the Constitution relate to old age pension, social security and social insurance and economic and social planning. Entry 24 in the Concurrent List specifically deals with the 'Welfare of labour, including conditions of work, provident funds, liability for workmen's compensation, invalidity and old age pension and maternity benefits."Thus, there are several constitutional entries relating to old age.

3. LEGISLATIVE FRAMEWORK

3.1 Most of the legislation as exists relates to making provision for maintenance for the parents and does not refer to senior citizens specifically. Hindu Law has recognized the obligation of the sons to maintain the parents, who were not able to maintain themselves since ancient times. Under the Hindu Adoption and Maintenance Act, 1956 aged or infirm parents are entitled to maintenance from son and daughter provided the parents are unable to maintain himself/herself out of his/her own earnings or other property. The Muslim Personal Law places an obligation on children in easy circumstances to maintain their parents, even if the latter are able to earn something for themselves. A person is also bound to maintain his paternal and maternal grandfathers and grandmothers, if they are poor and not otherwise, to the extent as he is bound to maintain his poor father.

3.2 Sections 125 to 128, Code of Criminal Procedure, 1973 enable the father or mother, who is unable to maintain himself or herself to claim maintenance from his/her major son/daughter, if they neglect or refuse to maintain the parents. This is a secular law and applies across all religions. If the person against whom the order has been passed fails to pay the amount of maintenance without any sufficient reason, execution proceedings can be filed and the court may even issue a warrant imposing fines for the breach of the order and the person may be imprisoned. Similarly, the mother may file a petition against her son under the Protection of

Women from Domestic Violence Act, 2005 if she is subjected to domestic violence and claim various reliefs provided under the Act.

3.3 Considering the need to protect the rights of senior citizens and to further the constitutional objectives, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was enacted. Under this Act, an application for maintenance can be made by (a) 'Parent', i.e., father or mother whether biological, adoptive or step father or step mother; and (b) 'Senior Citizen', i.e. a person who has attained the age of 60 years or above. The application for maintenance can be made by (a) parent or grand-parent, against one or more of his/her children, i.e., son, daughter, grandson and grand daughter, not being a minor; and (b) childless senior citizen, against his/her relative, i.e. legal heir, not being a minor, who is in possession of or would inherit his property after his death. The Act provides for the setting up of one or more Tribunals for each sub-division for the purpose of adjudicating and deciding upon the order of maintenance and for the constitution of Appellate Tribunal for each district to hear the appeal against the order of the Tribunal. Importantly, under the Act, the right to receive maintenance is enforceable against transferee of property of the parent/senior citizen, if the transferee has notice of the right, or if the transfer is gratuitous though the same is not enforceable against the transferee for consideration and without notice of right. The Tribunal may even declare transfer of property by a senior citizen as void at the option of the transferor where a senior citizen has transferred the property by way of gift or otherwise, subject to the condition that the transferee shall provide the transferor with basic amenities and basic physical needs, and such transferee refuses or fails to provide such amenities and physical needs.

3.4 Another important feature of the Act is that abandoning of senior citizen by anyone having care or protection of such senior citizen is an offence punishable for a maximum period of 3 months or fine upto Rs.5000/- or with both. This is a very important provision for protecting the life and property of senior citizens and to prevent their being abandoned at places from where they could not be found. The Act also provides:

- for the establishment of Old Age Homes for Indigent Senior Citizens i.e. senior citizens who do not have sufficient means.
- that the State Government has to ensure that the Government hospitals or hospitals funded fully or partially by the Government shall provide beds for all senior citizens; separate queues are arranged for senior citizens and that facility for treatment of chronic, terminal and degenerative diseases is expanded for senior citizens.

4. GOVERNMENTAL SCHEMES FOR SENIOR CITIZENS

4.1 Different Ministries under the Central Government have come up with different Schemes for senior citizens. The National Policy on Senior Citizens focusses on mainstreaming senior citizens, especially older women, promoting the concept of 'ageing in place' or ageing in own home, housing, income security and homecare services, old age pension and access to healthcare insurance schemes and other programmes and services to facilitate and sustain dignity in old age. The Schemes for Senior Citizens include:

i) Integrated Programme for Older Persons under which financial assistance upto 90% of the project cost is provided to NGOs for establishing and maintaining Old Age Homes, Day Care Centres, Mobile Medicare Units and to provide non institutional services to older persons.

ii) Rebate in income tax, deduction in respect of medical insurance premium upto Rs.30,000/- under section 80D of Income Tax Act, 1961, deduction under section 80D for treatment of specified ailment is Rs.60,000/- for senior citizens, separate counters for senior citizens at the time of filing the income tax returns and on the spot assessment facility.

iii) 'Senior Citizens Saving Scheme' under which the citizens of 60 years and above can deposit Rs. 1000/- or its multiples in post offices doing savings bank work which carries an interest of 9% per annum and the maturity period of the deposit is five years, extendable by another three years. For senior citizens i.e. those having the age of 65 years and above, higher rates of interest on saving schemes are available.

iv) Under the Indira Gandhi National Old Age Pension Scheme, central assistance is given towards pension at the rate of Rs.200/- per month to persons above 60 years and at the rate of Rs.500/- per month to senior citizens of 80 years and above belonging to a household below the poverty line and the same is expected to be supplemented by at least an equal contribution by the States.

v) Discount on basic fare for domestic flights in economy class and priority in boarding the flights.

vi) Concession for senior citizens in all classes and trains, priority for lower berths, separate counters for senior citizens for purchase/ booking or cancellation of tickets, wheel chairs for use of senior citizens are available at all junctions, District Headquarters and other important stations.

vii) Reservation of two seats in the front rows of buses of State Road Transport Undertakings for senior citizens and even fare concession.

viii) Separate queues for older persons in hospitals for registration and clinical examination and concessions to senior citizens in treatment of diseases like kidney problem, cardiac problem, diabetes and eye problem.

ix) Under the Antyodaya Scheme, the Below Poverty Line families which include older persons are provided food grains i.e. 35 kgs per family per month at concessional rates. The persons above 60 years from the BPL category were given priority for identification.

x) Under the Annapoorna Scheme being implemented by the States/ UT Administration, 10 kgs of food grains per beneficiary per month are provided free of cost to those senior citizens who remain uncovered under the old age pension scheme.

xi) Priority in issuance of ration to ration card holders who are over 60 years of age in Fair Price Shops.

xii) Priority in giving telephone connections by the Ministry of

Telecommunications and priority to faults/ complaints of senior citizens by registering them under senior citizens category with a VIP Flag which is a priority category.

4.2 Priority is also given to cases of senior citizens in the courts with a view to expeditious disposal. Under the Right to Information Act, 2005 second appeals filed by senior citizens are taken on a high priority basis.

4.3 Several States have come out with their own Schemes and Programmes for the benefit of the senior citizens especially to provide security to senior citizens.

4.4 Despite the existence of various legal provisions and Schemes for senior citizens, their benefits have reached very few senior citizens. Often the senior citizens are unaware of their entitlements and/ or they are in too destitute a condition to be able to access the said benefits. They are not only deprived of their properties but also subjected to all forms of abuse ripping them off their dignity as well. For the widows who are senior citizens or for the retired senior citizens, it often becomes a herculean task to get their pension and other benefits. The laws and the Schemes lay down the entitlements of the senior citizens and if the senior citizens have any difficulty in availing their entitlements under the laws and the Schemes, it is felt by NALSA that Legal Services Institutions have a significant role to play and they can play a pivotal role in ensuring access to the benefits of the Schemes and the legal provisions to the senior citizens.

4.5 The Preamble of the Legal Services Authorities Act, 1987 emphasises that the Legal Services Authorities are concerned with the weaker sections of the society and imposes a duty on them to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Under Section 4(b) of the Legal Services Authorities Act, 1987, the "Central Authority" i.e. the National Legal Services Authority has been obligated to "frame the most effective and economical schemes for the purpose of making legal services available under the provisions" of the Act. Further Section 4(1) enjoins the "Central Authority" to 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. Likewise, under Section 7(c) it is the function of the State Authority i.e. the State Legal Services Authority to undertake preventive and strategic legal aid programmes. Thus the Act itself casts a duty upon the Legal Services Authorities to spread legal awareness about the laws and various administrative measures and programmes and to undertake preventive and strategic programmes.

5. NAME OF THE SCHEME

5.1 The Scheme shall be called "NALSA (Legal Services to Senior Citizens) Scheme, 2016". In this Scheme, the persons above the age of 60 years would be regarded as senior citizens.

5.2 The terms PLVs, Legal Services Clinics, Front Office, 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 and the NALSA Scheme for Para Legal Volunteers (Revised).

6. OBJECTIVES OF THE SCHEME

The main objectives of the Scheme are as follows:

1) To outline the basic rights and benefits that should be accorded to senior citizens;

2) To strengthen legal aid and representation at the national, state, district and taluka levels for senior citizens who are entitled under Section 12 of the Legal Services Authorities Act, 1987[2] in availing the benefits of the various legal provisions which exist;

3) To ensure access to various Governmental Schemes and programmes to the senior citizens;

4) To ensure that the authorities and institutions such as the Tribunals and the Appellate Tribunals under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, old age homes for senior citizens have been established;

5) To create and spread awareness about the rights and entitlements of the senior citizens under the various laws and Governmental Schemes and programmes through the District Legal Services Authorities, Taluka Legal Services Committees, panel lawyers, para-legal volunteers, students and legal services clinics;

6) To enhance capacities at all levels of panel lawyers, para-legal volunteers, volunteers in legal services clinics, government officers tasked with the implementation of the various schemes, service providers, police personnel, non-governmental organizations by organizing training, orientation and sensitization programmes; and

7) To undertake research and documentation to study the various schemes, laws etc. to find out the gaps, the needs and to make suggestions to the appropriate authorities.

The ultimate objective of the Scheme is to ensure that the senior citizens live a life of dignity and enjoy all the benefits and facilities which are due to them.

7. PLAN OF ACTION

7.1 Establishment of Tribunals, Appellate Tribunals etc.

As a precursor to the senior citizens being able to enforce their rights, it is essential that the institutions contemplated under the law for providing relief to them are set up.

a) Section 7 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 provides for the setting up of one or more Tribunals for each sub-division for the purpose of adjudicating and deciding upon the order of maintenance. Section 15 of the Act also provides for the constitution of an Appellate Tribunal for each district to hear appeals against the orders of the Tribunal. The SLSAs and the DLSAs shall take up the issue of

2 Note: For the purposes of grant of legal aid, the eligibility criteria is laid down in Section 12 of the Legal Services Authorities Act, 1987. All women including those who are senior citizens would be entitled to legal aid under Section 12 of the Act and all those who fall in any of the categories enumerated in Section 12 including senior citizens would be entitled to legal aid. However. other services such as assistance in availing benefits under Governmental schemes, legal awareness may be provided across the spectrum to all senior citizens.

constitution of Tribunals and Appellate Tribunals as per the mandate of the Act on an urgent basis with the State Government.

b) Section 19 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 provides for the establishment of Old Age Homes for Indigent Senior Citizens i.e. senior citizens who do not have sufficient means, as determined by the State Government, from time to time to maintain themselves. The SLSAs and DLSAs will take up with the State Government, the matter of establishment of sufficient number of Old Age Homes for Indigent Senior Citizens. The SLSAs and DLSAs may also explore the possibility of setting up of Old Age Homes for Senior Citizens under Corporate Social Responsibility.

c) SLSAs should carry out regular visits to the old age homes to ensure that the senior citizens have adequate facilities and that they are treated with dignity.

7.2 Legal Services Clinics

a) SLSAs shall set up Legal Services Clinics at every Tribunal and Appellate Tribunal established under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and also in old age homes.

b) While at present there is a bar to lawyers appearing before the said Tribunals, it shall be ensured that trained para-legal volunteers are available in the Legal Services Clinics to assist the senior citizens in making applications and carrying out other procedural requirements.

c) Opening of the Legal Services Clinics shall be communicated to all the Government bodies and departments including the police, NGOs.

d) The Legal Services Clinics so established shall be governed by the National Legal Services Authority (Legal Services Clinics) Regulations, 2011 in respect of their functioning, infrastructural facilities, maintenance of records and registers, deputing of PLVs and control over such clinics.

e) The SLSAs and DLSAs shall encourage the students in Legal Services Clinics set up in colleges and universities to visit old age homes and provide legal services to senior citizens in the community.

f) The Legal Services Clinics shall also facilitate the widows and senior citizens in getting pensionary benefits and other entitlements.

7.3 Legal Representation

a) All senior citizens who are entitled to legal aid under Section 12 of the Legal Services Authorities Act, 1987 shall be provided legal aid on a priority basis.

b) It is essential that the Legal Services Institutions are accessible in terms of physical infrastructure for the senior citizens, otherwise access to justice would become meaningless for them. Accordingly, steps should be taken by Legal Services Institutions to ensure accessibility such as having the front office on the ground floor.

c) SLSAs shall ensure that the senior citizens do not have to face any kind of discomfort in procedural wrangles.

d) Every District Legal Services Authority and Taluka Legal Services Committee shall designate at least three panel lawyers as Legal Services Officers for the purpose of this Scheme.

e) The District Legal Services Authorities shall also depute sufficient number of PLVs for the implementation of this Scheme and for this purpose they shall draw upon PLVs who are trained to attend to the problems of senior citizens. Efforts should also be made to identify and train PLVs from amongst the senior citizens, both men and women.

f) The PLVs shall act as the interface between the senior citizens in the community who are unable to access the Legal Services Institutions and the Legal Services Institutions. Where it is not possible for the senior citizens to reach the Legal Services Institutions on account of their conditions, the Legal Services Institutions shall reach out to them through panel lawyers and PLVs.

g) SLSAs shall provide training to panel lawyers to enable them to sensitively deal with cases of senior citizens. The SLSAs shall ensure that the legal services provided to senior citizens are of the highest quality so that meaningful and effective legal services can be provided to them.

7.4 Identification of issues affecting senior citizens

a) SLSAs and DLSAs shall make an endeavour to identify the core issues which affect the senior citizens in a particular area and deal with them accordingly. While some issues may be common across geographical barriers, there may be some issues which are unique to some areas such as in some areas, the senior citizens being on their own may be a major issue as their families may have migrated to cities or other countries. Certain health problems may be more acute in a particular area.

b) SLSAs and DLSAs shall then seek solutions to the issues that arise on regional basis and use their resources to implement the solutions, including through coordination with the concerned governmental agenetes.

c) SLSAs, DLSAs should facilitate the setting up of self-help groups of senior citizens to encourage community support and to reduce a sense of dependency on the part of the senior citizens.

7.5 Database

a) All SLSAs shall have database of all the existing Central or State Schemes, policies, regulations, policy directives concerning senior citizens and the same may also be published in the form of pamphlets or booklets to be used in dissemination of information and creating awareness about the rights of senior citizens.

b) SLSAs and DLSAs shall publish information booklets in regional languages explaining in simple terms:

1) provisions of law such as on maintenance, Wills, social welfare

schemes;

2) details about access to remedies; and

3) contact details of helpline numbers available across the state. Such information booklets may be distributed to senior citizens and used during awareness programmes.

c) DLSAs shall also maintain a database of hospitals, medical centres and other facilities which may be available for senior citizens in their area.

d) The information maintained by DLSAs shall be circulated to the Taluka Legal Services Committees, village panchayats, legal services clinics and PLVs.

e) SLSAs/ DLSAs shall also upload the data collected on their website.

f) DLSAs shall prepare a database of senior citizens in their area so that PLVs may be deputed for their assistance as and when necessary. Such database may also be shared with law enforcement agencies to address the security concerns of senior citizens. This would also enable the DLSAs to provide immediate assistance to persons in distress by coordinating with the concerned departments such as health or police departments.

7.6 Implementation of various Schemes

a) SLSAs shall take all steps to disseminate information regarding the policies, schemes, programmes to the senior citizens and government functionaries.

b) SLSAs shall ensure that such information is prominently displayed in old age homes, hospitals and other places which are frequented by senior citizens.

c) Various States have special schemes for security of senior citizens such as registration of senior citizens with the concerned police stations. SLSAs may liaise with the law enforcement authorities to address the security concerns of senior citizens and to enhance the interface between the police and the senior citizens such as through increased patrolling, maintaining regular contact with senior citizens once every week or every fortnight. SLSAs, DLSAs may depute PLVs to assist in the registration of senior citizens with the police stations, in getting servant and tenant verifications done and such other matters which concern the security of the senior citizens.

d) Legal services to be provided would include informing the beneficiaries about the different government schemes to which they are entitled and the benefits thereunder; assisting the beneficiaries to procure the documents required for availing the benefits under the schemes; informing the beneficiaries of the name and address of the designated authority or the officer who may be approached for availing the benefits under the schemes; offering to send para-legal volunteers with the beneficiaries to the office of the designated authority or to the officer concerned under any of the schemes.

e) SLSAs shall develop effective coordination and interface with all the governmental bodies or functionaries, non-governmental organizations and other organizations concerning the welfare of senior citizens to ensure

that the benefits of the various schemes that exist for senior citizens reach the senior citizens.

7.7 Awareness

a) SLSAs shall draw up yearly programme for creating awareness on the rights of senior citizens and should endeavour to create a culture which is sensitive to the rights and needs of senior citizens.

b) The Legal Services Institutions shall organize awareness programmes to sensitize people to the needs of the senior citizens and that it is the moral duty of children to take care of senior citizens and not to leave them in a destitute condition in their old age.

c) The Legal Services Institutions should explain the need to treat the senior citizens with dignity.

d) SLSAs along with DLSAs shall conduct awareness programmes to generate awareness about the entitlements of the senior citizens under various laws and government schemes.

e) SLSAs, DLSAs and Taluka Legal Services Committees shall also create awareness regarding the availability of legal services for senior citizens to facilitate access to their entitlements.

f) Special awareness drives may be undertaken in old age homes or other places frequented by senior citizens and PLVs and students may be encouraged to actively participate in such programmes.

g) While organising awareness programmes, the DLSAs and Taluka Legal Services Committees may also coordinate with the relevant health department to organise special health or check-up camps for senior citizens such as general health camps, eye check-up camps etc. or with the police to have a special registration drive of senior citizens.

h) All possible methods of spreading awareness should be used such as Doordarshan, All India Radio, private TV channels, hoardings, organising cultural programmes and setting up stalls at religious fairs, festivals.

i) SLSAs should engage with senior citizens and actively avail of their services in carrying out awareness programmes on various issues as the senior citizens may have greater credibility and appeal in an area.

7.8 Training and Orientation Programmes

SLSAs shall conduct training and orientation programmes for panel lawyers and PLVs to sensitize them on how to deal with cases of senior citizens and to build their capacity, knowledge and skill. Sensitization programmes should also be organized for other stakeholders such as the government functionaries, police personnel and NGOs.

7.9 Observance of the International Day for the Older Persons

All Legal Services Institutions shall observe 1st October of every year as the International Day for the Older Persons and organize awareness programmes on that day for creating awareness of the rights and entitlements of senior citizens.

❑❑❑

NALSA (LEGAL SERVICES TO VICTIMS OF ACID ATTACKS) SCHEME, 2016

1. BACKGROUND

1.1 Acid attacks are the most pernicious form of violence that is resorted to and is mostly gender specific. While acid attacks are reported in many parts of the world, the incidents of acid attacks in India have been on the rise. As per the data maintained by National Crime Records Bureau, the number of incidents of acid attacks reported in 2011 were 83, 85 in 2012 and 66 in 2013 though according to the Acid Survivors Foundation India (ASFI), at least 106 such attacks were reported in 2012, 122 in 2013 and 309 in 2014 and according to the activists, the figure rose to 500 in 2015. However, according to the National Crime Records Bureau, 222 cases of acid attacks were reported in 2015. The figures may vary but the number of acid attacks have been on the rise. There are also many unreported cases of acid attacks, especially in the rural areas and some such incidents may even result in the death of the victims. Many incidents are not reported due to fear of backlash from the perpetrators.

1.2 The incidents of acid attacks in India show that they are generally against the women. Quite often they are a result of a rejection of the marriage proposal or sexual advances. Conflicts related to dowry can also result in acid attacks. The acid attacks are also resorted to as a means of taking revenge or due to family or land disputes or over inheritance and other property issues. Occasionally, acid attacks may occur due to social or political or religious beliefs. The Justice Verma Committee constituted by the Central Government in 2013 in the aftermath of the Nirbhaya case to suggest reforms in the criminal justice system dealt with the issue of acid attacks and observed:

"We understand that a most heinous form of attack on women, which is commonplace in several Asian and African countries is the throwing of acid on women for a multitude of reasons, including alleged adultery, turning down advances from men, and also as a form of domestic violence. Acids and other corrosive substances are thrown on women or administered to them, thereby causing death or physical and psychological damage with unfathomable consequences. The 226•Report of the Law Commission of India, which dealt particularly with this offence stated:

"Though acid attack is a crime which can be committed against any man or woman, it has a specific gender dimension in India. Most of the reported acid attacks have been committed on women, particularly young women for spurning suitors, for rejecting proposals of marriage, for denying dowry etc. The attacker cannot bear the fact that he has been rejected and seeks to destroy the body of the woman who has dared to stand up to him."

5. In a certain sense, the aggressor is conscious that self-worth and self-esteem of a woman often lies in her face, which is a part of her personality. The dismemberment of the face or the body is not merely an offence against the human body but will cause permanent psychological damage to the victim. What happens when there is permanent physical and psychological damage to

a victim, is a critical question and law makers have to be aware that offences are not simply based on the principle of what might be called offence against the body, i.e., damage of the body, but they must take into account the consequences on the right to live with dignity which survives the crime. This is an important consideration both in the fields of criminology and also in the field of sociology."

The factors which lead to acid attacks were thus discussed in both the Justice Verma Committee Report and in the 226•Report of the Law Commission as also the effects of acid attacks. Apart from lifelong bodily disfigurement and physical challenges often requiring life-long treatment, the psychological challenges are greater and deeply affect the victims apart from affecting the employability of the victims. It is also seen that there are limited medical facilities available in the country for acid victims with the number of specialised burn hospitals being limited and it becomes a herculean task for the victim to get admitted in a hospital, much less to get treatment which may often span from a few months to several years. The treatment may also involves huge costs for the victims and their families. The rehabilitation of the victims also becomes an important issue.

2. CONSTITUTIONAL GUARANTEES

2.1 The Constitution of India guarantees the right to life and liberty of every individual under Article 21. This has been interpreted to include the right to live with dignity and would encompass the right to live with dignity of all including victims of acid attacks. Article 41 of the Constitution lays down that the State shall, within the limits of economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

3. LEGISLATIVE FRAMEWORK

3.1 In the absence of any specific provisions to deal with incidents of acid attacks, such cases were generally dealt with under Section 326 of the IPC and other provisions. However, the Justice Verma Committee recommended that acid attacks be defined as an offence in the IPC and observed:

"9. The gender specificity and discriminatory nature of this offence does not allow us to ignore this offence as yet another crime against women. We recommend that acid attacks be specifically defined as an offence in the IPC, and that the victim be compensated by the accused. However in relation to crimes against women, the Central and State governments must contribute substantial corpus to frame a compensation fund. We note that the existing Criminal Law (Amendment) Bill, 2012, does include a definition of acid attack."

Thus a recommendation was made not duly for the inclusion of a specific offence in respect of acid attacks but also for providing compensation to the victims of acid attacks.

3.2 By virtue of Criminal law (Amendment Act), 2013, Sections 326A and 326B were inserted in the Indian Penal Code providing for punishment to anyone who causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other

means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt or who throws or attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person. "Acid" was defined to include any substance which has acidic or corrosive character or burning nature that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability.

3.3 The issue of acid attacks also came up before the Supreme Court and in its order dated 18.7.2013 in Laxmi v. Union of India, W.P. (Crl.) No. 129/2006, the Supreme Court directed that over the counter sale of acid would be completely prohibited unless the seller maintained a log/ register recording the sale of acid which would contain the details of the person(s) to whom acid(s) is/ are sold and the quantity sold. Further the acid would be sold only after the buyer had shown a photo ID issued by the Government which also had the address of the person and the reason/ purpose for procuring acid was specified. It was also directed to no acid shall be sold to any person who was below 18 years of age. Directions were also issued for educational institutions, research laboratories, hospitals, Government Departments and departments of Public Sector Undertakings who were required to keep and store acid. In the final order dated 10.4.2015, it was reiterated that an appropriate notification banning the sale of acid across the counter should be issued within three months from the date of the order. Further the Supreme Court in Parivartan Kendra and Anr. V. Union of India and Ors. WP (Civil) No.867 of2013 decided on 7.12.2015 directed that stringent action be taken against those erring persons supplying acid without proper authorization and also the concerned authorities be made responsible for failure to keep a check on the distribution of the acid.

3.4 Regarding proper treatment, after care and rehabilitation of the victims of acid attack, a direction was issued by the order dated 10.4.2015 to the State Governments/ Union Territories to take up the matter with all the private hospitals to the effect that private hospitals should not refuse treatment to victims of acid attack and that full treatment should be provided to such victims including medicines, food, bedding and reconstructive surgeries. It was also observed that action may be taken against hospital/ clinic for refusal to treat victims of acid attacks and other crimes in contravention of the provisions of Section 357C of the Code of Criminal Procedure, 1973. A direction was also issued that the hospital, where the victim of an acid attack was first treated should give a certificate that the individual is a victim of an acid attack which may be utilized by the victim for treatment and reconstructive surgeries or any other scheme that the victim may be entitled to with the State Government or the Union Territory, as the case may be.

3.5 Taking note of the fact that acid attack victims need to undergo a series of plastic surgeries and other corrective treatments, the Supreme Court in its order dated 18.7.2013 directed that the acid attack victims shall be paid compensation of at least Rs.3 lakhs by the concerned State Government/ Union Territory as the after

care and rehabilitation cost, out of which a sum of Rs. 1 lakh would be paid to the victim within 15 days of the occurrence of such incident (or being brought to the notice of the State Government/ Union Territory) to facilitate immediate medical attention and expenses in this regard. While disposing off the said writ petition on 10.4.2015, it was directed that the Member Secretary of the State Legal Services Authority take up the issue with the State Government so that the orders passed by the Court were complied with and a minimum ofRs.3,00,000/- was made available to each victim of acid attack. The Member Secretaries of the State Legal Services Authorities were also directed to give wide and adequate publicity in the State/ Union Territory to the Victim Compensation Scheme so that each acid attack victim could take the benefit of the Victim Compensation Scheme. It was also directed that in case of any compensation claim made by any acid attack victim, the matter would be taken up by the District Legal Services Authority, which would include the District Judge and such other co-opted persons who the District Judge felt would be of assistance, particularly the District Magistrate, the Superintendent of Police and the Civil Surgeon or the Chief Medical Officer of that District or their nominee and the said body would function as the Criminal Injuries Compensation Board for all purposes. The matter also came up before the Supreme Court io Parivartan Kendra and Anr. V. Union of India and Ors. WP (Civil) No.867 of2013 decided on 7.12.2015 where it was observed that the State and Union Territory concerned can give even more amount of compensation than Rs.3,00,000/- as was directed in Laxmi's case. An important direction given io this case was that all the States and Union Territories should consider the plight of such victims and take appropriate steps with regard to inclusion of their names under the disability list.

3.6 It is thus seen that acid attacks by themselves have been recognised as offences under the Indian Penal Code for which punishment is prescribed. Besides Section 357A Cr.P.C. provides for a Scheme being drawn up by the State Government in coordination with the Central Government for providing funds for the purpose of compensation to the victim and such Schemes have been drawn up in most States and Union Territories which also provide for compensation to victims of acid attacks. The Central Government has issued the Central Victim Compensation Fund Guidelines with an objective to support and supplement the Victim Compensation Schemes of the States and Union Territories. A corpus ofRs.200 crores has been fixed for the purpose. One of the admissible activities under the Central Victim Compensation Fund is ''to promote special financial assistance upto Rs.5 lakhs to the victims of acid attack to meet treatment expenses over and above the compensation paid by the State/ Union Territory." However there is need for greater awareness about the availability of compensation for victims of acid attacks. Despite specific directions to hospitals to provide treatment to victims of acid attacks, it is still not easy for them to get proper treatment. Over the counter sale of acid still remains rampant. It is thus felt by NALSA that Legal Services Institutions have a significant role to play and they can play a pivotal role in ensuring access to the benefits of the Victim Compensation Scheme to the victims of acid attacks and to the medical and other facilities.

4. Role of Legal Services Institutions

4.1 The Preamble of the Legal Services Authorities Act, 1987 emphasises that the legal services authorities are concerned with the weaker sections of the society and imposes a duty on them to ensure that opportunities for securing justice are not denied to any citizen by reason or economic or other disabilities. Under Section 4(b) of the Legal Services Authorities Act, 1987, the "Central Authority" i.e. the National Legal Services Authority has been obligated to "frame the most effective and economical schemes for the purpose of making legal services available under the provisions" of the Act. Further under Section 4(1) enjoins the "Central Authority" to 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 under Section 7(c) it is the function of the State Authority i.e. the State Legal Services Authority to undertake preventive and strategic legal aid programmes. Thus the Act itself casts a duty upon the Legal Services Authorities to spread legal awareness about the laws and various administrative measures and programmes and to undertake preventive and strategic programmes. Besides, under Section 12 of the Act, all women are entitled to legal services as also 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.

5. NAME OF THE SCHEME

5.1 The Scheme shall be called "NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016".

5.2 The terms PLVs, Legal Services Clinics and Panel 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 and the NALSA Scheme for Para Legal Volunteers (Revised).

6. OBJECTIVES OF THE SCHEME

The main objectives of the Scheme are as follows:

1) To strengthen legal aid and representation at the national, state, district and taluka levels for victims of acid attacks in availing the benefits of the various legal provisions and schemes for compensation which exist;

2) To enable the victims of acid attacks to get access to medical facilities and enactments as well as administrative programmes and measures. Likewise, rehabilitative services;

3) To create and spread awareness about the entitlements of the victims of acid attacks through the District Legal Services Authorities, Taluka Legal Services Committees, panel lawyers, para-legal volllllteers and legal services clinics;

4) To enhance capacities at all levels of panel lawyers, para-legal volunteers, volunteers in legal services clinics, government officers tasked with the implementation of the various schemes, service providers, police personnel, non-governmental organizations by organizing training, orientation and sensitization programmes; and

5) To undertake research and documentation to study the various schemes, laws etc. to find out the gaps, the needs and to make suggestions to the appropriate authorities.

The ultimate objective of the Scheme is to ensure that the victims of acid attacks are appropriately rehabilitated in the society and live a life of dignity.

7. PLAN OF ACTION

7.1 Legal Representation

a) All victims of acid attacks and where the acid attack results in death, the heirs of victims of acid attacks shall be provided legal aid on a priority basis in order to enable them to get the benefit of the Victim Compensation Scheme.

b) SLSAs and DLSAs shall ensure that the victims of acid attacks do not have to face any kind of delay in procedural wrangles and the interim compensation is awarded at the earliest.

c) Support persons and legal representation shall be provided to victims of acid attacks during the recording of their statement under section 164 Cr.P.C., giving evidence etc.

d) Every District Legal Services Authority and Taluka Legal Services Committee shall designate at least one panel lawyer as Legal Services Officer for the purpose of this Scheme.

e) The District Legal Services Authorities shall also depute sufficient number of PLVs for the implementation of this Scheme.

f) The PLVs shall act as the interface between the victims of acid attacks and the Legal Services Institutions. All out endeavour shall be made to reach out to the acid attack victims.

7.2 Legal Services Clinics

a) SLSAs shall set up Legal Services Clinics at hospitals having specialized facilities for treatment of burns where victims of acid attacks may be referred for treatment. The PLVs and panel lawyers deputed to such Legal Services Clinics shall be in regular touch with the victims of acid attacks and their relatives and ensure all possible help to them in securing appropriate medical help and treatment.

b) The PLVs shall provide assistance and support to the families of victims of acid attacks and where possible counselling for them may be arranged so as to bring them out of trauma occasioned by the incident of acid attack.

c) The PLVs shall also assist the victims of acid attack in obtaining from the hospital where the victim was first treated a certificate that the individual is a victim of an acid attack which may be utilized by the victim for treatment and reconstructive surgeries or any other scheme that the victim may be entitled to with the State Government or the Union Territory, as directed by the Supreme Court in the order dated 10.4.2015.

d) The PLVs shall ensure that the victims of acid attacks are able to avail of various rehabilitative services that may be available for them.

e) The Legal Services Clinics shall ensure that action is taken against hospitals which deny treatment to victims of acid attacks on superficial grounds.

f) Opening of the Legal Services Clinics shall be communicated to all the Government bodies and departments including the police, NGOs.

g) The Legal Services Clinics so established shall be governed by the National Legal Services Authority (Legal Services Clinics) Regulations, 2011 in respect of their functioning, infrastructural facilities, maintenance of records and registers, deputing of PLVs and control over such clinics.

7.3 Co-ordination with the Government Departments

a) The SLSAs shall coordinate with the States and Union Territories to amend the respective Victim Compensation Schemes to bring the same in line with the directions issued by the Supreme Court.

b) The SLSAs shall remain in touch with the concerned governmental agencies to ensure that adequate funds are always available for disbursal as compensation to victims of acid attacks.

c) The SLSAs shall take up the matter with the concerned States and Union Territories for taking appropriate steps with regard to inclusion of the names of the victims of acid attacks under the disability list and thereafter to ensure that they get the benefit of all the schemes which are available for persons with disability.

7.4 Database

a) All SLSAs shall have database of the existing Central or State Schemes, policies, regulations, policy directives concerning victims of acid attacks and the same may also be published in the form of pamphlets or booklets to be used in dissemination of information and creating awareness.

b) All SLSAs shall have database of the hospital where specialized facilities for treatment of burn victims are available.

c) The lists prepared shall be circulated annually to all the District Legal Services Authorities which shall further circulate the same to the Taluka Legal Services Committees, village panchayats, legal services clinics and PLVs.

d) SLSA shall also upload the list on their website.

7.5 Implementation of various Schemes

a) SLSAs shall take all steps to disseminate information regarding the policies, schemes, programmes that exist for the victims of acid attacks.

b) Legal services to be provided would include informing the beneficiaries about the different government schemes to which they are entitled and the benefits thereunder; assisting the beneficiaries to procure the documents required for availing the benefits under the schemes; informing the beneficiaries of the name and address of the designated authority or the officer who may be approached for availing the benefits under the schemes; offering to send para-legal volunteers with the beneficiaries to

the office of the designated authority or to the officer concerned under any of the schemes.

c) SLSAs shall develop effective coordination and interface with all the governmental bodies or functionaries, non-governmental organizations and other organizations concerning the welfare of victims of acid attacks to ensure that the benefits of the various schemes especially schemes for rehabilitation reach them.

7.6 Awareness

a) The Legal Services Institutions shall organize awareness programmes to sensitize people to the needs of the victims of acid attacks so that the co-unity provides support to them which is essential for their rehabilitation.

b) SLSAs along with DLSAs shall conduct awareness programmes to generate awareness about the Victim Compensation Scheme and the entitlements under the same and various laws and government schemes.

c) SLSAs, DLSAs and Taluka Legal Services Committees shall also create awareness regarding the availability of legal services for victims of acid attacks to facilitate access to their entitlements.

d) SLSAs, DLSAs and Taluka Legal Services Committees shall organize awareness drives to highlight that over the counter sale of acids stands prohibited. The PLVs may inform the concerned department or DLSAs if they come across any incidents of sale of acids so that appropriate action can be taken immediately.

e) All possible methods of spreading awareness should be used such as Doordarshan, All India Radio, distribution of pamphlets, leaflets.

7.7 Training and Orientation Programmes

a) SLSAs shall conduct training and orientation programmes for panel lawyers and PLVs to sensitize them on how to deal with cases of victims of acid attacks and to build their capacity, knowledge and skill. Sensitization programmes should also be organized for other stakeholders such as the government functionaries, police personnel, medical officers and NGOs.

b) SLSAs shall, in coordination with the State Judicial Academies, plan and conduct training/ sensitization programmes for Judicial Officers with a view to ensuring quick and adequate award of compensation, including interim compensation, and a fair and dignified treatment of the victims of acid attacks during trial of cases.

❑❑❑

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

BACKGROUND

Under Section 4 (b) of the Legal Services Authorities Act, 1987, the "Central Authority", i.e. the National Legal Services Authority, has been obligated to "frame the most effective and economical schemes for the purpose of making legal services available under the provisions" of the Act. The Preamble of the Legal Services Authorities Act, 1987, underscores that the legal services authorities are concerned with the weaker sections of the society and imposes a duty on them to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

There can be no doubt that victims of commercial sexual exploitation, whether trafficked or voluntary sex workers are by far a highly marginalized group. Their rights are forgotten; their conditions of life and living are not anybody's concern; what happens to them and their children interest no- one. Yet they are all entitled to benefits of the various schemes of the government by the mere fact of who they are. By their much marginalized existence they are entitled to all benefits that accrue to them as are available to other marginalized sections of the society.

Victims of trafficking for commercial sexual exploitation face a great deal of trauma not just following such trafficking but also after their rescue. They need to be protected against the traffickers who would want them to come back or not pursue their case. There are also livelihood issues and if a viable alternative is not given, chances of being re-trafficked are high.

In the case filed by PRAJWALA, being Writ Petition (C) No.56 of 2004 the NALSA has given a report in the Supreme Court to take the following actions in respect of victims of trafficking for commercial Sexual Exploitation and sex workers:

"The role of the legal services authorities as set out in the preliminary report is reiterated as follows:

(a) Provide legal assistance to the victims of trafficking and sexual exploitation at the time of rescue and thereafter during trial.

(b) Facilitate the accessing of the District Legal Services Authorities(DLSAs) for award of victim compensation under Section 357ACr.P.C

(c) To monitor and act as social auditors of the existing facilities available for rehabilitation of rescued victims of sexual exploitation and trafficking.

(d) DLSAs can spread awareness in the community through the panel lawyers and para-legal volunteers about the issues of trafficking particularly in vulnerable areas and among vulnerable groups.

(e) The DLSAs can act as converging nodes to ensure that the government schemes meant for the marginalized actually reach them as such access to the government support does have a positive impact in preventing trafficking and falling prey to traffickers.

(f) Initiate steps to sensitize the corporate world to support rehabilitation measures for trafficked victims including skill building and employment under the head of CSR.

(g) SLSAs can also assist in the training and sensitization of stakeholders, like police, lawyers including legal services lawyers, prosecutors, government servants and the judiciary.

(h) SLSAs may also collaborate with the local educational institutions and civil society organisations and NGOs working in this field."

The NALSA believes that it is necessary to draw up a scheme to give a framework for the legal services authorities at different levels to put into action the undertaking given to the Supreme Court. To that end the present Scheme has been drawn up.It is expected that the Legal Services Authorities at all levels would be able to render legal services effectively to these vulnerable people by following the present scheme.

NAME OF THE SCHEME

The Scheme shall be called "NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme,2015".

The objective of the Scheme is to provide legal services to address the concerns of victims of trafficking including women of all age groups and at every stage: i.e. prevention, rescue and rehabilitation.

The thrust of the scheme is to provide economic and social pathways for these marginalised groups so that they are socially included and thus get all social protections available to an ordinary citizen. The interventions of the legal services authorities should be to ensure the protection of the dignity of the victims which is as much their fundamental right to a life as of any other citizen.

In order that the already marginalised voluntary sex workers are not excluded from the assistance of the legal services authorities, they are also considered victims of commercial sexual exploitation, apart from those children and adults who are trafficked for the purpose.

STRATEGY FOR LEGAL SERVICES TO THE VICTIMS

The strategy of the legal services must be guided by a 360 degree approach. Thus, children, young adults of whatever sex, adolescent girls, young women and older women should all be included in the action plan. The legal services authorities must also develop an action plan for prevention, rescue and rehabilitation and not merely for one of these aspects. Further the legal services authorities must document each case and carry out a follow up at least for three years so that reintegration of the victim into the society is complete.

Enabling trafficked women to get their entitlements by completing all due diligence processes

The action plan must be to use the existing welfare schemes of the Government, both Central as well as the State, with a life-cycle approach to strengthen social security, social development and welfare in order to cover prevention of trafficking and rehabilitation of the victims. DLSA can request NGOs/CBOs to use tools such as micro planning and surveys to ascertain the demand for schemes and thereafter set up Help Desks across the district to facilitate registration for the schemes. Simultaneously the victims/community members could be motivated and educated about how to apply for schemes they wish to enroll or register for.

The DLSA, with the support of the concerned department could facilitate the applicant to fulfil the procedures stipulated under each scheme and comply with all the due diligence processes. This would include enabling the applicant to get the supportive documents that are required to be furnished in order to establish eligibility for the benefits under a scheme, such as getting proof of residence, age certificate, nativity certificate, income certificate, etc. Once all the due diligence is over and the scheme sanctioned, DLSA should provide support to the community till the scheme gets delivered or the benefit reaches the beneficiary.

The Available Schemes

1. ICDS or Childcare development ---0-6 years, pregnant women and lactating mothers (as care givers)
2. Food security or ration cards
3. Social security or Pension for the elderly women
4. Educational schemes including midday meal, bridge schools, residential schools of Sarva Shiksha Abhiyan, Sabala; scholarships for the primary, secondary and higher education from Social Welfare Department for adolescents and specifically girls
5. Livelihood - Skill Development, Financial Inclusion, Micro Enterprise - from SC/ST/BC/ Minority and Women's Development Corporation and CSR funds from government and public sector undertakings
6. Housing or Subsidy for Construction and Land Pattas from Urban Development, Housing Corporation
7. Universal entitlements-Jan Dhan, Aadhar, Voter Card, SHG membership
8. Legal aid Schemes-Legal Literacy, Para Legal Volunteers, Legal services clinics to ensure free legal aid and protection

Role of LSAs

The most important role of the SLSAs/DLSAs is to maintain convergence oversight. While the administrative convergence for all the schemes no doubt will be under the District Collector, the protection convergence will have to be overseen by the SLSAs and the DLSAs. To converge social and legal protection for marginalized women SLSAs and DLSAs will provide the oversight on the process of convergence by bringing together the administrative convergence provided by the District Collector and those generated by the structures or community organizations that are facilitating the process on the ground and are rooted in the community and its realities and have played significant roles in preventing HIV, trafficking and violence against women and girls. In this background, the role of the SLSAs/DLSAs would be in:

Bridging the Gap-between all departments and trafficked women, women in sex work and those vulnerable to trafficking and extreme violence

Enhancing Engagement-Scheme Education Drive Organized by DLSA bringing together Community organizations and its members and government- department-district and sub-district administration

Facilitating Participation and Ownership-Led by DLSA in collaboration with community organizations through community meetings and camps

Sensitization-Enabling all departments and institutions to learn about dynamics of community, remove misconceptions

Strengthening Accountability-Through an MIS capturing all processes from identifying entitlement holder to scheme delivery.

Forging Partnerships-At the more micro level the collaborations will be with Community Organizations and NGOs working with sex workers and victims of trafficking and sexual exploitation. They will facilitate the process of reaching out to the many hidden members of the community and shape the process of community mobilization.

At the meso level, the partnership should be with and between district administrative mechanisms

such as Department of Women and Child Development (especially Child Protection/Welfare Committees and Anti Human Trafficking Units) and the DLSA. This will highlight initiatives at the ground level with the community or beneficiaries.

The third level of partnership will be at the macro level with the Department of Women and Child which implements many schemes for victims of trafficking and also runs shelter homes for those rescued; Ministry of Home Affairs, Ministry of Social Justice and Empowerment and Rural Livelihood Mission which also has the mandate of prevention of human trafficking and will be vital partner to strengthen protection and safety nets to the beneficiaries.

Action Plan

The first step that the DLSA should take is to reach out to the Non Governmental Organisations and Community Based Organisations (CBOs) working in the field. To do this, the SLSAs must contact the UNICEF or UNODC. State Agencies such as Department of Women and Child, Rural Livelihood Missions. They must also seek the assistance of the National Aids Control Organisation (NACO) and the State and District Aids Control Societies (SACS & DACS). Thus the SLSAs/DLSAs would be able to obtain information about trafficking as well as sex workers.

The second step would be to catalyse inter departmental convergence both at the State and further down to the district level so that an all inclusive and comprehensive response from all concerned departments and stakeholders emerges and essential inter-sectoral linkages, processes and mechanisms get established.

Trafficking : As regards trafficking, from the Anti Human Trafficking units in the State and with the help of the NGOs/CBOs, the DLSA should map out the vulnerable areas and the vulnerable populations within its jurisdiction. Then preventive strategies can be put into motion. These would be spreading information about schemes and connecting the vulnerable people to such schemes so that they benefit from them. This would also include spreading awareness about the law and about the dangers posed by prospective traffickers. The children and adolescent children could be made aware of the dangers of strangers befriending them and the parents cautioned about the falsity of promises made to them of better education for their children in cities. Young adults could similarly be warned about false promises of jobs and better lives.

The SLSAs/DLSAs should create a team of panel lawyers and social workers to spread awareness about the welfare schemes of the government. The PLVs should be used to ensure that all the due diligence processes including eligibility documents and proofs are collected to enable the vulnerable communities to access the various schemes. The DLSA should use their PLVs and their offices wherever necessary to interact with the Administrative heads such as the District Collector or Chief Secretary to ensure the final realisation of the scheme.

The PLVs attached to or assigned to a police station in compliance of the orders of the Supreme Court of India to handle cases of missing children should be given special training by the SLSAs / DLSAs to sensitise them on children's issues as well as trafficking issues, so that they are responsive. These PLVs must inform the SLSAs/DLSAs whenever such a case of trafficking is reported or arrest of a sex worker occurs at the police station.

Sex Workers: One method of understanding community needs is to organise meetings between the Member Secretary SLSA or Full Time Secretary DLSA and the community leaders where the community leaders can explain the difficulties they face in accessing social entitlements especially the social security schemes such as widow and old age pension schemes even though they fall

under eligible category.

The other method is to organize public hearings where community members would “depose”, or in other words relate their experience with governance at all levels. The “jury’’ should be made up of DLSA Chairperson and /or Full time secretary, other judicial officers wherever possible, high government functionaries such as DC, Principal Secretaries or Chief Secretaries, Police Officers and Protection Officers. The SLSAs/DLSAs should also involve senior advocates and panel lawyers in such programmes.

After the deposition the Member Secretary/Secretary as the case maybe or the panel advocate should explain to the community about the legal services available in the Legal Services Authority and encourage them to file complaints and seek free legal aid whenever their rights are infringed or they have a legal problem such inheritance etc. The Legal Services Authority can enable the target groups to redress the violence and harassment they face in their day to day life. In cases of violence from partners or husbands, the DLSA along with Protection Officers can provide legal aid and counselling services.

The DLSAs can accredit Para legal volunteers drawn from the community and train them as per the NALSA module. These PLVs can then act as the front line workers of the Authority as far as the community is concerned. The effort must be to ensure “saturation coverage” by having representation from all the blocks of the district and ultimately the entire State.

Once again, the DLSAs should assess the need for schemes in the community and facilitate the access of the community to the various welfare schemes of the government in the manner as mentioned hereinbefore.

Prevention: While ensuring the implementation of government welfare schemes, the SLSAs/DLSAs should pay attention to the structure already available under the Integrated Child Protection Scheme, particularly the setting up of the Village Level Child Protection Committees (VLCPC). These Committees are made up of Panchayat members, school teachers, students and parents from the community. Special awareness programmes should be organized for the VLCPC to keep a watch on the children in the village. The teachers should be sensitized to keep a watch for children missing from school and report them, so that further enquiries about their well being are promptly made.

A similar awareness and sensitization programme should be organized for the Anganwadi and Health workers for younger children and adolescent girls. Again, the SLSAs/DLSAs must ensure that children remaining absent are followed up and reported immediately.

PLVs drawn from the VLCPCs and Anganwadi is as well as teachers should be trained with special emphasis on the issues of trafficking and sexual exploitation. The work of these PLVs must be closely monitored. At the same time these PLVs must be given effective mentors and support so that any incident reported is given full and complete attention by the SLSA/ DLSA concerned.

Student Legal Literacy Clubs should be encouraged to write about and talk and discuss about trafficking issues. These clubs could play the role of peer educators about the dangers of growing up and how to keep oneself safe.

The SLSAs/DLSAs should strengthen groups who are working to prevent child marriages and empowerment of women. Many times, child and forced marriages are a prelude to trafficking for sexual exploitation. Apart from spreading awareness student groups should be formed in vulnerable areas and communities to report on child marriages and initiate preventive action.

While dealing with women already in sex work, the SLSAs/DLSAs should focus on the livelihood

alternatives to help these women come out of the profession and prevent their children entering it. Women could be encouraged to save money and channelize the money into entrepreneurship which would ensure their social recognition and assimilation. The SLSAs/ DLSAs should help the women to protect themselves from domestic violence and provide legal assistance to follow up court cases. They should help these women access all government schemes as mentioned above.

Strategies of prevention and protection of victims of trafficking implemented by the Rural Livelihood Missions should also be understood and explored so as to replicate some of the successful methods and establish collaborative efforts.

Rescue and Rehabilitation : The protocol for the One Stop Crisis Centre would no doubt be available for the rescued victims of trafficking. Apart from ensuring compliance of the directions of the Supreme Court in Prajwala's case, the SLSAs/DLSAs must also follow up with the rehabilitation of the victim chiefly through access to government schemes to provide a stable alternate livelihood for the victims. The DLSAs should ensure that panel lawyers and PLVs help the victims to get their FIR registered and are present during remand proceedings to oppose bail etc. The Panel lawyers should obtain court orders for protection of witnesses wherever necessary and to counsel the victims before deposition and be present during trial including recording of the statement of the victim. The panel lawyers and PLVs should also help the victim to apply to the DLSAs for release of compensation under the Victims Compensation Scheme and also to access other welfare schemes of the Govt. meant for the rehabilitation of such victims.

Management Information Systems : The SLSAs and DLSAs will have to develop a sound MIS so that every activity under this scheme is recorded, followed up and assessed. Similarly, the assistance of the PLVs and the Panel lawyers given to the victims will have to be recorded and monitored closely by the Secretary DLSA. Where the DLSA has facilitated the rehabilitation, there must be a tracking of the person for at least three years so that the rehabilitation is complete and there is no danger of retrafficking.

Transgenders: The provisions of this scheme will be applicable to all Transgenders as well.

❑❑❑

NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015

1. Background

1.1 One of the major characteristics of the Indian economy is the contribution of a vast majority of labour employed in the unorganised sector. The economic survey of India (2007-2008) and National Sample Survey unorganized sector (2009-2010) have estimated the employment in this sector at about 93-94% of the total workforce. Its contribution to the GOP is estimated to be more than 50%.

1.2 Majority of unorganised workers (about 52 per cent) are employed in agriculture. Other major categories include construction workers, workers in small enterprises, workers employed through contractors even in large enterprises, artisans/ craftsman, home based workers, workers depending upon forest produce, fisheries, self-employed workers like rickshaw pullers, auto drivers, coolies etc.

1.3 The distinguishing feature of the unorganised sector is non applicability of most of the labour laws and other regulations providing for decent working conditions, job security and social security to the workers. The unorganised workers lack collective bargaining power and are therefore susceptible to excessive exploitation. They work under poor working conditions and receive far lower wages/remuneration as compared to the organised sector, even for comparable jobs. Most of the employment in this sector is seasonal and the workers therefore have no job guarantee. This also leads to large scale migration of workers from one place to another leading to un-stability of work and residence which further often leads to discontinuity of the education of their children. In cities, they live in slums without proper housing and sanitation. Health care and maternity benefits which are statutorily available in the organised sector are not available for them. The legislations providing for social securities for old-age, health-care and assistance in the event of death, marriage and accidents etc., like the Workmen's Compensation Act, 1923; Employees State Insurance Act, 1948; Maternity Benefits Act, 1961; Industrial Disputes Act, 1974; Payment of Gratuity Act, 1972; Employee Provident Fund and Miscellaneous Provisions Act, 1952 etc., do not apply to them. The combined effect of the above factors is that many of them are generally, forced to lead an undignified and servile life.

1.4 Existing Legal Frame Work

Although there are a large number of categories of employment in the unorganized sector, legislation providing for working conditions etc., have been enacted only in respect of few categories like:-

- Dock Workers (Regulation of Employment)Act,1948;
- Beedi and Cigar Workers (Condition of Employment) Act,1966;
- Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service)Act, 1979;
- Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Rules, 1984;
-

- Building and Other Construction Workers (Regulation of Employment and Conditions of Service)Act,1996;
- Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

1.5 In order to provide for social security to all categories of unorganised workers, the Central Government has also enacted an umbrella legislation by the name of Unorganised Workers Social Security Act, 2008.Various social security schemes have been/are required to be floated for the benefit of the workers under the Building and Construction Workers Act, 1996 and Unorganised Workers Social Security Act, 2008.

2. Scheme for providing legal services.

2.1 The enactment of the few statues as mentioned herein above does not appear to have made any appreciable difference to the lives of the workers inter-alia, for the following reasons:-

a) The Social Security Act,2008 does not statutorily provide any mechanism to implement the schemes and there appears to be no sanction against a refusal of the concerned authorities to extend the benefits of the schemes to eligible workers.

b) Very few States have constituted the Social Security Boards and have framed rules as envisaged under Section 14 of the Act. The result is that in many states, no welfare schemes are being administered and even where the schemes are in place, there is no effective monitoring. Similarly, all the states have not yet established the Building and other Construction Workers Welfare Boards as mandated under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act,1996 and consequently, no security schemes have been floated for these workers.

c) Although cess is being collected by many states under Building and Other Construction Workers Welfare Cess Act 1996, utilisation of cess amount for the benefit of the workers is abysmally low. This may be due to very low registration of workers and or non extension of benefits even to the registered workers.

d) The schemes and the benefits available thereunder are not being sufficiently publicised. Workers in the unorganized sector being generally uneducated and not unionised are mostly unaware of the schemes.

e) Workers Facilitation Centres as envisaged under section 19 of the Social Security Act 2008 have not been set up by any State.

f) There is no responsibility of the employer /contractor to get their workers registered under any of the schemes. It is for the workers to apply for the same and they are unable to do so due to lack of awareness and complexity of the procedure.

g) Separate registration is required for each scheme which makes it difficult for workers to avail benefits under all the schemes available to them in case of need.

h) The registration under the scheme is generally non- portable and therefore, workers in most of the categories being migrant workers are unable to avail the benefits and are therefore reluctant to register themselves under the scheme.

2.2 The Legal Services Institutions can play an important role in bridging the gap between the implementing authorities and target beneficiaries. With this object in view, the National Legal Services Authority had adopted the Scheme i.e. National Legal Services Authority (Legal Services to the Workers in the Unorganised Sector) Scheme, 2010 in the meeting of the Central Authority of NALSA held on 08.12.2010.

2.3 However, the magnitude of the problem and the fact that the benefits of the legislations are still elusive to the needy workers even after several years of their enactment has given rise to the need for more focused attention to this sector. The present revised scheme is meant to achieve this purpose.

The terms PLVs, Legal Services Clinics, Front Office, 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 and the NALSA Scheme for Para Legal Volunteers (Revised) and Module for the Orientation - Induction - Refresher Courses for PLV Training.

3. Name of the Scheme

The Scheme shall be called "NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme,2015".

4. Objectives

1. To institutionalize essential legal services to all unorganized workers.
2. To get the gaps in legislation/implementation plugged through coordination with government authorities and by initiating public interest litigation.
3. To mobilize the machinery of the State Government and the District Administration to identify and register all unorganized workers in all categories and to extend the benefits of all government schemes, as applicable to them.
4. To spread awareness among the employers regarding the statutory provisions and the need for providing decent working conditions, living wages and social security to the workers.
5. To disseminate information among the workers regarding their entitlements under the existing legislations and schemes.
6. To provide counselling and assistance to all categories of unorganized workers for their registration with the concerned authorities under the schemes available for their category.
7. To assist the workers in availing the benefits of the scheme for which they are registered as per their need/entitlements.

5. Guiding Principles

The following principles shall be borne in mind by all Legal Service Institutions while implementing the scheme for the unorganized workers:-

5.1 The Preamble of the Constitution of India assures equality of status and opportunity to all citizens and to promote among them fraternity, assuring the dignity of the individual. Article 42, mandates that the State shall make provision for securing just and humane conditions of work and for maternity relief. By virtue of Article 43, the State is obliged to secure to all workers, work, a living wage, condition of work ensuring a decent standard of life and full enjoyment of leisure, socialand cultural opportunities.

5.2 The Preambular promise of upholding the dignity of the individual cannot be fulfilled unless the dignity of labour is ensured.

5.3 The unorganized sector is one of the marginalized sections of the society and they, as citizen of the country, are equally entitled to the right to work, just and humane conditions of work, living wages, maternity relief and a decent standard of life. It is the statutory mandate ofthe Legal Services Authorities to facilitate realization of this Constitutional assurance. The Legal Services Authorities have to act as watchdogs against administrative inaction.

5.4 The welfare measures initiated by the Government in the form of legislations or schemes etc. require the intended beneficiaries or the victims to mobilize the system for realization of their rights/ entitlements. The workers in the unorganized sector belonging as they do, to the deprived and vulnerable sections of the society do not possess the capacity to mobilize the system. It is the job of the Legal Services Authorities to provide them support in getting justice to their doorsteps.

5.5 The large number of categories of the unorganized workers, large population in each category and their vast geographical spread necessitates a project-approach to the issue of providing legal services to them. An institutionalized setup, committed work force and sustained efforts for a considerable period of time are required to be able to make them capable of realizing their constitutional rights.

Plan of Action

6. Setting up of Special Cells

6.1 In order to provide effective legal services to the workers in this sector, each State Legal Services Authorities (SLSAs) shall constitute a special cell focusing exclusively on these services. The cell shall be manned by one panel lawyer specialising in Labour Laws, one counsellor/consultant having requisite qualification/ experience in relevant field, wherever feasible, representative of an NGO doing demonstrably good work in the area and such number of Para Legal Volunteers, as the SLSA may prescribe .

6.2 The functions of the special cell shall be:

i) to organize and conduct Legal Awareness/Literacy programmes, training programmes and seminars for unorganized workers;

ii) to co-ordinate with government authorities in relation with registration and extention of the benefits of the schemes to the unorganized workers;

iii) to facilitate and provide assistance in filing, processing and furnishing application form for registration and in availing benefits of the schemes to the unorganized workers;

iv) to provide legal assistance and legal aid to the unorganized workers in respect of any claim or defence before any court or other authority;

v) any other function that the State Authority may prescribe for them.

6.3 The special cell shall work under the guidance of the Member Secretary or any other officer of the Authority, as nominated by the State Authority, and shall file periodic reports of the progress of its assigned duties with him.

6.4 The members of the cell shall be paid honorarium for each of the duties at such rates, as may be fixed by the State Authority.

7 Identification of Unorganized Workers

7.1 The first job for the Legal Services Institutions is to identify the categories and population of unorganised workers operating in their respective areas, by seeking the data available with the Labour Department, Social Welfare Department of the State and if necessary, conducting surveys either themselves or in collaboration with law students and NGOs operating in the area.

7.2 In the process of identification, special efforts should also be made to identify any child labour or bonded labour and in case any workers in the said prohibited categories are found, the Legal Services Authorities shall inform the concerned authorities and facilitate their rescue, release and rehabilitation, as provided under the Bonded Labour System (Abolition) Act 1976, The Child Labour (Prohibition and Regulation) Act 1986 and Juvenile Justice Act 2000.

7.3 The State Authority may fix timelines for identification of all categories depending upon the area, population and other relevant factors in each state.

8 Conditions of work and minimum wages

The State and District Legal Service Authorities shall, in collaboration with the State and District Administration and local NGOs, assess the need of statutory regulation of conditions of work and minimum wages etc., for the categories of Unorganized Workers particularly, of Domestic Workers and if found necessary, the State Legal Services Authority shall take the requisite steps to get the same notified.

9 Setting up of State Social Security Board and Building & Other Construction Workers Welfare Boards

Wherever the Social Security Board and Building & Other Construction Workers Welfare Boards have yet not been set up, the State Legal Services Authorities shall coordinate with the State Government and, if necessary, institute, with the approval of the Hon'ble Executive Chairman, SLSA, Public Interest Litigation in the respective High Courts for getting these boards set up, as soon as possible.

10 Utilisation of Cess

State Legal Services Authorities shall coordinate with the Building and Constructions Workers Welfare Boards to ensure that the cess collected by them does not keep lying in fixed deposits and is actually utilised for the benefit of the needy workers as per the schemes available. The State Authorities shall seek relevant information from the boards,

encourage the workers to apply for the benefits and then, coordinate with the boards to provide the said benefits.

In case of denial of due benefits to any worker, legal remedies can be prosecuted on his behalf by the State Legal Services Authority through the Special Cell for Unorganized Workers.

11 Government Schemes under the statues

Legal Services Authorities shall move the State Governments to notify the schemes relevant to the category of unorganised sector operating in the States. This also, if necessary, can be achieved through institution of Public Interest Cases, with the approval of the Hon'ble Executive Chairman.

12 Legal Awareness

12.1 After identification of the unorganised workers in each category, legal awareness programmes may be organised about the different schemes and social security measures available for such categories. The special cells for unorganized workers shall organize legal literacy camps for this purpose preferably, at their place of work itself or at community centres etc.

12.2 All State Legal Services Authorities shall publish booklets/ pamphlets containing the details of the available schemes, their eligibility criteria and procedure for registration for obtaining the benefits as per the requirements of the workers. Copies of the booklets/pamplets shall be kept available in all Front Offices, Legal Services Clinics and the place of sitting of the Special Cell and shall be distributed in the legal awareness/literacy programmes.

12.3 Information regarding the above said details should also be disseminated through Doordarshan, All India Radio and Community Radio.

12.4 The Labour and Social Welfare Departments of the State should be requested to display the telephone numbers and helpline numbers of the Legal Services Institutions and the members of the Special Cell.

13 Specialised Training for PlVs

State Legal Services Authorities shall conduct specialized training programs for the paralegal volunteers focusing on the needs of the particular categories of Unorganised Workers as are operating in that area and the benefits which they can avail from the government schemes. PLVs should be trained inter-alia to educate the workers, help them identify the benefits they should seek and to liaise with the authorities for making the said benefits available to the needy workers.

14 Workers Facilitation Centres

State Legal Services Authorities shall coordinate with the Labour Departments of the State for setting up of worker's facilitation centres as envisaged under Section 9 of the 2008 Act. They may also set up legal services clinics manned by specially trained PLVs/NGOs, to be attached to such centres.

15 Decent Working Conditions

Some of the Statutes like the Building and Other Construction Workers (Conditions of Service) Act and Beedi and Cigar Workers Conditions of Employment Act have provisions to regulate the minimum working conditions for all workers employed in the said sectors.

Even in other sectors where the statutory provisions are not available, the requirement of having proper wages and humane work conditions cannot be over emphasized.

State Legal Services Authorities may launch campaigns, in collaboration with law students and suitable NGOs to ensure that the employers provide decent conditions of work to the unorganised sector workers, abiding by all the statutory provisions laid down for this purpose.

16 Seminars for Employers

State Legal Service Authority and the Special Cell for unorganized sector shall organize seminars/colloquia for making employers aware of their statuary duties and the need to fulfill the genuine requirements of the workers.

17 Rehabilitation Schemes

Certain statutes provide for rehabilitation of workers like in Section 13 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. State Legal Services Authorities shall coordinate with the concerned State authorities either themselves or through coordinating with NGOs to frame rehabilitation schemes for the erstwhile manual scavengers as per the provisions of the said Acts.

18 Legal Assistance and Legal Representation

The special cell for Unorganized Workers shall provide counselling, legal assistance and legal aid by way of legal representation before any court or other authority, as required, to all Unorganized Workers.

❑❑❑

NALSA (Child Friendly legal Services to Children and their Protection) Scheme, 2015

1. Introduction and Background

"It cannot be questioned that children are amongst the most vulnerable sections in any society. They represent almost one-third of the world's population, and unless they are provided with proper opportunities, the opportunity of making them grow into responsible citizens of tomorrow will slip out of the hands of the present generation....." The said observation made in Salil Bali Vs.: Union of India (UOI) and Anr, 2013VII AD (S.C.) by Supreme Court goes on to show that it is our obligation to the young generation to open up all opportunities including the legal services for every child to unfold its personality and rise to its full stature, physical, mental, moral and spiritual.

2. International Commitments

2.1 While adopting the declaration of the Rights of the Child on 20th November, 1959, the General assembly of the United Nations laid down ten principles designed to enable children, irrespective of race, colour, sex, language, religion or origin,to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity.

2.2 The United Nations standard minimum rules for the administration of Juvenile Justice("The Beijing Rules," 1985) call on States to ensure that throughout the proceedings the Juvenile shall have the right to be represented by a Legal Advisor or to apply for free legal aid where there is provision for such aid in the country.

2.3 The United Nations Convention on the Rights of the Child (UNCRC) is a comprehensive, internationally binding agreement on the rights of children, adopted by the UN General Assembly in 1989. The purpose of the UNCRC is to outline the basic human rights that should be afforded to children. There are four broad classifications of these rights. These four categories cover all civil, political, social, economic and cultural rights of every child which are as follows:-

(a) Survival rights: include the child's right to life and the needs that are most basic to existence, such as nutrition, shelter, an adequate living standard, and access to medical services

(b) Development rights: include the right to education, play, leisure, cultural activities, access to information, and freedom of thought, conscience and religion.

(c) Protection rights: ensure children are safeguarded against all forms of abuse, neglect and exploitation, including special care for refugee children; safeguards for children in the criminal justice system; protection for children in employment; protection and rehabilitation for children who have suffered exploitation or abuse of any kind.

(d) Participation rights: encompass children's freedom to express opinions, to have a say in matters affecting their own lives, to join associations and to assemble peacefully. As their abilities develop, children are to have increasing opportunities to participate in the activities of their society, in preparation for responsible adulthood.

3. Constitutional Assurances

3.1 The framers of our Constitution were well aware of the fact that the development of the nation can be achieved by the development of the children of the nation & it is necessary to protect the children from exploitation as well. The Indian constitution accords rights to children as citizens of the country, and in keeping with their special status the State has even enacted special laws. The Constitution, promulgated in 1950, encompasses most rights included in the UN Convention on the Rights of the Child as Fundamental Rights and Directive Principles of State Policy.

3.2 It is the constitutional right of every citizen under Article 22 of Constitution of India to be defended by a legal practitioner of his choice. One of the fundamental principles to be followed in the administration of Juvenile Justice is ensuring Legal services at the State expenses. It is a mandatory duty of Legal Services Authority that free legal aid service be made available to every Juvenile.

The following are the provisions of the Indian Constitution relating to children:

(a) Article 14 provides that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

(b) Article 15(3) provides that nothing in this Article shall prevent the State from making any special provision for women and children.

(c) Article 21 provides that no person shall be deprived of his life or personal liberty except according to procedure established by law.

(d) Article 21A provides that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

(e) Article 23(1) provides that traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

(f) Article 24 provides that no child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

(g) Article 29(2) provides that no citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race,caste, language or any of them.

(h) Article 39(e) provides that the state shall, in particular, direct its policy towards securing that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

(I) Article 39(f) provides that the state shall, in particular, direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and

that childhood and youth are protected against exploitation and against moral and material abandonment.

(j) Article 45 provides that the State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.

(k) Article 47 provides that the State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties.

(l) Article 51A (k) provides that it shall be the duty of every citizen of India who is a parent or guardian to provide opportunities for education to his child or, as the case may be,ward between the age of six and fourteen years.

4. Other Legislations

Apart from the Constitution there are a number of legislations which deals with children. The following are some of them:

(a) The Guardian and Wards Act 1890

This Act deals with the qualifications, appointment & removal of guardians of children by the courts & is applicable to all children irrespective of their religion.

(b) The Child Labour (Prohibition And Regulation)Act 1986

This Act came into force to prohibit the engagement of children in certain employments and to improve the conditions of work of children in certain other employments. Under the act "Child" means a person who has not completed his fourteenth year of age. The Act is intended to ban the employment of children i.e., those who have not completed their 14 years in specified occupations and processes.

(c) The Pre-Natal Diagnostic Technique (Regulation and Prevention of Misuse) Act 1994

This Act provides for the regulation of the use of pre-natal diagnostic techniques for the purpose of detecting genetic or metabolic or chromosomal abnormalities or certain congenital malformation or sex-linked disorders & for the prevention of the misuse of such techniques for the purpose of pre-natal sex determination leading to female foeticide.

(d) JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN)ACT, 2000

This Act deals with the law relating to juveniles in conflict with law & children in need of care & protection, by providing for proper care, protection & treatment by catering to their development needs & by adopting a child-friendly approach in the adjudication & disposition of matters in the best interest of children & for their ultimate rehabilitation through various institutions established under the Act.

(e) THE COMMISSIONS FOR PROTECTION OF CHILD RIGHTS ACT, 2005

This Act provides for the constitution of a National Commission and State Commissions for Protection of Child Rights and Children's Courts for providing speedy trial of offences against children or of violation of child rights and for matters connected therewith or incidental thereto.

(f) THE PROHIBITION OF CHILD MARRIAGE ACT, 2006

This Act restraints the solemnization of child marriages by laying down the minimum age for both boys & girls. According to Section 2(a) of the Prohibition of Child Marriage Act,2006, a "child" means a person who, if a male, has not completed twenty-one years of age, and if female,has not completed eighteen years of age.

(g) THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

Article 21A of the Constitution, provides that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine. Parliament has made the law contemplated by Article 21A by enacting the Right of Children to Free and Compulsory Education Act, 2009. This Act provides for free and compulsory education to all children of the age of six to fourteen years.

(h) THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

An Act to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto.

5. Entitlement to Legal Services

5.1 Children are the beneficiaries of legal services under the Legal Services Authorities Act,1987. The Act was enacted to constitute legal services authorities for providing 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.

5.2 Under section 12(c) of Legal Services Authorities Act, 1987 a child who has to file or defend a case is entitled to legal services. Therefore, it is the duty of various State Legal Service Institutions to provide free legal aid to juvenile in conflict with law and work towards speedy disposal of cases.

5.3 In this background, the Scheme has been drawn up for the legal services institutions (State Legal Services Authorities, District Legal Services Authorities, Taluk Legal Services Committees, High Court Legal Services Committees, Supreme Court Legal Services Committee) to be followed while they deal with legal services to the children.

6. Name of the Scheme

This Scheme shall be called "NALSA (Child Friendly Legal Services to Children and their Protection) Scheme,2015".

7. Definitions

In this scheme unless the context otherwise requires,

a) "Act'' means the Legal Services Authorities Act, 1987 (39 of 1987).

b) "JJ Act" means The Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000).

c) "JJ rules" means Juvenile Justice (Care and Protection of Children) Rules, 2007.

d) "Legal Service" has the same meaning as defined under section 2(c) of Legal Services Authorities Act 1987.

e) Legal Services Clinic means a clinic as defined under regulation 2(c) of National legal Services Authority (Legal Services Clinics) Regulations 2011.

f) Legal Services Institution means a State Legal Service Authority, Supreme Court Legal Services Committee, High Court Legal Services Committee, District Legal Service Authority or Taluk Legal Service committee, as the case may be.

g) Panel Lawyer means the panel lawyer selected under Regulation 8 of the National Legal Services Authority (Free and Competent Legal Services) Regulations 2010.

h) Para Legal Volunteers means a Para Legal Volunteer defined and trained under the NALSA Scheme for Para Legal Volunteers (Revised) and Module for the Orientation - Induction - Refresher Courses for PLV Training and engaged as such by a legal services institution.

i) All other words and expressions used but not defined in this Scheme and defined in the Legal Services Authorities Act, 1987 (39 of 1987) or the National Legal Services Authorities Rules,1995 or National Legal Services (Free and Competent Legal Services) Regulations, 2010 shall have the same meaning respectively assigned to them in the said Act or Rules or Regulations.

8. Objective

8.1 In Delhi, 16-year-old 'X' is accused of stealing a cell phone. In Mumbai, 12- year-old 'Y' is the victim of sexual abuse. In Calcutta , 10-year-old 'Z's parents are fighting over his custody. In Chennai, 13-year old 'S' was rescued from a factory who found to be trafficked. Everyday children such as these come in contact with the justice system, where formal and informal justice providers make decisions that have the potential to influence the future course of their lives. What rights do these children have when they come in contact with the law? Are they entitled to any type of legal assistance? If so, how might those services best be made available and actually reach children in crisis or in need? How can legal services be made "child-friendly" given logistical and financial limitations? And how does the concept of child-friendly justice play out in informal justice systems? The purpose of this Scheme is to suggest a conceptual and practical framework for addressing these questions, with the ultimate goal to provide children with meaningful, effective, affordable, and age-appropriate legal assistance "on the ground."

8.2 The main objectives of the Scheme are:-

i) To outline the basic rights and benefits that should be afforded to children.

ii) To ensure legal representation to the children in need of care and protection and children in conflict with law at all levels;

iii) To strengthen legal services, institutional care, counselling and support services at the national, state, district and Taluka levels;

iv) To create an environment in the juvenile justice system, in which children are valued, encouraged and affirmed and have their rights respected and are treated as individuals.

v) To enhance capacities at all levels, of all functionaries including, PLVs,

Panel Lawyers, counsellors , service providers, NGOs, local bodies, police, judiciary and other concerned departments of State Governments, to undertake responsibilities for providing child friendly legal services;

vi) To ensure that mandatory authorities and institutions, like JJBs, CWCs, other welfare committees, observation and shelter homes, psychiatric hospital or psychiatric nursing home, commissions, boards, office of probation officers etc. under various child friendly legislations have been set up;

vii) To have database of all the existing central or state schemes, policies, regulations, SOPs, police directives, conventions, rules, declarations, comments, and reports etc. available for child welfare and protection;

viii) To organise awareness programmes to educate public at large including all stakeholders i.e. PLVs, Panel Lawyers, member of JJBs and CWCs, welfare officers, counsellors, probation officers, police , public prosecutor, judicial officers, care takers of various homes, educational and medical institutions etc., on child rights and their protection on available child protection services, schemes and structures at all levels;

ix) To undertake and organise training, orientation and sensitization programs, for senior police officers, SJPUs, JWOs, panel lawyers, PLVs, member of JJBs and CWCs, welfare officers, counsellors, probation officers, public prosecutor, judicial officers, care takers of various homes for their skill enhancement and for creating a sense of responsibility amongst them;

x) To organize seminars, colloquia, workshops and conferences relating to law and schemes on child rights and allied fields.

xi) To develop effective coordination and interface with all Govt. Bodies or functionaries, Institutions, Authorities, NGOs and other Organisations concerning or entrusted with the responsibilities relating to child rights;

xii) To Undertake research and documentation to study the various schemes, laws etc. to find out the gaps and then to make suggestions to the appropriate authorities;

9. The key principles that should be kept in mind by legal services institutions at all levels are:-

9.1 Best interests of the child:- Every child has the right to have his or her best interests given primary consideration while providing legal services to the children in need of care and protection and child in conflict with law.

9.2 Welfare of the child:- The welfare of children must always come first, regardless of all other considerations. Early intervention and support should be available to promote the welfare of the child.

9.3 Right to dignity:- Every child has the right to be treated with dignity and compassion and its worth is to be respected and protected.

9.4 Right to equality and no discrimination:- A child shall be treated without discrimination of any kind, irrespective of the child's cast, race, religion, beliefs, age, family status, culture, language, ethnicity, disabilities if any or place of birth.

9.5 Principle of right to be heard- Every child has right to be informed, right to be heard and to express views and concerns freely .

9.6 Principle of right to safety- Every child has right to safety at all stages and he or she shall not be subjected to any harm, abuse or neglect etc.

9.7 Principle of confidentiality- The privacy of a child shall be protected by legal services institutions at all levels.

10. Plan of Action

10.1 Constitution of boards,committees,commissions, etc.

(a) Under section 4 of JJ Act the State Government has been authorized to constitute Juvenile Justice Board in every district. SLSAs shall ensure that Juvenile Justice Board is established in each district separate from the regular court and where no such board has been set up, SLSA will take up the matter on urgent basis with State Government so that JJB is established in every district.

(b) Section 29 JJ Act allows the State Government to form Child Welfare Committees in relation to child in need of care in every district. Such committees will consist of a Chairperson and four other members appointed by the State government including one woman. SLSAs shall ensure that Child Welfare Committees are established in each district and where no such committee has been set up, SLSA will take up the matter on urgent basis with State Government so that committee is established in every district.

(c) JJ Act contemplates constitution of Special Juvenile Police Unit (SJPU) to deal with Juvenile in conflict with law. In every police station at least one police officer specially instructed and trained is required to be designated as Juvenile/Child Welfare officer to deal with the Juvenile. (section 63, JJ Act and rule 11 of JJ Rules). SLSAs shall ensure that such Special Juvenile Police Unit has been established.

(d) SLSAs shall ensure that list of designated Juvenile Welfare Officers and members of SJPU's with contact details be prominently displayed in every police station in the state.

(e) Under section 62A of JJ Act, every state government shall constitute a child protection unit for the state and for every district to take up the matters relating to children in need of care and protection. SLSAs shall ensure that such child protection Unit has been established.

(f) Under section 17 of Commission for Protection of Child Rights Act 2005, State is under obligation to constitute State Commissions. SLSAs shall ensure that such commission u/s 17 of Commission for Protection of Child Rights Act 2005 has been constituted and working effectively. (Re. Exploitation of Children in Orphanages in the State of Tamil Nadu Vs. Union of India (UOI) and Ors. (2014)2SCC180).

(g) Under section 16 of The Prohibition Of Child Marriage Act, 2006, the State Government is authorised to appoint for the whole State, or such

part thereof as may be, an officer or officers to be known as the Child Marriage Prohibition Officer to prevent child marriage and to deal the matters connected thereto. SLSA shall take up the matter with state for appointment of the Child Marriage Prohibition Officer, wherever they have not been appointed.

10.2 Observation and Shelter Homes

(a) Juvenile in conflict with law are kept in a home and not in jail or lockup. There are two categories of homes for juveniles in conflict with law, namely observation homes and special homes. Juvenile is kept in the Observation Home pending inquiry against him by the Board and such home are to be established and maintained by the State Government in every district or group of districts (section 8 of JJAct r/w rule 16(1) of JJ Rules).

(b) Similarly, special homes are to be set up in every district or group of district separately for boys and girls to house juveniles, if found guilty on conclusion of inquiry (section 9 of JJ Act r/w rule 16(1) of JJ Rules).

(c) Under section 34 of JJ Act, State Governments have been empowered to establish and maintain either by themselves or in association with voluntary organizations, children homes in every district or a group of districts for the reception of child in need of care and protection during the pendency of any inquiry and subsequently for their care, treatment, education, training, development and rehabilitation

(d) SLSAs shall keep the updated record of as to how many institutions i.e. children homes, shelter homes and observation homes, either run by the State Governments or by Voluntary Organisations for Children in need care and protection or children in conflict with law are there in the state.

(e) All such homes or institutions run by the State Governments or by Voluntary Organisations for Children in need care and protection have to be registered under the provisions of Section 34 of JJ Act, read with Rule 71 of the said Act.

(f) Any unregistered institutions for children in need of care and protection are there then they have to be shut down or taken over by the State Governments. (Re. Exploitation of Children in Orphanages in the State of TamilNadu Vs.Union of India (UOI) and Ors.(2014)2 SCC 180). In this regard SLSAs shall take up the matter with the state Government so that needful could be done in respect of unregistered institutions.

(g) SLSAs shall ensure that there are observation homes, shelter homes and child care homes in sufficient numbers registered with the government to house the juvenile in conflict with law and child in need of care and protection.

(h) Each SLSA shall constitute a committee namely “Observation and Children Home Committee” for every district in the state comprising of District Secretary as chairperson, one panel lawyer and probation officer as members. The committee so constituted shall formulate a calendar of its visit to each of home situated in the district at least once in a month.

(i) Broadly the functions of the committee would be to see that observation homes, special homes and children homes are child friendly and it should not look like a jail or lockup and should have a good quality of care and facilities. It should have sanitation and hygiene, clothing and bedding, meals and diet, medical and mental health care, tie up with local primary health centre, maintaining the health record etc. if anything deficient is noted by the committee then SLSA will take up the matter with concerned authorities for necessary action at their end and shall follow up the matter.

10.3 Legal Services Clinics

(a) SLSAs shall set up Legal Services Clinic at every Juvenile Justice Board and Child Welfare Committee in each district in the state.

(b) Opening of Legal Services Clinic shall be communicated to all Government bodies, department including Police, NGOs along with relevant contact numbers and addresses of the clinics.

(c) PLV's shall be deputed in such clinics.

(d) SLSAs shall display the contact number and the other information of the clinic in its all offices at state, district and Taluka service level.

(e) The legal services clinics so established shall be governed by the National Legal Services Authority (Legal aid clinics) regulation 2011 in respect of their functioning, infrastructural facilities, maintenance of record and register, visit of panel lawyers, deputing of PLVs and control over such clinic.

(f) All DLSAs shall set up legal literacy club in each of the schools in the District under the control of DLSA with co-ordination with the principals.

10.4 Legal Representations.

Statutory provisions

(a) Under section 12(1)(c) of the Act every child who has to file or defend a case is entitled to free legal services.

(b) The Board is to ensure free legal aid to all juvenile through State Legal Aid Services Authority or recognized voluntary legal services organisations or the University legal services clinics. [Rule 3.1 (d) (iii) r/w 14(2)of JJ Rules].

(c) The Legal Officer in the District Child Protection Unit and the State Legal Aid Services Authority shall extend free legal services to all the Juveniles. [Rule 14(3) of JJ Rules].

(d) Under section 40 of Protection of Children from Sexual Offences Act, 2005, the Legal Services Authority shall provide a lawyer to the family or the guardian of the child, if they are unable to afford a legal counsel.

Role of SLSAs

(a) To meet the requirement of law, SLSAs shall constitute a separate panel of trained and committed advocates to represent child /Juvenile before every forum i.e JJBs, CWCs etc., so that meaningful and effective legal services could be provided at the ground level.

(b) SLSAs shall ensure that legal services provided to child or Juvenile is of high quality and that it is effective which requires competent and dedicated panel lawyers at JJB and CWC's.

(c) SLSAs shall supervise and monitor the working of Panel lawyers and have mechanism of surprise check.

(d) The remuneration to the panel lawyer may be released on the basis of work done report countersigned by the JJB or CWCs wherever the panel lawyer is deputed.

(e) SLSA shall ensure an effective coordination between legal officer, panel lawyer and Legal Services clinic established at JJBs and CWCs so that every child is legally represented and provided free legal aid and other necessary support.

10.5 Training and orientation programme

(a) All SLSAs shall strictly adhere to various guidelines already issued by NALSA for training the designated juvenile child welfare officers attached to every police station and the members of the special juvenile police unit and also for legal services in juvenile justice institutions in connection with the compliance of the order dated 12.10.2011 and 19.08.2011 of Hon'ble supreme court of India in Sampurna Behrua v.Union of India & Ors.in Writ Petition (C) No.473/2005).

(b) Every State Legal Services Authority shall coordinate with the head of the concerned Police Department to ensure that a Standing Order outlining the roles, responsibilities and functions of Special Juvenile Police Units and Juvenile/ Child Welfare Officers is issued. Such Standing Order shall be based on the JJ Act, JJ Rules I the applicable Rules (If State Government has notified its own Juvenile Justice Rules) and the judgement of the Hon'ble Supreme Court in Sheela Barse V. Union of lndia (1986 SCALE (2) 230): (1987) 3 SC 50. State Legal Services Authority shall render assistance in drafting and preparing such Standing Order. State Legal Services Authority shall also ensure that such Standing Order is translated into local language and is made available at all the Police Stations.

(c) In order to be effective, the concepts and potential of legal service to serve children must be communicated effectively. This requires that Legal Service Providers, whether they are lawyers, PLVs, Police Officer or Judicial Officers require effective training in how to communicate with children.

d) Children legal service providers, judicial officer, panel lawyers, police officers, JJB's, CWCs whether or not formally trained with the law, should receive on-going training in the areas of relevance to the rights of the children.

(e) To the extent possible, training in substantive legal concepts and applicable laws, regulations and rules as well as skills training in advocacy should be problem based and interactive.

(f) Law relating to Juveniles is comprised of constitutional provisions, legislations, schemes, reports, international convention, rules. The challenge is how to convey this information in meaningful way to those who are working on the ground on behalf of the children. Therefore, the training material for such functionaries should contain all important information which is necessary for solving the problem of children.

10.6 Legal Awareness

(a) All SLSAs shall publish booklets/pamphlets/legal service manual containing the details of the available schemes pertaining to the child rights. Copies of booklets/pamphlets/ legal service manual shall be kept available in all front offices, legal services clinics, JJBs, CVCs, police stations etc.

(b) Information regarding the above details should also be disseminated through Doordarshan, All India Radio and Community Radio.

(c) All SLSAs shall spread awareness amongst the public about children rights and their protection in collaboration with educational institutions, State Commission for Protection of Child Rights , NGOsetc.

(d) Essay competitions, street play competitions, poster making competitions, painting competitions and even debate are other means of spreading awareness of child rights amongst school and college students.

(e) PLVs may be asked to create an effective outreach campaign through the distribution of posters using child appropriate messaging.

(f) In addition to informing individual children about their right to legal assistance, it is also important to engage in outreach to communities and public and private agencies as a way of building support for legal empowerment and an effective working relationship with Legal Service providers.

(g) Many children in need of legal service live in remote rural areas.As a result, the children often find it impossible to physically access legal services where they live. To overcome this barrier, SLSAs may take some initiative including mobile clinic and one Stop Centre programmes offering a range of legal services to the children at the same location.

(h) DLSAs can take the services of PLVs deputed at each police station, in compliance of the direction in Bachpan Bachao Aandolan vs Union of India, for conducting initial interviews and investigations, to provide counselling and to work as a link between the children and his or her family.

(i) Each SLSA shall take up the matter with the State Government so that child rights could be included in the school curriculum of all schools to enable children to know their rights.

(j) SLSAs shall spread awareness about the newly added provisions of section 357 A CrPC and any Victim Compensation Scheme of the State so that immediate compensation is released to the children.

(k) Each SLSA shall develop directory on legal services which must be available ready with all key stake holders.

(l) Each SLSA shall organize intensive legal awareness campaigns at all levels about children's right to education as well as fundamental duties of parents to send their children to schools.

(m) There is a need for creating awareness about the availability of non-institutional services such as adoption, sponsorship and foster care for children.

(n) SLSAs shall endeavour the accreditation of NGOs having sound credentials and involved in matters of children who are in need of care and protection.

(o) To initiate awareness programme that enable community mobilisation and outreach to change social norms perception and attitudes and to educate the villagers and communities about the harm caused to children on account of child marriages especially on their health and personality and also on their future productivity.

(p) To have greater social community engagements through PLVs to prevent young girls from being coerced into early marriage

(q) Each SLSA shall take up necessary step to solve the problem of Child Labour by working in villages with the help of PLVs to sensitize families about the long term benefits of education and to make them aware that child labour is not acceptable.

(r) There should be awareness programme at all levels for the effective prohibition of all forms of labour for children upto 14 years of age and to effectively address the issues of trafficking of children.

(s) Each SLSA should work together with the State Government for strengthening existing framework so that the promise of free and equality education to children between the age of 6 and 14 can be implemented across the State.

(t) Vulnerability to trafficking for Child Labour or destitution increases during disasters and natural calamities. Therefore, the core group constituted by the SLSAs under the NALSA scheme i.e "A Scheme For Legal Services To Disaster Victims Through Legal Services Authorities", must ensure that all measures are taken to protect the rights ofthese children and for their welfare.

(u) SLSAs must draw an action plan so that the problem of Child Labour is systematically eliminated from the society.

(v) To eliminate the menace of child labour and to effectuate the mandate of the Constitution, Supreme Court had given a large number of mandatory directions in M.C. Mehta v. State of Tamil Nadu reported as (1996) 6 SCC 756. One of the important directions was to direct an employer to pay a compensation of Rs. 20,000/- for having employed a child below the age of 14 years in hazardous work in contravention of Child Labour (Prohibition & Regulation) Act, 1986 . The appropriate Government was also directed to contribute a grant deposit of Rs. 5,000/- for each such child employed in a hazardous job. The said sum of Rs. 25,000/- was to be deposited in a fund to be known as Child Labour Rehabilitation-cum- Welfare Fund and the

income from such corpus was to be used for rehabilitation of the rescued child.

A LSAs orinate with police, labour department and other authorities concerned for compliance of the aforesaid directions and follow up the matter.

11. Database

All SLSAs shall have database of all the existing central or state schemes, policies, regulations, SOPs, police directives, conventions, rules, declarations, comments, and reports etc. available for child welfare and protection so that same may be used as and when required for legal awareness and for providing legal services to the Juveniles.

❑❑❑

NALSA (legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015

BACKGROUND

Persons with disabilities, especially those suffering from mental illness and other barriers like mental retardation are usually not those who catch the attention of the authorities that be. They are sidelined and are viewed only from the prism of the paternalistic "social welfare" which looks upon them merely as persons who are in need of special protection by the State and the society. India is a signatory to the UN Convention on the Rights of Persons with Disabilities (CRPD) 2008 and since our country has ratified the Convention, it is obligatory for our legal system to ensure that human rights and fundamental freedoms of persons with disability (including mentally ill persons and persons with mental disabilities) are enjoyed on equal basis with others and to ensure that they get equal recognition before the law and equal protection of the law. The Convention further requires us to ensure effective access to justice for persons with disabilities on an equal basis with others.

Under Section 12 of the Legal Services Authorities Act, 1987, persons who are disabled as defined in clause (i) of Section 2 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act,1995 and those in a psychiatric hospital or in a psychiatric nursing home within the meaning of clause (q) of Section 2 of the Mental Health Act,1987 are entitled to legal services. Hence NALSA had drawn up a scheme to provide effective legal services to the mentally ill and mentally disabled, in 2010, in terms of its mandate under S.4 (b) of the Legal Services Authorities Act, 1987.

Though the Scheme was first launched in 2010, from the reports received from all the States on its implementation, it appears that there is a need to review the scheme to strengthen the services rendered by the State Legal Services Authorities/Legal Services Institutions to these marginalised people to enable them to access justice. There is imperative need for a proactive outreach to these people. So far, the SLSAs/DLSAs seem to be concerned only with matters reaching them. Even then, there remains much to be done in court related activities.

It is in this background, that this new Scheme for Legal Services to the Mentally Ill and Mentally Disabled persons has been drawn up as "NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme,2015".

OBJECTIVES

This Scheme includes fresh guidelines to the Legal Services Institutions (State Legal Services Authorities, District Legal Services Authorities, Taluk Legal Services Committees, High Court Legal Services Committees, Supreme Court Legal Services Committee) to be followed while they render legal services to the mentally ill and persons with mental disabilities. The objective is to ensure that the mentally ill or mentally disabled are not stigmatized and they are dealt with as individuals who are to be helped to enforce all rights they are entitled to and as assured to them by law.

The terms PLVs, Legal Services Clinics, Front Office, 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 and the NALSA Scheme for Para Legal Volunteers (Revised) and Module for the Orientation - Induction - Refresher Courses for PLV Training.

PART-I: PRINCIPLES

While dealing with Mentally Ill or Mentally Disabled Persons, the Legal Services Institutions must keep in mind the following factors:-

(1) Mental illness is curable – The Legal Services Institutions shall keep in mind the fact that mental illness is curable on proper medication and care.

(2) Mentally disabled persons are not mentally ill persons – Mentally disabled persons are suffering from mental disabilities due to developmental disorders. Mental Retardation (MR) is of permanent nature and is not curable. So also Autism and Cerebral Palsy. They are, therefore, 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). The statutory provisions for the welfare of mentally disabled persons are (i) PWD Act, 1995 and; (ii) National Trust for the Welfare of Persons with Autism, Cerebral Palsy Mental Retardation and Multiple Disabilities Act,1999 .

(3) Mentally ill and Mentally disabled persons are entitled to all human rights and fundamental freedoms – While dealing with mentally ill and mentally disabled persons for rendering legal services it shall be the prime concern of the legal services institutions to promote, protect and ensure the full and equal enjoyment of human rights and fundamental freedoms of these persons.

(4) Respect for the inherent dignity of mentally ill & mentally disabled persons – The legal services institutions shall promote respect for the inherent dignity, individual autonomy including independence of mentally ill & mentally disabled persons.

(5) Non-discrimination – The legal services institutions shall not discriminate mentally ill & mentally disabled persons merely because of his/her state of mental health. Rather, they are to be dealt with greater sensitivity and care.

(6) Reasonable Accommodation – The legal services institutions shall make provisions including reasonable accommodation to ensure that persons with mental illness or mental disabilities have equal access to any scheme, programme, facility or service offered.

(7) The right of mentally ill persons to get treatment – Right to treatment and to get proper health care, emanating from Article 21 of the Constitution of India is equally applicable to all mentally ill persons. Mentally ill persons are deprived of treatment either due to lack of information or due to illegal confinement because of superstition or lack of means or stigma. Therefore the legal services institutions shall ensure that such persons are able to access treatment facilities available in the psychiatric hospitals or psychiatric nursing homes by invoking the provisions in chapter IV ofthe Mental Health Act, 1987.

(8) Informed consent for treatment – Legal services institutions shall ensure that when a person is subjected to treatment for mental illness, his/her informed consent is obtained. If any person is incapable of giving such consent, the informed consent of his/her relatives or friend and in their absence, the satisfaction of the court under Part II Chapter V of Mental Health Act, 1987 shall be ensured.

(9) Prevention of exploitation and abuse of mentally disabled persons – Mentally disabled persons, particularly female mentally disabled, are one of the vulnerable groups most likely to be exploited. Therefore, the legal services institutions shall come to the assistance of mentally disabled persons in preventing their exploitation including sexual abuse and also for taking legal action against the abusers and exploiters.

(10) Mentally disabled persons and, by and large, mentally ill persons, cannot fruitfully utilize information, because of their mentally challenged situation. Hence, they cannot be imparted with optimum legal literacy to empower them to access justice. Therefore, legal service institutions should assess and audit their eligibilities and needs, in terms of the laws, on collective as well as individual basis, and such requirements shall be addressed by extending legal services.

PART-II

LEGAL SERVICES TO THE MENTALLY ILL AND MENTALLY DISABLED PERSONS IN PSYCHIATRIC HOMES, HOSPITALS AND OTHER SIMILAR FACILITIES AND IN JAILS.

The Mentally Ill and Mentally disabled persons used to be kept in jails under the head of "non-criminal lunatics". Through directions of the Hon'ble Supreme Court of India in Sheela Barse Vs. Union of India and others (Criminal Petition No.237/1989) the Supreme Court deprecated this practice and declared that the admission of the non-criminal mentally ill persons in the jails was illegal and unconstitutional. The Supreme Court further directed that henceforth only Judicial Magistrates and no Executive Magistrate shall send a person who is mentally ill to places of safe custody for treatment. The Judicial Magistrates are also obligated to first seek the advice of a professional or psychiatrist before doing so. The Judicial Magistrates are also required to, as per the directions of the Supreme Court of India to send quarterly reports to the High Court setting out the number of cases sought to be screened and sent to places of safe custody and the action taken by the Judicial Magistrates thereon.

The Supreme Court of India transferred the records of the case to each High Court requesting the High Courts to register the records so received as a Public Interest Litigation treating the High Court Legal Services Committee as the Petitioner, to assist the High Court in the matter of monitoring compliance of the orders and directions of the Supreme Court of India and the orders of the High Court which may be passed from time to time.

In order to comply with the directions of the Supreme Court of India, the following actions need to be taken:

At Jails:

- The SLSAs will have to first ensure that the Public Interest Litigation is registered in the High Court and an Hon'ble Judge is designated to deal with the mater, as directed by the Supreme Court of India.
- The SLSAs will carry out inspection of all jails with the assistance of the State Mental Health Authority (SMHA) or any other team constituted by the High Court or under the directions of the High Court to ascertain whether there are any mentally ill and mentally disabled persons in the jails and if there are, to immediately seek appropriate directions from the High Court with regard to their shifting out and their treatment.
- The SLSAs will in coordination with the SMHA constitute a team of psychiatrists/ psychologists /counsellors to visit the jails and assess the state of mental health of the inmates in jail. Depending on the need assessment by the team, SLSAs will initiate corrective measures necessary to facilitate the treatment of the jail inmate by psychologists or psychiatrists.
- In compliance of the orders of the Supreme Court of India, the Judicial Magistrates should also send quarterly reports to the High Court setting out the number of cases screened and sent to places of safe custody and the action taken by the Judicial Magistrates thereon.

Intimation regarding every such reporting shall be given by the Judicial Magistrate to the SLSA, which, in turn, shall ensure that the said quarterly report gains prompt attention of the designate Hon'ble Judge and shall seek such directions and orders as may be found necessary; either general in nature, or as regards any particular individual or issue. SLSA shall, in the event of any such direction or order being issued, notify the DLSA/ TLSC concerned to aid and monitor its compliance, and shall also bring to the notice of the designate Hon'ble Judge any non-compliance or deficiency in compliance of any such direction or order.

At psychiatric hospitals, homes and facilities:

- The SLSAs should request the High Court for the constitution under Section 37 of the Act a Board of Visitors for all psychiatric hospitals, homes and similar facilities, whether government run or privately run in the State, in which the Member Secretary/Full Time Secretary, SLSAs/DLSAs should also be a Member. The Board of Visitors should regularly visit these to assess the living conditions of the inmates in these facilities, homes or hospitals.
- The SLSAs/ Board of Visitors should review the persons in these hospitals, homes and facilities to ascertain whether there are any cured persons staying there whose families appear reluctant to take them back or are themselves not able to contact their families. Whenever the SLSAs/DLSAs or Board of Visitors find such inmates the SLSAs/ DLSAs must take all steps to facilitate restoration, including providing legal representation in court to seek orders for restoration of the cured person with the family.
- Legal services institutions shall during their visits to the psychiatric hospitals or homes or facilities ascertain through interaction with inmates , doctors and staff as to whether any of the persons admitted there are victims of forced admission or not. In such cases, legal services shall be given to such persons for their release from the psychiatric hospitals or homes or facilities.
- SLSAs/DLSAs should setup Legal Services Clinics at the psychiatric hospitals, homes and facilities in order to provide legal assistance wherever required to the Mentally Ill/ mentally disabled persons and their families to address legal issues concerning the mentally ill and mentally disabled persons.
- Such a legal clinic should be manned by Para Legal Volunteers and Panel Lawyers who are sensitive to such issues and persons.
- It would be quite appropriate to train the doctors, nurses and other para medical staff/ administrative staff at the mental health facilities as Para Legal Volunteers so that the best legal services can be provided keeping in mind the welfare of the mentally ill/ mentally disabled persons.
- The Clinic should also help in ensuring that the homes meant for the mentally ill and mentally disabled persons have all facilities, including for learning appropriate skills for independent and/or assisted living and earning. The legal services institutions may approach the Government, and if necessary the High Court for appropriate directions, to ensure the availability of such facilities.
- The Legal Services Institutions should also connect the mentally disabled persons with the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities so that benefits provided under the "National Trust For Welfare

of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999" are assured to these persons and their families.

- Legal Services Institutions should involve through the PLVs the para medical staff/ administrative staff and doctors at the mental health facilities to identify the relatives and homes of those patients in relation to whom such facts are not available on record and take appropriate steps through the different legal services institutions to reach to the relatives of the patients to facilitate re-union of the patients with the near and dear ones.
- Patients, who are housed in mental health centres, homes and facilities, away from their domicile and home, must be considered for providing legal assistance to ensure their transit to mental health centres, homes and facilities nearer to their native place. This can be done with the involvement of SLSAs and DLSAs.

LEGAL SERVICES TO THE MENTALLY ILL AND MENTALLY DISABLED PERSONS WHO ARE WANDERING, HOMELESS AND DESTITUTES

Under the Mental Health Act, 1987, Section 23, the officer in charge of a police station can take or cause to be taken into protection a wandering mentally ill person or a dangerous mentally ill person within the limits of his station and produce such person before the Magistrate under Section 24 for passing reception orders authorizing the detention of the said person as an inpatient in a psychiatric hospital or psychiatric nursing home for purposes of treatment.

Similarly, under Section 25, a police officer or a private person who has reason to believe that a mentally ill person within the limits of his station is not under proper care and control or is ill-treated or neglected by relatives or other the persons having charge of such mentally ill person, can report the matter before the Magistrate. The Magistrate can pass an order of reception or even fine the person who is responsible for neglecting the mentally ill.

In the case of the homeless or destitute mentally disabled person, ordinarily the matter must be reported to the Local Level Committee through a registered organization as prescribed under the National Trust for the Welfare of Persons with Autism, Cerebral Palsy Mental Retardation and Multiple Disabilities Act, 1999 and Rules and Regulations thereunder. It is the Local Level Committee which would pass appropriate directions for the care of the neglected or destitute mentally disabled person.

Action to be taken by legal services institutions

- The legal services institutions must draw up a panel of sensitive and sensitized legal services lawyers to represent the best interests of the mentally ill person at the time of the production of the person under Section 24 or Section 25 of the Mental Health Act, 1987 and assist the Magistrate while passing an order that would be in the welfare of the mentally ill person.
- The legal services institutions must assist the police through its PLVs assigned to the police stations to refer the mentally disabled persons, who are neglected, homeless or destitute to the Local Level Committee set up under Section 13 of the National Trust for the Welfare of Persons with Autism, Cerebral Palsy Mental Retardation and Multiple Disabilities Act, 1999 so that orders such as the appointment of guardian, whether individual or institutional, for the care and rehabilitation of the mentally disabled person is ensured.
- Legal services institutions must devise sensitization programmes with the junction of mental health officials including doctors, police officials and judicial magistrates dealing with inquisition proceedings to evolve locally conducive mode to ensure that wandering

mentally ill persons are identified and dealt with securing their human rights by obtaining appropriate judicial orders as may be found necessary in each case.

LEGAL SERVICES TO MENTALLY ILL AND MENTALLY DISABLED PERSONS DURING COURT PROCEEDINGS

The two statutes governing the rights of the mentally ill persons and the mentally disabled persons are The Mental Health Act 1987 and the National Trust for the Welfare of Persons with Autism, Cerebral Palsy Mental Retardation and Multiple Disabilities Act, 1999. Both entail a hearing before the passing of appropriate orders by the Magistrate or the Local Level Committee as the case may be. It is important that the legal services institutions participate in them through the PLVs or the Panel lawyers.

- It shall be the duty of the legal services institutions to depute its retainer/panel lawyer to the court where an application for reception orders has been moved or is under consideration under Section 19, 20, 22, 24, 25, 26, 27 or 28 of the Mental Health Act, 1987.
- The legal services institutions may request the Magistrates who deal with such applications to give notice to the legal services institutions in all cases, for protecting the interest of the mentally ill persons in relation to whom the application for reception or discharge order is being made.
- The retainer/panel lawyer shall gather the details of the circumstances and shall liaise with the relatives of the alleged mentally ill persons, doctors in the psychiatric hospitals or psychiatric nursing homes or any other competent person to ensure that the condition of the person against whom the application for reception/discharge order has been made warrants such an order from the court.
- The legal services institutions having local jurisdiction shall keep a list of the mentally ill persons against whom reception orders have been passed by the courts and shall monitor the progress of treatment of the mentally ill persons in the psychiatric hospitals or psychiatric nursing homes where the mentally ill persons is detained as per the reception order.
- The legal services institutions shall bring to the notice of the Magistrate concerned about any cured mentally person remaining in the psychiatric hospitals or psychiatric nursing homes where such mentally ill person has been sent as per the reception order.
- The legal services institutions should through the PLVs/panel/retainer lawyers help the cured voluntary patients for moving requests for discharge under Section 18 or by an involuntary patient under Section 19.
- The legal services institutions should through the clinics or as part of the Board of Visitors always keep track of admissions under Section 19 (1) of the Act so that detention beyond the period of the first ninety days is only on the orders of the court.
- The legal services institutions shall also keep track of cases under Section 20 of the Act, so that no cured patient is allowed to remain in the psychiatric hospital, home or facility by default. They must move applications for discharge as soon as the patient is cured.
- The legal services institutions shall also keep track of cases under Section 23 read with Section 25 of the Act, in relation to wandering or destitute mentally ill persons, so that the requirements under Section 28 of the Act, of a ten day review by the Magistrate of

the need to keep a person under observation is strictly complied with and no person is detained longer than needed for the issuance of the certificate of mental illness under Section 24 (2) (a) of the Act.

- The legal services institutions through their legal services clinics and PLVs and panel/retainer lawyers should keep track of discharge of patients and wherever necessary should aid and assist the patient to move the application for discharge to the medical officer in charge or to the court which had passed the reception orders.
- The legal services clinics and PLVs and panel/retainer lawyers should also render assistance to inpatients to obtain leave of absence as provided under Section 45 and Section 46 of the Act. They should also assist the filing of appeals as provided for under Section 49 of the Act.
- The legal services institutions shall also participate in inquisition proceedings under Section 50 of the Act to protect the interests of the mentally ill person. A request must be made to the District Judge to issue notice to the legal services institution whenever an application under Section 50 comes before it.
- Where an alleged mentally ill person is possessed of property and if no persons mentioned in Clauses (a) to (d) of Sub-section (1) of Section 50 of Mental Health Act is coming forward with an application for holding judicial inquisition under Chapter VI of the Mental Health Act, the legal services institutions shall take appropriate steps for initiating judicial inquisition regarding the mental condition of the alleged mentally ill persons, custody of his/her person and management of his/her property. For this purpose the Legal Services Institutions may contact any of the aforesaid persons referred to in Clauses (a) to (d) of Sub- section (1) of Section 50 of Mental Health Act, 1987 in writing and may also take up the matter with the Advocate General of the State or with the Collector of the appropriate District in terms of Clause (d) of Sub-section (1) of section 50 of that Act. Legal Services institutions must extend legal aid to the mentally ill persons involved in such matters by providing effective assistance as may be appropriate and requested for by the Collector concerned to aid and assist in preparing and processing such proceedings.
- The legal services institutions should follow up every case where a guardian of the person is appointed under Section 53 and/or the manager of the property has been appointed under Section 54 or an order of maintenance has been passed under Section 71 and Section 79 of the Act and take every step to protect the interests of the mentally ill person.
- The legal services institutions should render all help to pursue appeals as provided under Section 76 of the Act.
- The legal services institutions should through the legal services clinics and PLVs and through visits including as Member of the Board of Visitors that there are no transgression of the human rights of the inmates and whenever such transgressions are noticed, shall bring it to the notice of the High Court.
- As the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act 1999, is a comprehensive Act to provide for the care of the mentally disabled, including assistance in care to parents of the mentally disabled and also for arranging the care and finances of the mentally disabled after the death of the parents through appointment of guardians, it is important that legal services institutions inform the public of the Act and further help them to benefit from it. The PLVs

and the legal services clinics should come to the assistance of the mentally disabled and their families in the matter of appointment of guardians.

- Legal services institutions shall come to the help of mentally ill and the mentally disabled in protecting their rights of inheritance, owning properties and enjoying financial rights. The persons with mental illness or mental disability have rights with others to inherit property, both movable as well as immovable, and also have a right to control their financial affairs and have access to bank loans, mortgages and other forms of financial credit, which can be accessed by them personally or through a support person who has no interest in conflict to the person with mental illness or mental disability. Legal services institutions should render all legal help in realizing this.
- Legal services institutions shall assist the mentally disabled for obtaining all benefits under The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.
- The legal services institutions shall find out the different beneficial schemes for the mentally disabled and their families. The legal services institutions shall assist the mentally disabled and their families to avail the benefits under such schemes.

AWARENESS AND SENSITISATION PROGRAMME

- The legal services institutions shall organize awareness programmes especially in rural areas, to educate people that mental illness is curable and there is no stigma attached to mental illness or mental disabilities.
- The legal services institutions should explain the need for equal treatment of mentally ill with other persons in the society. In such special legal awareness camps the presence of psychiatrists, lawyers and social workers can help the participants to clear their doubts and misconception about mental illness and mental disabilities.
- The legal services lawyer in such camps may educate the public and families on the property and other legal rights and the other provisions of law relating to the mentally ill and mentally disabled persons.
- The State Legal Services Authority/District Legal Services Authority may organize training programmes in association with the Judicial Academy to sensitize the judicial officers about the socio-legal problems faced by the mentally ill and mentally disabled persons,their parents, relatives and family members.
- Similar programmes may be organized with the help of the bar associations to sensitize the panel lawyers and the other members of the legal profession.

The legal services institutions shall co-ordinate with NGOs and other volunteer social organizations for dealing with the issues relating to mentally ill and mentally disabled persons.

❑❑❑

NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015

1) Background

Under Section 4 (I) of the Legal Services Authorities Act, 1987, the National Legal Services Authority envisaged as the Central Authority under the Act, is obligated to "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". The Preamble of the Legal Services Authorities Act, 1987, underscores that the legal services authorities are concerned with the weaker sections of the society and imposes a duty on them to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

Very often intended beneficiaries of poverty alleviation and social security measures are unable to access the benefits due to severe lack of capabilities, social structures, economic marginalisation and exploitation, social values, cultural norms, discrimination etc. In this context, the role of legal services authorities must be a proactive one where measures designed to alleviate poverty must be brought to the attention of the intended beneficiaries. Further, legal services authorities are very well suited to facilitating access to such poverty alleviation measures due to their last mile presence. Therefore this scheme lays down a mechanism for identification of poverty alleviation and social security measures, a framework for facilitating access to such measures by intended beneficiaries and a model for effective review of these processes. In designing this scheme, the concern that there could be local variations and requirements have been particularly considered and sufficient flexibility has been built in for local legal aid authorities to adapt this national scheme according to their needs.

This scheme is built on the foundation that poverty is a multi- dimensional experience and is not limited to issues of income. Multi- dimensional poverty include issues like health (including mental health), housing, nutrition, employment, pension, maternal care, child mortality, access to water, education, sanitation, subsidies and basic services, social exclusion, discrimination etc. Further, in identifying the specific schemes for implementation at the state and district level, legal services authorities are expected to be cognisant of the fact various vulnerable and marginalised groups experience poverty in myriad and unique ways.

2) Name of the Scheme

This Scheme shall be called "NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015".

3) Definitions

1) "Act" means the Legal Services Authorities Act, 1987.

2) "Central Authority'' means the National Legal Services Authority constituted under Section 3 of the Act.

3) "Complainant Beneficiary'' refers to any Scheme Beneficiary who files a complaint against any designated authority or officer who is identified as the designated authority or officer under any of the Poverty Alleviation Schemes.

4) "District Authority" means a District Legal Services Authority constituted under section 9 of the Act.

5) "Legal Services Officer" refers to any person who is designated as such for the purpose of this Scheme.

6) "Para-legal volunteers" refers to 'PLV' as defined and trained under the NALSA Scheme for Para Legal Volunteers (Revised) and Module for the Orientation-Induction-Refresher Courses for PLV Training.

7) "Poverty Alleviation Schemes" refer to any scheme/programme/ launched either by the Central Government, or the State Government, that is aimed at addressing any dimension of poverty. They also include social security measures.

8) "Scheme Beneficiaries" include:

   a. Scheduled Castes or Scheduled Tribes;

   b. all persons eligible for applying under the Poverty Alleviation, Schemes; and

   c. other persons for whom special economic, social or political measures are taken including but not limited to children, women and transgenders.

9) "State Authority'' means State Legal Services Authority constituted under Section 6 of the Act.

10) "Taluka Legal Services Committee" means a Taluka Legal Services Committee constituted under section 11-A of the Act.

11) The terms Legal Services Clinics, Front Office, 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.

4) Objectives of the Scheme

The main objectives of the Scheme are as follows:

1) To ensure access to basic rights and benefits afforded to socially or economically weaker sections of society;

2) To strengthen legal aid and support services at the national, state, district and taluka levels for persons belonging to socially or economically weaker sections in accessing Poverty Alleviation Schemes;

3) To spread awareness about the Poverty Alleviation Schemes through the members of the District Authority, Taluka Legal Services Authority, panel of lawyers, social workers, para-legal volunteers, and students in legal aid clinics;

4) To create a database of all the existing central or state schemes, policies, regulations, policy directives, conventions, rules, and reports available concerning Poverty Alleviation Schemes along with the latest funding information on these schemes;

5) To undertake and organise training and orientation programs, for panel lawyers, para-legal volunteers, officers under Poverty Alleviation Schemes, student volunteers in legal aid clinics for their skill enhancement and for developing a sense of deeper engagement amongst them for implementing this Scheme; and

6) To develop effective coordination and interface with all government bodies or functionaries, institutions, authorities, NGOs and other organisations concerning or entrusted with the responsibilities relating to welfare of socially/economically weaker sections of the society.

5) Identification of Poverty Alleviation Schemes

1) Every State Authority shall identify the existing and active Poverty Alleviation Schemes applicable in the state and circulate a list of the same every twelve months to all the District Legal Services Authorities in the state. The list shall include the following:

   a. Poverty Alleviation Schemes applicable in that State along with the names of the specific districts in which they are applicable in that year;

   b. The intended beneficiaries under each of the Poverty Alleviation Schemes;

   c. The name of the designated authority or the designated officer to be approached to access each of the Poverty Alleviation Schemes, as identified under each of them;

   d. The list of documents required to access each of the Poverty Alleviation Schemes, as identified under each of them;

   e. The benefits under each of the Poverty Alleviation Schemes, as provided for in each of them;

   f. The amount of funds allocated to each of the Poverty Alleviation Schemes by the Central Government, or the State Government, or both of them, as the case maybe, for the particular year;

2) The list prepared by every State Authority under sub-clause (1) shall be circulated annually to all the District Authorities. A copy shall also be sent to the Central Authority.

3) The State Authority shall also upload the list under sub-clause (1) on their web-site.

4) Every District Authority shall, on the receipt of the list prepared under sub-clause (1), within 7 days of receipt of the list, send a copy of the list to the following functionaries:

   a. All Taluka Legal Services Committees in the district;

   b. All the village panchayats in the district;

   c. People working in legal services clinics, members of Panchayats, law students and other para-legal volunteers who volunteer to assist in the implementation of the Scheme.

6) Organisation of Awareness Programmes

1) The State Authorities in collaboration with concerned District Authorities shall take steps for conducting awareness programmes to generate awareness about various Poverty Alleviation Schemes available in that District. Steps shall also be taken by Taluka Legal Services Committees to create awareness regarding the availability of legal services for accessing Poverty Alleviation Schemes, in Panchayat meetings, town hall meetings, Pulse Polio camps, festival gatherings or other village gatherings.

2) All State Authorities shall send a list of such programmes organised in their respective jurisdictions every six months to the Central Authority.

7) Legal Services Officers and Para-legal Volunteers

1) Every District Authority and Taluka Legal Services Authority shall designate at least three panel lawyers as Legal Services Officers for the purpose of this Scheme.

2) District Authorities shall constitute teams of PLVs under a Legal Services Officer to implement this Scheme and the Legal Services Officer will supervise and mentor the PLVs in his team to help the beneficiaries access the various schemes of the Govt.

3) District Authorities shall conduct specialised training programs for panel of lawyers, members working in legal services clinics, members of panchayats, law students and other para-legal volunteers to assist in the implementation of the Scheme, to sensitise them regarding the needs of persons belonging to socially and economically weaker sections and the benefits that they can avail through Poverty Alleviation Schemes.

8) Legal assistance for access to Poverty Alleviation Schemes

Legal assistance must be provided to all the Scheme Beneficiaries seeking access to Poverty Alleviation Schemes. Legal services to be provided by Legal Services Officers or volunteers under this Scheme includes, inter alia:

1) Informing the Scheme Beneficiaries about each of the Poverty Alleviation Schemes to which they are entitled, and the benefits thereunder

2) Assisting the Scheme Beneficiary in procuring the documents required for availing the benefits under any of the Poverty Alleviation Schemes

3) Informing the Scheme Beneficiary of the name and the address of the designated authority or the officer to be approached for registration under any of the Poverty Alleviation Schemes

4) Offering to send para-legal volunteers including from the legal services clinics with Scheme Beneficiaries to the office of the designated authority or the officer to be approached under any of the Poverty Alleviation Schemes

5) Informing the Scheme Beneficiary of her option to register a complaint with the Legal Services Officer or para-legal volunteer, about any designated authority or officer under any of the Poverty Alleviation Schemes who refuses to cooperate with a Scheme Beneficiary in providing her access to the benefits that she is entitled to under the Poverty Alleviation Scheme.

6) Maintaining a record of all the complaints received under sub clause (5).

7) Providing Scheme Beneficiaries with the contact number, if available, of the Legal Services Officer, and availability of the Legal Services Officer on call during working hours for such Scheme Beneficiaries to whom contact number is provided

9) Action by Legal Services Officers on complaints

1) On receiving complaints under sub-clause (5) of clause 8, each Legal Services Officer shall herself personally accompany the Complainant Beneficiary to the

office of the designated authority or officer, and assist the Complainant Beneficiary in availing the benefit that she is entitled to under the Poverty Alleviation Scheme.

2) In case the designated authority or officer fails to register the Complainant Beneficiary in the Poverty Alleviation Scheme, the Legal Services Officer shall submit a complaint to the District Authority. The letter of complaint shall describe the conduct of the designated authority or officer who refused to register the Complainant Beneficiary under the Poverty Alleviation Scheme, and circumstances of such refusal and whether refusal was despite submission of all necessary documents.

10) Action by District Authority and State Authority on complaints

1) On receiving a complaint regarding the designated authority or officer, the District Authority shall seek a report from the concerned officer regarding the reasons for denying the benefits under the Poverty Alleviation Scheme to the Complainant Beneficiary. In the event that sufficient reason is not provided by the concerned officer for refusal to register the Complainant Beneficiary in the Poverty Alleviation Scheme or to provide benefits under the Poverty Alleviation Scheme, the District Authority shall immediately communicate to the superior officer in the department the details of the refusal to provide access to the Poverty Alleviation Scheme.

2) If the superior officer, in the opinion of the District Authority, also withholds the benefit under the Poverty Alleviation Scheme without sufficient cause, the District Authority shall then communicate the same to the State Authority.

3) On receiving such communication from the District Authority, the State Authority may choose to further pursue the matter with the concerned department or file appropriate legal proceedings to ensure that the Complainant Beneficiary receives the benefit under the Poverty Alleviation Scheme.

4) The District Authority, through para-legal volunteers or legal services clinics, shall provide regular updates to the Complainant Beneficiary about the status of the complaint.

11) Evaluation of the Scheme

1) Every Legal Services Officer shall follow-up with each Scheme Beneficiary who sought legal assistance under this Scheme and record:

   a. if such person was able to register under the Poverty Alleviation Scheme sought to be registered under and whether such benefits were being received

   b. any grievances experienced by the Scheme Beneficiaries in getting registered and availing benefits under the various Poverty Alleviation Schemes.

2) The District Authority shall compile the observations made under sub-clause (1) for all the Legal Services Officers working under the Scheme in the district, and shall send a copy of such observations in a compiled document to the State Authority every six months.

3) The State Authority shall consolidate the compiled documents received from all the District Authorities under sub-clause (2), and hold a meeting every 6 months to review the functioning and effectiveness of this Scheme. The minutes of such meeting shall be recorded and published as a public document.

4) If in the meeting under sub-clause (3), the State Authority finds a substantive or procedural defect in any of the Poverty Alleviation Schemes which makes seeking benefits under the scheme a problem for the Scheme Beneficiaries, such defect must be brought to the notice of the Central Government or the State Government, as the case may be for improving the specific Poverty Alleviation Scheme and/or its effective implementation.

❑❑❑

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

BACKGROUND

Although the Census of 2011 enumerates the total population of Scheduled Tribes at 10,42,81,034 persons, constituting 8.6 per cent of the population of the country, the tribal communities in India are enormously diverse and heterogeneous. There are wide ranging diversities among them in respect of languages spoken, size of population and mode of livelihood. As per the Census of India 2011, the number of individual groups notified as Scheduled Tribes is 705.

The North Eastern States are not a homogeneous block, because of the diversities amongst themselves. There are about 220 ethnic groups with equal number of language and dialects. These groups can be broadly categorised into three main groups of Tibeto-Burman, Man-Khmer and Indo-European.

Certain tribes have been characterised as Particularly Vulnerable Tribal Groups (PVTGs) (earlier known as Primitive Tribal Groups) on the basis of their greater 'vulnerability' even among the tribal groups. PVTGs, currently include 75 tribal groups, who have been identified as such on the basis of the following criteria: 1) forest-dependent livelihoods, 2) pre agricultural level of existence, 3) stagnant or declining population, 4) low literacy rates and 5) a subsistence-based economy. As per the 2001 census, these 75 PVTGs had a total population of 27,68,322. The majority of the PVTG population lives in the six States of Maharashtra, Madhya Pradesh, Chhattisgarh, Jharkhand, Odisha, Andhra Pradesh and Tamil Nadu.The PVTGs among the tribes need special attention due to their vulnerability.

Up till independence the tribal population lived in comparative isolation from the national scene and lived almost a self-sufficient life in the remote and rugged forested tracts. The interactions of the colonial administrative machinery with the tribes in India were largely of authoritarian and exploitative nature. They were largely interested to let them remain isolated and had no intention to integrate them with mainstream of national life.

After independence, the India Constitution adopted many provisions to provide tribal people with special status and Parliament through various protective legislations made conscious efforts to safe guard their interest. Planning Commission of India through its development initiative adopted Tribal SUB Plan (TSP) approach and under Panchayati Raj Institutions the Provisions of the Panchayats (Extension to Scheduled Areas) Act 1996 (PESA) was legislated.

Despite all these efforts made to improve the socio-economic conditions of tribes it is still a fact that the life situations of Scheduled Tribes (STs) have improved only marginally. The Human Development Index (HDI) of the STs is much lower than the rest of the population. The gap in the literacy rate is high. There are more ST families below the poverty line than those from other communities. Their percentage in government jobs is not in proportion to their population despite the provision of reservation. Their condition, thus, is far worse than that of the rest of the population and they have not been able to reach the envisaged level of development, where they could benefit from the opportunities offered by a fast expanding economy.

It was in this background that the NALSA felt the need to draw up a Scheme for the Tribal People. To facilitate this, a Committee was constituted to study the issue and come up with suggestions. The Committee submitted a comprehensive report to the Hon'ble Executive Chairman, NALSA on 9.8.2015 on the occasion of World Tribal Day. The present Scheme is based on the Report of the Committee.

The Scheme may be called "NALSA (Protection and Enforcement of Tribal Rights) Scheme,2015".

OBJECTIVES

The Scheme is aimed at ensuring access to justice to the Tribal People in India. The access to justice would be facilitated in all its connotations, i.e. access to rights, benefits, legal aid, other legal services, etc., so that the assurance of the Constitution of justice social, economic and political, is meaningfully experienced by the tribal population in the country.

Several legal rights are guaranteed to the tribal people under:

- The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006-(FRA)
- The Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989,
- The Right of children to Free and Compulsory Education Act, 2009,
- The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013,
- Panchayats (Extension to Scheduled Areas) Act 1996- (PESA) and
- Fifth and Sixth Schedule of the Constitution of India.

These provisions are not implemented stringently, leading to violation of their legal rights. Such violations are one of the prime reasons for the marginalization of the tribal people.

This scheme is intended that these legal rights are not violated.

The terms PLVs, Legal Services Clinics, Front Office, 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 and the NALSA Scheme for Para Legal Volunteers (Revised) and Module for the Orientation - Induction - Refresher Courses for PLV Training.

Part I : An overview of the issues of Tribal people

A. Vulnerability Issues

1. The lack of literacy amongst the tribal people is a crucial issue. As a consequence, the tribes remain unaware of their fundamental, legal and statutory rights. They also lack knowledge about the welfare schemes run by the government for their well-being, thereby resulting in lack of participation from their side.
2. Non implementation of the schemes introduced by the government to resolve the problems is another major concern. However, non implementation of programmes for tribal welfare is also due to lack of skilled work force in the tribal areas.
3. Numerous armed conflicts affect large parts of tribal areas in contemporary India spanning the central region to the North East, leading to severe problems in accessing legal and administrative mechanisms and in the implementation of beneficial schemes.
4. In the recent years the state police and the paramilitary forces have been accused of grave human rights violations in the tribal areas including of alleged fake encounters and rape.
5. A number of tribal people are put in jails allegedly as Maoists. There have been cases of people staying in Jail for days, without their name in the charge-sheet.

Bails are not granted as cases are serious such as waging war against India, sedition and so on.

6. The unfamiliar judicial processes make the tribal people dread the court, even if they are the ones who are suffering from lawlessness. They feel that the laws like Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 do not exist for the protection of tribal people.

7. Migrating tribes face difficulties in accessing the welfare schemes run by the government. Some are totally devoid of any access.

8. There are preconceived notions or assumptions regarding the 'primitivism 'and 'backwardness' of the PVTGs. It is essential for government bodies to shed assumptions of tribal backwardness and savagery and devaluation of the culture and traditions of these communities.

9. Many PVTGs and Scheduled Tribes (STs) are forest dwellers and depend heavily on land and forest resources for their subsistence. Over time, their habitat has been declared as Reserved Forest, Protected Forest, leaving them vulnerable to displacement and eviction without compensation.

10. All tribes in the list of PVTGs have not been granted ST status, thereby increasing the vulnerability of these tribes, who lack the protections and rights offered by the Fifth Schedule and the Provisions of Panchayat (Extension to Scheduled Areas) Act, 1996.

11. For PVTGs, the implementation of FRA has been poorest since their habitat rights are not clearly defined or understood by the Forest Department. No disaggregated information and data at the national level on status of the implementation of the provision for rights of PVTGs particularly of habitat rights under the FRA are available.

12. The North Eastern States share a large area of international boundary with the neighbouring countries of Bhutan, China, Myanmar and Bangladesh which makes it a very fertile ground for cross border terrorism, drug smuggling, arms smuggling, infiltration, etc.

13. Another issue which is of serious concern is human trafficking. Tribal people from central India and Assam appear particularly prone to trafficking.

14. Another issue is that till recently there has been no division of executive and judiciary. The institutions set up under the Sixth Schedule apply customary laws which have their own issues as they are not codified.

15. Due to insurgency and law & order problems in the North East, there is absence of faith in the system. There has been a tendency of the public to take law into their hands, in what amounts to "mob justice" by dismantling/destroying houses of the suspected/ accused persons and ostracising the family which leads to serious social problems. Even doctors and hospitals have not been spared for their alleged negligence in treatment of patients.

16. In the remote areas and villages large numbers of tribal people still believe in "Witch hunting".

17. Tribal people are not treated with dignity and so feel alienated. For instance, the

Jarawas tribes in Andaman Islands are treated like animals by the tourists. They are teased and tormented as if they are monkeys/animals and fun derived from their angry responses. Similar experiences were earlier common in Bastar where cultural mores were never understood.

B. Land Related Problems

1. Forest and hills are the main source of tribal identity. It is in this context that the devastation of lives of tribal people caused by loss of access to forest and involuntary displacement from their land has to be understood. Dispossession takes place both directly by depriving tribal communities of their land, habitat, livelihood, political system, culture, values and identity and indirectly through denials of benefits of development and of their rights.
2. Under the Resettlement and Rehabilitation (R&R) programme, land is not replaced and there is meagre reconstitution of livelihoods. Almost all the R&R colonies lack proper public health facilities, protected drinking water, marketing, schools and transportation.
3. Dependence on forests for food in the form of shifting cultivation, fruits and flowers, small game, tubers for medicines, fodder, material for house building, raw material for traditional art and crafts income by selling firewood, leaf-plates, fruits etc is substantial. This loss, due to displacement is not compensated and also affects food security.
4. A major portion of land falls under forest areas. Most of the tribal people of the interior areas are staying on forest lands without having any right, title, interest on those lands and there are no such legal provisions for those homeless tribal people for protection and enforcement of their rights under "The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006".
5. Another major problem with tribal people is a result of development projects viz. construction of dams, Forest sanctuaries, mining operations, etc. These developments lead to an influx of non tribal people, seeking employment in these areas forcing the tribal people to migrate. Hence, the tribal people have not been able to reap the benefits of development projects.
6. Growing indebtedness contributes as one of the most important reasons far land alienation and displacement of tribal people. Tribal indebtedness (they are often tricked into accepting loans with exorbitant interests} often leads to situations of bonded labour.
7. Further, there have been violations of PESA which endow Gram Sabha "the power to prevent land alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawful alienated land of a Scheduled Tribe." In case of acquisition of forest lands, it is mandatory to consult with Gram Sabha of the affected area and obtain their free consent. However, often Gram Sabhas are neither sent notices for consultation, nor are their consent signatures taken.
8. The compensation given to the tribal people under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is meagre and the living conditions that are provided on resettlement are very poor.

9. Another problem with tribal people is that instead of individual rights in the land, they believe in community rights and thus written proof of ownership are mostly not available in cases of litigation relating to land. The claims of tribal people in this respect are mostly based on oral evidences with consequential difficulties in establishing individual rights.

C. Legal Issues

The legal issues faced by the tribal people are as follows:

1. The recognition of rights of tribal people before their displacement from Protected Areas (PAs) is not being completed. Tribal people are evicted before verification and settlement of claims under the FRA. This has caused a decline in the economic status, as well as erosion in their customary forest practices.
2. Incorrect assumption by the Forest departments with regard to the FRA has led to violation of their legal rights. For instance, at some of the Forest Departments, it was believed, contrary to the provisions of section 4 (2) of the FRA that rights under FRA could not be claimed in Protected Areas (PAs) and that FRA is not applicable in Tiger Reserves.
3. Some problems that arise for tribal communities in claiming habitat rights include:
   * lack of clarity over definition and interpretation of what is entailed in habitat rights;
   * multiple interpretations of habitat, especially if the user rights of other, non- PVTG groups sharing the same territory are involved;
   * if the traditional habitat boundaries of PVTGs overlap with wildlife habitats; and
   * a lack of awareness among such communities about the terms in which to articulate such claims.
4. There has been little perceptible effort to create awareness among women regarding the process of claim making, verification and the rules relating to it provided under the FRA.
5. Claims filed by tribal people under the FRA are being rejected without assigning reasons, or based on wrong interpretation of the Other Traditional Forest Dwellers (OTFD) definition and the 'dependence' clause, or simply for lack of evidence or 'absence of GPS survey' (a lacuna which only requires the claim to be referred back to the lower-level body), or because the land is wrongly considered as 'not forest land', or because only forest offence receipts are considered as adequate evidence.
6. The rejections are not being communicated to the claimants, and their right to appeal is not being explained to them nor its exercise facilitated. There is a need for awareness amongst tribal people, so that they can protect their legal rights against such practices.
7. Section 3 (1) (m) of the FRA, regarding the rights of persons illegally displaced or evicted by development projects without proper compensation, has not been implemented at all.

8. Lack of effective consultations with Gram Sabha and recognition of their rights of ownership in farm produce.

D. Other legal issues

1. Criminal charges are filed, maliciously, against the tribal people, and in some cases non-tribal people, who protest against the acquisition of land and thereby against the establishment of developmental projects. It has been found that between 2005 and 2012, over 95 percent of the cases were found to be baseless and ended in acquittal.
2. Discrimination, violence and police brutality is experienced at regular intervals by the people belonging to the De-Notified Tribes because of the Habitual Offenders Act, 2000.
3. In Andaman and Nicobar, the 'Jarawa' tribe face incidents of sexual exploitation. Also, the people of the tribe were asked to give their blood samples for DNA testing without their informed consent.
4. A study for the Planning Commission revealed that 43.6 percent of the rehabilitated bonded labourers belong to Scheduled Tribes. This suggests that many tribal families are trapped in bondage. The main reason for bondage that is cited is indebtedness and food.

E. Issues related to education

The scenario of education in India regarding the tribal people has improved, but there are some problems which still persist. The issues relating to education are as follows:

1. There are a large number of schools which do not have minimum facilities.
2. Even where there is reasonable infrastructure and student enrolment, regular school attendance is a problem in the tribal areas, due to distances and poverty.
3. Teacher absenteeism is high.
4. There is poor level of student learning and high drop-out rate at class X. A possible explanation for this is the failure of tribal students to cope up.
5. There is a marked gender gap. There is a need for greater gender focus and social mobilization to encourage education of girls.
6. Once the tribal students manage to take admission, they are humiliated in various ways that they are demoralized. This leads to a high school dropout rate. Derogatory names being given to tribal students from the North East are well-known.
7. There are residential schools for tribal girls which are often in the news for corruption, bad maintenance of facilities and sexual exploitation of resident girls.
8. As nomadic tribes are always on the move, their children miss out on education provided by the government for free.
9. Most of the tribal communities in India have their own mother tongue. But in most of the States, official/regional languages are used for classroom teaching and these are not understood by the tribal children particularly at primary level of schooling.
10. There is a need of familiarity for teachers teaching tribal children with tribal culture

and language so that learning is hassle-free. For instance, most of the district officials, being from outside do not understand the languages of the people like Gondi and Halbi. Even the teachers in schools do not understand these languages.

11. Tribal children are not at ease in structured class rooms due to their affinity to nature causing them to lose interest in formal education as is presently provided.

12. The main reason of illiteracy amongst tribal people is low involvement of parents and community in education of tribal children and inadequate quality schools in Tribal areas. The Tribal Community is mostly unaware about the benefits of education.

F. Health issues

The tribal population face several health issues:

1. The national health model is primarily designed for the non-tribal areas. It does not take into account the different belief system, different disease burden and healthcare needs as well as the difficulties in delivering health care in a geographically scattered, culturally different population surrounded by forests and other natural forces.

2. There is a lack of health care human resource that is willing, trained and equipped to work in tribal areas. Though buildings are built and health care institutions created in the form of health sub-centres, PHCs and CHCs, they often remain dysfunctional. This is further compounded by inadequate monitoring, poor quality of reporting, and accountability.

3. Factors such as unfriendly behaviour of the staff, language barrier, large distances, poor transport, low literacy and low health care seeking, lead to lower utilization of the existing health care institutions in tribal areas.

4. The absence of participation of ST people or their representatives in shaping policies, making plans or implementing services in the health sector often ends up targeting wrong priorities.

5. The tribal population is seriously affected by high consumption of alcohol and smoking, often resulting in addiction. Immediate and serious corrective policy measures to curb the same are necessary.

6. Child marriage among the different tribal communities is still prevalent as illiterate tribal people follow their old customs without understanding the laws of the land which results in poor health.

7. Tribal people seek treatment modes based upon their customary beliefs without resorting to any modern medicines even when they contract modern day illnesses leading to high mortality even in curable situations.

8. The Jarawas remain vulnerable to outside diseases to which they have little or no immunity. When the tourists enter their areas, they contract new diseases because of them. Their women and girls are also being sexually abused which result in many diseases for which the tribal people have no cure.

9. The immunisation programme of the governments has not reached the tribal areas.

10. Tribal populations are highly malnourished. PVTGs inhabit areas that are

inaccessible by road, and therefore they cannot travel easily to Anganwadi centres, where food is prepared. Moreover, their hamlets are considered too small to open an Anganwadi centre. The result is that their children do not get the nourishment provided under the government schemes.

11. Rules have been framed to prohibit the killing of forest animals without giving an alternative to tribal people who traditionally hunt them for food, leading to loss of nutrient food to these communities.
12. The tribal areas face acute water problems including water pollution and tribal health suffers as a consequence.
13. A very pernicious effect of violence and killing, is the rise in mental disorder cases.
14. In areas of high literacy, as in the North East, lack of employment amongst skilled youth has resulted in mental depression and high suicidal tendencies.
15. Health issues arising out of drug use such as HIV AIDS and mental disorder is high in the North Eastern states located in close proximity to the "Golden Triangle". Drugs such as Ketamine, pseudoephedrine, etc. are being smuggled into these regions with catastrophic effect on the families of drug users.

H. Livelihood

1. Due to absence of modern day skills and education, tribal people mainly depend on their traditional skills for livelihood, which is not profitable.
2. Although very few are landless, the land that tribal people possess is not very productive.
3. Due to language and cultural barriers, they lack modern skills of agriculture and agriculture based activities.
4. Further as a result of their living in difficult terrain and their aloofness from others they are not able to get adequate prices of their produce and products.
5. Inadequate transportation and communication facilities in their areas compounded by their reluctance in using such means also lead to failure to obtain good prices for their produce.
6. Adherence to traditional practices such as jhum cultivation for livelihood is an important reason that they live below poverty line.
7. When land is taken away from them for development work or they alienate their land, or they are denied access to forests for collecting forest produce, tribal people are left with no means of survival and are reduced to impoverishment and starvation.

Part II : Role of Legal Services Authorities

As is evident from the issues listed above, the State Legal Service Authorities have an important role to play in assisting tribal people in access to justice. The State Legal Services Authorities (SLSAs)will have to bridge the divide between the tribal communities and the Government and Judiciary. The SLSAs will have to ensure that Rule of law prevails. Restoring faith in the legal system, efficacy of rule of law is of prime importance amongst the tribal people. The SLSAs should explore activities in these areas.

The SLSAs should take the following initiatives:

A. Litigation related

1. They should constitute an exclusive panel of lawyers drawn from the tribal communities who should be paid good fees.
2. The Tribal people should be given suitable legal aid in litigation and in appropriate cases, senior lawyers should be engaged on their behalf even if on payment of special fee, so that the rights and interests of tribal people are protected.
3. The Judiciary operates in Hindi and English, leaving poor tribal people at the mercy of lawyers and judges from outside their community. They are the ones who need access to justice and should be supported by SLSAs.
4. Panel lawyers must sincerely represent the tribal people in the courts, explaining to them the process and the law so that distrust of the system is eliminated and there would be greater understanding of the processes of the court.
5. Panel lawyers must assist the tribal people in clarifying areas of confusion or overlapping of jurisdiction of the normal courts and the traditional village authority courts at the village level and help people in the smooth functioning of the justice system.
6. Panel lawyers must visit jails and set up legal services clinics in jails to tackle long term imprisonment without bail and also follow up cases where there are no charges made out so that there is early release from prison.
7. Panel lawyers should, with the help of para legal volunteers, facilitate the tribal people for getting compensation of their acquired land and assist them for rehabilitation.
8. The issues, requirements and legal needs as well as availability of educational and medical facilities in tribal areas must be identified with the assistance of PLVs and action for judicial redressal initiated in appropriate cases.
9. The full time Secretaries/judicial officers should interact with the persons of such area in order to identify their problems and needs and in order to assure them that they will be given suitable assistance and services for their genuine legal and other requirements and rights.
10. Where any tribal person is facing prosecution in a court of law, he should be identified and given proper legal aid and assistance by legal services authority from the inception of the proceedings against him, that is from the time of his interrogation.
11. The SLSAs must open legal services clinics wherever feasible to be visited by tribal lawyers.
12. The SLSAs must make use of the Multi Utility Vehicles to reach out to sparsely populated tribal areas not only for spreading awareness but also to extend prompt legal assistance to the tribal people who may have criminal, civil, revenue or forest rights issues.
13. The SLSAs must co-ordinate with government departments such as the forest department to settle habitat claims and compensation claims through the mobile lok adalats.

14. Legal assistance must be promptly given to the tribal people to approach the High Court under its writ jurisdiction both for civil as well as criminal matters. The High Court Legal Services Committees must empanel committed lawyers who are tribal people themselves or have a good understanding of tribal issues and are able to personally communicate with tribal people.

15. Social Justice Litigation with the approval of Hon'ble Executive Chairman, SLSA may be initiated whenever required.

B. Para legal volunteers (PLVs)

1. Each District Legal Services Authority, with the help of statistical and other Government department should identify the areas of the districts where there are tribal population and reach out to them through the Para Legal Volunteers.

2. In order to gain trust of the tribal communities, to know the problems of each such community and also to communicate with them effectively during awareness programmes it is necessary that para legal volunteers must be selected from amongst such tribal people.

   The SLSAs should prepare exclusive panel of para legal volunteers (PLVs) from these communities under the direct mentorship and control of the Full Time Secretary of DLSAs.

3. Such PLVs should be properly trained in respect of their roles to reach out proactively to the tribal people and to become the 'go to person' for the tribal community he/she is assigned to serve.

4. The SLSAs through the PLVs should help the illiterate tribal people requiring legal assistance in filling up forms and filing applications for getting benefits of various schemes made by Government to do so for their getting such benefits.

5. Legal Services Authority could play a vital role in providing medical help with assistance of Para Legal Volunteers from amongst the tribal community. The needy persons may be identified with the help of Para Legal Volunteers and with assistance of the local Legal Services Authority, such tribal people may be facilitated in getting suitable medical assistance and medicines as well as benefits of medical schemes.

6. The PLVs must be the voice of the tribal people to communicate to the concerned authorities when there are issues relating the schools, absence of teachers, and harassment of tribal children etc as listed in Part 1 of this scheme.

7. The PLVs may be useful in the matters of human trafficking for identifying the victims of trafficking and taking suitable action for obtaining victim compensation and accessing various rehabilitation schemes.

8. The PLVs must assist the trafficked children when they are rescued and produced before the Child Welfare Committees (CWCs). They should help the CWCs in tracking out the families of the victims.

9. The PLVs must hand hold the victims when they have to testify in the Court.

10. The PLVs must be the bridge between the tribal people and the panel lawyers and must assist both the tribal person as well as the lawyer so that the case of the tribal is effectively understood and heard by the court.

11. The PLVs must also be the connect between the government departments and the tribal people to ensure that the food and rations meant for the tribal people reach them even when they live in remote and sparsely populated areas in the State.

12. Documentary proof of land is mostly not available with tribal people.

    The tribal people may, in such cases, need legal assistance for getting proper compensation and rehabilitation. PLVs should help the tribal people to collect all documents and other evidence so that displaced tribal people may be rehabilitated properly.

13. The PLVs must visit jails and interact with inmates to find out about their cases and report to the Full Time Secretary of the DLSA about them so that immediate follow up can be taken for their release on bail or expeditious hearing of their cases.

C. Awareness

1. Legal Awareness in Tribal area should be different than the ordinary mode of awareness programmes. Audio Visual Mode will be more useful in this respect. Awareness may be through organising cultural programmes such as dances, dramas etc. in which the involvement of tribal people must be ensured. Folk Songs and dances of such tribal people may be utilised for effectively conveying messages to them. The awareness programme in tribal area must be carefully carried out by persons having full knowledge of their problem and solutions.

2. There is requirement for spreading legal awareness amongst tribal people about forest laws and consequences of infringing the provisions of law.

3. The SLSAs should organise intensive legal awareness programme in tribal areas enlightening the Tribal community about the benefits of education, their rights and entitlements under various government schemes and benefits of modern technology which may be helpful in improving their occupational works.

4. The Tribal Community may be informed that education to their children may secure their future because such children may get jobs in public or private sector where reservation policy is applicable.

5. School legal literacy clubs should be started in tribal dominated areas to reach out to tribal children to encourage them to stay in school, while at the same time sensitising other students and teachers of the special needs of tribal children.

6. The SLSAs with the assistance of Govt. agencies and NGOs may organise training programmes by audio visual mode and also by showing them practical demonstrations of modern technology for gainful agricultural work.

7. Medical awareness programmes may be organised in tribal areas to teach them the benefits of safe drinking water, nutrition and care of pregnant women as well as immunisation programme with NGOs working in the field.

8. The SLSAs should take other initiatives like establishing a community radio in the villages to bridge linguistic divide.

❑❑❑

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

1. Background:

1.1. The phenomenal rise in drug trafficking and drug abuse amongst the youth, children and adolescents has serious implications, adversely affecting national health and economy. Curbing it is the highest priority for the State as well as the society.

1.2. It is an open secret that drugs have spread their dreaded tentacles on innocent children, adolescents, youth and women. The horrible dimension, which this menace has acquired, can be gauged from the average age of initiation of drugs which is as low as nine-ten years. Recent empirical studies reveal that about 7 crore people in India are involved in substance abuse, out of whom about 17% are addicts.

1.3. The illicit cultivation of plants wherefrom the substances/drugs are derived is an area of major concern. Generally, people are unaware of the ill effects of such cultivation. In order to prevent illicit cultivation of substances, participation of Panchayati Raj Institutions and Local Bodies is necessarily required.

1.4. Although many agencies of the State as well as Non-Governmental Organizations are working in the field for eradication of drug trafficking and drug abuse, there is lack of coordination amongst them. Individual efforts of different functionaries and agencies have not achieved the desired results. Experience shows that the victims of drug abuse have no idea how to tackle the issues of treatment and rehabilitation.

1.5. Considering the fact that Legal Services Institutions can contribute a lot to curb this menace, a resolution was passed in the 13th All India Meet of State Legal Services Authorities held at Ranchi (Jharkhand), concluding that Drug Addiction and Drug Abuse should be a major area of concern for all Legal Services Institutions and a necessity was felt to examine the issue therein.

2. Existing Legal Provisions

2.1 The efforts to combat the menace of Narcotic Drugs and Trafficking started at the International level with Single Convention on Narcotic Drugs by the United Nations in March, 1961 and thereafter a protocol amending the resolution of this Convention was adopted in March, 1972. The United Nations Convention on Psychotropic Substances was held in 1971, followed by United Nations Convention against Illicit Trafficking in Narcotic Drugs & Psychotropic Substances, 1988. India is signatory to all such Conventions.

2.2 Article 47 of the Constitution of India mandates that State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

2.3 The growing trend of illicit drug traffic and drug abuse, at the National level, has led to the passing of comprehensive legislations: (i) The Drugs and Cosmetics Act, 1940 and (ii) The Narcotic Drugs and Psychotropic Substances Act, 1985, for prohibition, control, regulation, cultivation, manufacture, sale transportation, consumption etc. of narcotic drugs and psychotropic substances. Despite tough laws, illicit drug trade, in an organized manner, is growing manifold.

2.4 It is in this background that it was felt by NALSA, that Legal Services Institutions have a significant role to play in supply and demand reduction and de-addiction and rehabilitation. A Committee was constituted for the purpose of understanding the dimensions of the problem and defining the role of the Legal Services Institutions to effectively address the problem. This Scheme has been framed on the deliberations of the Committee based on the inputs received at the Regional Conference on the 'Drug Menace in India - Overview, Challenges and Solutions' at Manali, Himachal Pradesh.

3. Name of the Scheme

The Scheme shall be called "NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015". (hereinafter referred to as "the Scheme").

4. Definitions

In this scheme unless the context otherwise requires,

a) "Act" means the Legal Services Authorities Act, 1987 (39 of 1987)

b) "NDPS Act" means The Narcotic Drugs and Psychotropic Substances Act,1985 (Act no.61 of 1985)

c) "Legal Service" means as defined under section 2(c) of Legal Services Authorities Act 1987.

d) Legal Services Clinic means a clinic as defined under regulation 2 (c) of National Legal Services Authority (Legal Services Clinics) regulations 2011.

e) Legal Services Institution means a State Legal Service Authority, Supreme Court Legal Services Committee, High Court Legal Services Committee, District Legal Service Authority or Taluk Legal Service committee, as the case may be.

f) Panel Lawyer means the panel lawyer selected under regulation 8 of the National Legal Services Authority (free and competent legal services) regulations 2010.

g) Para Legal Volunteer means a Para Legal Volunteer defined and trained under the NALSA Scheme for Para Legal Volunteers (Revised) and Module for the Orientation - Induction - Refresher Courses for PLV Training and trained as such by a legal services institution.

h) All other words and expressions used but not defined in this scheme and defined in the Legal Services Authorities Act, 1987 (39 of 1987) or the National Legal Services Authorities rules,1995 or National Legal Services Authority (Free and Competent

Legal Services) Regulations, 2010 shall have the same meaning respectively assigned to them in the said Act or Rules or Regulations.

5. The Objectives of the Scheme

5.1 To disseminate awareness amongst the general masses regarding the Legal Provisions, various Policies, Programmes and Schemes, in respect of Narcotic Drugs and Psychotropic Substances as well as to create awareness about the ill effects of drug abuse amongst the children in schools and colleges, street children, urban slum children, injective drug user(s), families, prisoners, workers in unorganized Sector, Chemists, drug pedlars, sex workers and general masses etc.

5.2 Organizing literacy camps for sensitizing the farmers who are carrying out permissible cultivation of various substances/source plants about the adverse health and life threatening effects of consumption of such drugs and substances.

5.3 To spread awareness amongst the parents, teachers and students about the ill effects of the substance abuse.

5.4 To sensitize the various stakeholders viz; Judiciary, Prosecution, Members of Bar, Police, Forensic Laboratories, De-addiction Centres, Corrective Homes, Rehabilitation Centres, School, College and University administration, Children Homes, Old-age Homes, Nari Niketans, Schools for Special Children, Ministerial Staff of Courts, etc. about the drug menace and effective measures to curb it.

5.5 To mobilize the available infrastructure in identifying the victims of drug abuse, their treatment and post detoxification rehabilitation.

5.6 To tap the potential of the Panchayati Raj Institutions/Local Bodies at grass root level for intervention and prevention of drug abuse and destruction of illicit cultivation of plants used to derive the drugs/ substances.

5.7 To maintain effective coordination with the Drug De-Addiction Centres. and Rehabilitation Centres etc. for better facilities and respect for the rights of the victims and to intervene, if any, breach is noticed.

5.8 To coordinate the activities of various stakeholders working in the field.

5.9 To ensure essential legal services to the victims of drug trafficking and drug abuse.

Plan of Action

6. Establishment of Special Units

6.1 The State Legal Services Authority (hereinafter referred to as SLSA) shall, within one month of the communication of this scheme, establish Special Units in all the Talukas/Mandals/ Sub Divisions in the State, consisting of Judicial Officer(s), young lawyer(s) to be nominated by the Chairman, DLSA, Medical Officer(s) to be nominated by the Chief Medical Officer concerned, a Revenue/ Police/Forest Officer(s) nominated by the Chief Secretary, social worker, Para Legal volunteer and a representative of NGO(s) having done substantial work for eradication of drug menace or rehabilitation and de-addiction, and accredited with NALSA.

The Special Units shall be headed by the Chairman of the Taluka/ Mandal/Sub Divisional Legal Services Committee (hereinafter referred to as TLSC), under the overall supervision of the Chairman, DLSA.

6.2 Such Special Units shall comprise of not more than ten members. The Secretary, DLSA shall be the Nodal Officer for the District. The Secretary, Taluka Legal Services Committee shall be Secretary of the Special Units.

6.3 After the constitution of the Special Units, the DLSAs shall conduct training programmes for members of the Special Units, as per module of NALSA.

6.4 The Special Units shall submit regular action taken reports to the SLSA through Chairman, DLSA, who will forward it along with his/ her comments.

6.5 The Special Units shall, in terms of the scheme, within 15 days of its constitution, prepare a Micro Level Programme to be carried out/performed in their respective areas for tackling, intervention & prevention of drug abuse.

6.6 Such programme(s) shall be forwarded by the Chairman of the DLSA to the Member Secretary of the SLSA, who, in turn, shall place the same for approval, before the Executive Chairman. The Executive Chairman SLSA, may accord sanction with or without amendments, within 15 days.

6.7 Apart from the functions assigned to them under the provisions of this scheme, the Special Units shall also perform any other function, which SLSA may assign from time to time.

7. Creation of Database

(a) The SLSAs shall create a Database of all the existing Policies, Schemes, Regulations, Directives, Preventions, Rules, Declarations and Reports available for effective prevention, protection, rehabilitation, elimination of Narcotic Drugs and Psychotropic Substances and upload the same on its website and share the same with NALSA.

8. Implementation of various schemes.

(a) The SLSAs shall take all steps to disseminate the information regarding policies, schemes, programmes to the general public and in particular, to the victims of Drug abuse, their families and the functionaries of De-addiction / Rehabilitation Centers

(b) The Special Units shall display such information prominently in their offices and shall get suitable booklets/pamphlets/placards etc, printed, as approved by the SLSA.

9. Destruction of Illicit cultivation

The SLSAs shall coordinate with the State Governments for the destruction of illicit cultivation of cannabis and opium as well as any other plant used to derive Narcotic and Psychotropic Substances. The SLSAs may also urge the State Government to include such destruction as admissible work under MNREGA Scheme. This will pave the way for the

destruction of illicit plants on a large scale besides, encouraging community involvement in the entire campaign.

10. Participation of local Bodies/Panchayati Raj Institutions at grassroot level

The participation of these institutions shall be in the following manner:-

(a) Special Units shall coordinate with the Panchayati Raj Institutions to identify areas, where substances such as charas/ganja etc are being illegally cultivated. Reports so prepared by the Special Units shall be forwarded to the SLSA through the Chairman DLSA and with the approval of the Executive Chairman, SLSA, the matter shall be taken up with the concerned authorities for appropriate action.

(b) The Special Units shall seek assistance of Panchayati Raj Institutions to identify the drug addicts and injective drug user(s) for making arrangements for their treatment and rehabilitation.

(c) The Special Units shall also seek assistance of the Panchayati Raj Institutions for spreading awareness about ill effects of drugs in the rural areas.

(d) The Special Units should as far as is possible associate the Mahila Mandals and Yuvak Mandals or other similar self help groups of the area in such campaigns

11. Awareness

11.1 Awareness in Schools/Colleges

The Special Units shall coordinate with Legal Literacy Clubs in schools and Legal Services Clinics in colleges to conduct awareness and sensitization programmes in the Schools and Colleges, to make students aware of the ill effects of drugs.

(a) The awareness and sensitization programmes could be conducted through various modes, such as;

i. Starting awareness campaign in the school/cluster of schools under the banner of “run against drug abuse” by associating the “Icons” of the area.

ii. Awareness camps

iii. Holding regular Parents-Teachers meetings. iv. Through Mass Literacy campaigns

v. Through Symposiums. Seminars, Debates etc.

vi. Organizing quiz and essay writing competitions about the ill effects of drug abuse

vii. Nukkad Nataks; Any other similar and innovative manner

viii. Any other similar and innovative manner

(b) The teachers in the schools/colleges should also be involved in awareness/ sensitization programmes.

(c) Pamphlets/booklets prepared by the NALSA/SLSA should be distributed to the students in awareness/sensitization programmes.

(d) Such pamphlets/booklets will also be distributed at all awareness camps and also help at front offices and legal services clinics

(e) Inclusion of Chapter on Drug Abuse in School and College Curriculum - An endeavour for compulsorily getting a chapter on drug abuse included in the curriculum of Schools and Colleges, by taking up the matter with respective Education Boards and Universities

11.2 Awareness to the families of the victims of Drug Abuse

Children generally become victims of drug abuse in those families where the affectionate bond between children and parents is either loosened or obliterated or where parents or family members consume drugs /substances.

(a) The Special Units should identify the families of victims of drug abuse and the parents who are habituated to either one or other forms of addiction and shall sensitize them to build parental bonds with their children. The focus will be on persuading the parents to interact with children, supervise their activities and to talk to the teachers about their children and their behaviour and that drug addiction can be cured.

(b) Awareness must be raised to aid in the de-stigmatization of addiction as well as the mental illnesses arising out of it, in order for addiction to be recognised as any other health problem and treated at the earliest

11.3 Awareness amongst Street Children

a) Large number of victims of drug abuse are the street children. They are the most neglected and vulnerable class, generally abandoned and left out by their families. Hence, there is a greater need to ensure their safety along with NGOs working with street children.

(b) The Special Units shall identify the addicted street and urban slum children and make arrangement for admitting them to De-Addiction Centre(s) or Rehabilitation Centre(s), as the case may be.

11.4 Awareness amongst the victims of drug abuse

With the identification of the drug addicts, Special Units shall conduct regular sensitization programme(s) for them by associating Psychologists and Doctors. Role Models and the persons who have achieved success in the field of Sports, Cinema, Literature etc. may be associated in such programmes.

11.5 Awareness Programmes for sex workers

The Special Units shall organize strategic awareness programmes in the red-light areas, targeting the sex workers and their children about the ill effects of drug abuse.

11.6 Awareness Programmes in Jails.

The Legal Services Institutions shall organize periodical awareness and sensitization programmes for inmates of jails and jail staff about the ill-effects of the narcotic drugs.

11.7 Awareness amongst General Public

a) The Special Units shall periodically organize Legal Literacy Camps on ND & PS Act in the areas where farmers are permitted to cultivate opium or other such plants with special focus on spreading awareness about the ill effects of illegal sale or consumption of narcotic substances.

(b) The general public shall be made aware of the fact that giving secret information to police about illegal possession, transportation, sale or cultivation etc. of drugs or prohibited and banned drugs is protected under law and their identity is kept secret.

c) The Special Units shall also organize regular Legal Literacy Camps for transporters and taxi operators for educating them about the consequences and ill effects of drugs.

d) The Legal Services Institutions Special Units shall display sign boards, hoardings etc. about the stringent provisions of the NDPS Act and ill effects of drug abuse at public places such as Bus Stands, Railway Stations, Airports, Public and Private Schools, Universities, Panchayat Bhawans, Courts, District Collectorates, SDM offices etc.

(e) The Special Units shall organize awareness camps in Villages, Fairs and Festivals about the ill effects of the drug abuse.

(f) The Special Units shall organize awareness camps in resettlement colonies, residential areas, market places by involving various organizations/ associations.

(g) The SLSAs will endeavour to involve Postal Authorities, Courier Agencies, and Financial Institutions to sensitize their staff about the drugs being transported clandestinely through these agencies.

11.8. Awareness amongst Chemists and Peddlers

(a) The Special Units shall sensitize the chemists and druggists about the ill effects of the drugs.

(b) Chemists may be trained to watch out for children and youth who are buying prescription drugs on a regular basis and refuse to sell them such drugs.

(c) The Drug Peddlers shall be identified and similar sensitization programmes shall also be conducted for them.

(d) Police could also be sensitized to be involved in the prevention of addiction

by keeping a watch on suspicious activities by street vendors, paan stalls etc.

11.9 Awareness through Electronic and Print Media.

SLSAs should organize regular Radio talks and Television programmes on harmful effects of drugs and means to curb the same.

Judicial Officers, Lawyers, Psychologists, Psychiatrists, Police Officers, Icons etc. shall be associated in these programmes.

12. Co-ordination with De-addiction / Rehabilitation Centres

(a) The Special Units shall visit the Rehabilitation and De-addiction Centre(s) situated within their jurisdiction at least once in a month. The Special Units will draw up a list of rehabilitation and de addiction centres in the Taluk and will continuously update the information. It shall also forward the list to the SLSA along with details of who is running the same and their background

(b) The Special Units will inspect the facilities at the rehabilitation/dea ddiction centre(s) to assess the adequacy of the facilities

(c) The Special Units shall inspect the record regarding visits of the counselor, psychologist and Doctors.

(d) The Special Units will check the staff ratio to see that there is no shortage of staff and staff strength is commensurate to the number of victims at the drug rehabilitation centres.

(e) Whenever the Special Units find inadequacy in staff, infrastructure or facilities, the Special Units will make appropriate recommendations in this regard to the DLSA, who, shall take up the matter with the concerned authorities and ensure that the deficiencies are removed.

(f) In case, the Special Unit comes across any violation of human rights of victims, it shall promptly file a report with the Chairman, TLSC who shall look into the report and apply his mind before initiating legal proceedings. The TLSC will also grant legal assistance where such proceedings are to be initiated on behalf of the victim.

(g) The Special units shall gather information from the rehabilitation centre(s) and shall send monthly report to the DLSA concerned, mentioning therein, the details of victims, activities undertaken and visits of Psychologist(s) and Doctor(s) and the corrective measures, if any, taken on the report of the Special Units.

(h) The Special Units will arrange and organize periodical awareness camps for the victims. Cultural and other Socially Active Groups shall be associated in such awareness camps with an aim to bring the victims to the main stream of the society.

13. Training/Refresher Courses for Stakeholders

The SLSAs shall arrange and organise either by themselves or along with the State Judicial

Academies, sensitization programmes, refresher courses, special trainings and conferences for Judicial Officers, Prosecutors, members of the bar, police officers and ministerial staff of the Courts.

14. Observance of International Day against Drug Abuse on 26th June

All legal Services Institutions with the help of Special Units shall organize awareness programmes on 26th June every year for observing "International Day against Drug Abuse and Illicit Trafficking" for creating awareness about drug abuse and its consequences.

15. Association of Reformed Drug Addicts.

The Special Units shall identify former drug addicts in their areas and associate them in the awareness camps to share their experiences.

16. Anti Drug Clubs

(a) The School and College authorities shall be requested and involved by Special Units for opening Anti Drug Clubs in the School(s)/College(s) so that the students become role models and make their colleagues aware of ill effects of drugs.

(b) The Special Units shall organize sensitization programmes through Anti Drug Clubs in School(s)/College(s). Legal Literacy Clubs and Legal Services Clinics should be used for this as mentioned earlier.

17. Involvement of Para Legal Volunteers

The Para-Legal Volunteers shall be imparted training about various Schemes, who in turn shall visit different areas and make aware and sensitize people about the ill-effects of the Narcotic Drugs and Psychotropic Substances.

18. Recognition of Good Work

At the end of every financial year, the SLSA should commend outstanding work done by the members of the best Special Units in the State.

❑❑❑

01
Sunday

LEGAL AWARENESS CAMP

January
2017

January
2017

02
Monday

03
Tuesday

January
2017

January
2017

04
Wednesday

05
Thursday

January
2017

January
2017

06
Friday

07
Saturday

January
2017

January
2017

LEGAL AWARENESS CAMP

08
Sunday

09
Monday

January
2017

January
2017

10
Tuesday

11
Wednesday

January
2017

January
2017

12
Thursday

13
Friday

January
2017

January
2017

14
Saturday

15
Sunday

LEGAL AWARENESS CAMP

January
2017

January
2017

16
Monday

17
Tuesday

January
2017

January
2017

18
Wednesday

19
Thursday

January
2017

January
2017

20
Friday

21
Saturday

January
2017

January
2017

LEGAL AWARENESS CAMP

22
Sunday

23
Monday

January
2017

January
2017

24
Tuesday

25
Wednesday

January
2017

January
2017

JAIL ADALAT ON REPUBLIC DAY

26
Thursday

27
Friday

January
2017

January
2017

LOK ADALAT

28
Saturday

29
Sunday

LEGAL AWARENESS CAMP

January
2017

January
2017

30
Monday

31
Tuesday

January
2017

01
Wednesday

February
2017

February
2017

02
Thursday

03
Friday

February
2017

February
2017

04
Saturday

05
Sunday

LEGAL AWARENESS CAMP

February
2017

February
2017

06
Monday

07
Tuesday

February
2017

February
2017

08
Wednesday

09
Thursday

February
2017

February
2017

10
Friday

11
Saturday

February
2017

February
2017

LEGAL AWARENESS CAMP

12
Sunday

13
Monday

February
2017

February
2017

14
Tuesday

15
Wednesday

February
2017

February
2017

16
Thursday

17
Friday

February
2017

February
2017

18
Saturday

19
Sunday

JAIL ADALAT & LEGAL AWARENESS CAMP

February
2017

February
2017

20
Monday

21
Tuesday

February
2017

February
2017

22
Wednesday

23
Thursday

February
2017

February
2017

24
Friday

25
Saturday

LOK ADALAT

February
2017

February
2017

LEGAL AWARENESS CAMP

26
Sunday

27
Monday

February
2017

February
2017

28
Tuesday

01
Wednesday

March
2017

March
2017

02
Thursday

03
Friday

March
2017

March
2017

04
Saturday

05
Sunday

LEGAL AWARENESS CAMP

March
2017

March
2017

06
Monday

07
Tuesday

March
2017

March
2017

08
Wednesday

09
Thursday

March
2017

March
2017

10
Friday

11
Saturday

March
2017

March
2017

LEGAL AWARENESS CAMP

12
Sunday

13
Monday

March
2017

March
2017

14
Tuesday

15
Wednesday

March
2017

March
2017

16
Thursday

17
Friday

March
2017

March
2017

18
Saturday

19
Sunday

JAIL ADALAT & LEGAL AWARENESS CAMP

March
2017

March
2017

20
Monday

21
Tuesday

March
2017

March
2017

22
Wednesday

23
Thursday

March
2017

March
2017

24
Friday

25
Saturday

LOK ADALAT

March
2017

March
2017

LEGAL AWARENESS CAMP

26
Sunday

27
Monday

March
2017

March
2017

28
Tuesday

29
Wednesday

March
2017

March
2017

LEGAL AWARENESS CAMP

30
Thursday

31
Friday

March
2017

01
Saturday

April
2017

April
2017

LEGAL AWARENESS CAMP

02
Sunday

03
Monday

April
2017

April
2017

04
Tuesday

05
Wednesday

April
2017

April
2017

06
Thursday

07
Friday

April
2017

April
2017

08
Saturday

09
Sunday

LEGAL AWARENESS CAMP

April
2017

April
2017

10
Monday

11
Tuesday

April
2017

April
2017

12
Wednesday

13
Thursday

April
2017

April
2017

14
Friday

15
Saturday

April
2017

April
2017

JAIL ADALAT & LEGAL AWARENESS CAMP

16
Sunday

17
Monday

April
2017

April
2017

18
Tuesday

19
Wednesday

April
2017

April
2017

20
Thursday

21
Friday

April
2017

April
2017

22
Saturday

23
Sunday

LEGAL AWARENESS CAMP

April
2017

April
2017

24
Monday

25
Tuesday

April
2017

April
2017

26
Wednesday

27
Thursday

April
2017

April
2017

28
Friday

29
Saturday

LOK ADALAT

April
2017

April
2017

30
Sunday

NOTES

01
Monday

LEGAL AWARENESS CAMP

May
2017

May
2017

02
Tuesday

03
Wednesday

May
2017

May
2017

04
Thursday

05
Friday

May
2017

May
2017

06
Saturday

07
Sunday

LEGAL AWARENESS CAMP

May
2017

May
2017

08
Monday

09
Tuesday

May
2017

May
2017

10
Wednesday

11
Thursday

May
2017

May
2017

12
Friday

13
Saturday

May
2017

May
2017

LEGAL AWARENESS CAMP

14
Sunday

15
Monday

May
2017

May
2017

16
Tuesday

17
Wednesday

May
2017

May
2017

18
Thursday

19
Friday

May
2017

May
2017

20
Saturday

21
Sunday

JAIL ADALAT & LEGAL AWARENESS CAMP

May
2017

May
2017

22
Monday

23
Tuesday

May
2017

May
2017

24
Wednesday

25
Thursday

May
2017

May
2017

26
Friday

27
Saturday

LOK ADALAT

May
2017

May
2017

LEGAL AWARENESS CAMP

28
Sunday

29
Monday

May
2017

May
2017

30
Tuesday

31
Wednesday

May
2017

01
Thursday

June
2017

June
2017

02
Friday

03
Saturday

June
2017

June
2017

LEGAL AWARENESS CAMP

04
Sunday

05
Monday

June
2017

June
2017

06
Tuesday

07
Wednesday

June
2017

June
2017

08
Thursday

09
Friday

June
2017

June
2017

10
Saturday

11
Sunday

LEGAL AWARENESS CAMP

June
2017

June
2017

12
Monday

13
Tuesday

June
2017

June
2017

14
Wednesday

15
Thursday

June
2017

June
2017

16
Friday

17
Saturday

June
2017

June
2017

JAIL ADALAT & LEGAL AWARENESS CAMP

18
Sunday

19
Monday

June
2017

June
2017

20
Tuesday

21
Wednesday

June
2017

June
2017

22
Thursday

23
Friday

June
2017

June
2017

LOK ADALAT

24
Saturday

25
Sunday

LEGAL AWARENESS CAMP

June
2017

June
2017

26
Monday

27
Tuesday

June
2017

June
2017

28
Wednesday

29
Thursday

June
2017

June
2017

30
Friday

NOTES

01
Saturday

July
2017

July
2017

LEGAL AWARENESS CAMP

02
Sunday

03
Monday

July
2017

July
2017

04
Tuesday

05
Wednesday

July
2017

July
2017

06
Thursday

07
Friday

July
2017

July
2017

08
Saturday

09
Sunday

LEGAL AWARENESS CAMP

July
2017

July
2017

10
Monday

11
Tuesday

July
2017

July
2017

12
Wednesday

13
Thursday

July
2017

July
2017

14
Friday

15
Saturday

July
2017

July
2017

JAIL ADALAT & LEGAL AWARENESS CAMP

16
Sunday

17
Monday

July
2017

July
2017

18
Tuesday

19
Wednesday

July
2017

July
2017

20
Thursday

21
Friday

July
2017

July
2017

22
Saturday

23
Sunday

LEGAL AWARENESS CAMP

July
2017

July
2017

24
Monday

25
Tuesday

July
2017

July
2017

26
Wednesday

27
Thursday

July
2017

July
2017

28
Friday

29
Saturday

LOK ADALAT

July
2017

July
2017

30
Sunday

31
Monday

July
2017

01
Tuesday

August
2017

August
2017

02
Wednesday

03
Thursday

August
2017

August
2017

04
Friday

05
Saturday

August
2017

August
2017

LEGAL AWARENESS CAMP

06
Sunday

07
Monday

August
2017

August
2017

08
Tuesday

09
Wednesday

August
2017

August
2017

10
Thursday

11
Friday

August
2017

August
2017

12
Saturday

13
Sunday

LEGAL AWARENESS CAMP

August
2017

August
2017

14
Monday

15
Tuesday

JAIL ADALAT ON INDEPENDENCE DAY

August
2017

August
2017

16
Wednesday

17
Thursday

August
2017

August
2017

18
Friday

19
Saturday

August
2017

August
2017

LEGAL AWARENESS CAMP

20
Sunday

21
Monday

August
2017

August
2017

22
Tuesday

23
Wednesday

August
2017

August
2017

24
Thursday

25
Friday

August
2017

August
2017

LOK ADALAT

26
Saturday

27
Sunday

LEGAL AWARENESS CAMP

August
2017

August
2017

28
Monday

29
Tuesday

August
2017

August
2017

30
Wednesday

31
Thursday

August
2017

01
Friday

September
2017

September
2017

LEGAL AWARENESS CAMP

02
Saturday

03
Sunday

LEGAL AWARENESS CAMP

September
2017

September
2017

04
Monday

05
Tuesday

September
2017

September
2017

06
Wednesday

07
Thursday

September
2017

September
2017

08
Friday

09
Saturday

September
2017

September
2017

LEGAL AWARENESS CAMP

10
Sunday

11
Monday

September
2017

September
2017

12
Tuesday

13
Wednesday

September
2017

September
2017

14
Thursday

15
Friday

September
2017

September
2017

16
Saturday

17
Sunday

JAIL ADALAT & LEGAL AWARENESS CAMP

September
2017

September
2017

18
Monday

19
Tuesday

September
2017

September
2017

20
Wednesday

21
Thursday

September
2017

September
2017

22
Friday

23
Saturday

LOK ADALAT

September
2017

September
2017

LEGAL AWARENESS CAMP

24
Sunday

25
Monday

September
2017

September
2017

26
Tuesday

27
Wednesday

September
2017

September
2017

28
Thursday

29
Friday

September
2017

September
2017

30
Saturday

NOTES

01
Sunday

October
2017

October
2017

JAIL ADALAT ON GANDHI JAYANTI

02
Monday

03
Tuesday

October
2017

October
2017

04
Wednesday

05
Thursday

October
2017

October
2017

06
Friday

07
Saturday

October
2017

October
2017

LEGAL AWARENESS CAMP

08
Sunday

09
Monday

October
2017

October
2017

LEGAL AWARENESS CAMP ON MENTAL HEALTH DAY

10
Tuesday

11
Wednesday

October
2017

October
2017

12
Thursday

13
Friday

October
2017

October
2017

14
Saturday

15
Sunday

LEGAL AWARENESS CAMP

October
2017

October
2017

16
Monday

17
Tuesday

October
2017

October
2017

18
Wednesday

19
Thursday

October
2017

October
2017

20
Friday

21
Saturday

October
2017

October
2017

LEGAL AWARENESS CAMP

22
Sunday

23
Monday

October
2017

October
2017

24
Tuesday

25
Wednesday

October
2017

October
2017

26
Thursday

27
Friday

October
2017

October
2017

28
Saturday

29
Sunday

LEGAL AWARENESS CAMP

October
2017

October
2017

30
Monday

31
Tuesday

October
2017

01
Wednesday

November
2017

November
2017

02
Thursday

03
Friday

November
2017

November
2017

04
Saturday

05
Sunday

November
2017

November
2017

06
Monday

07
Tuesday

November
2017

November
2017

08
Wednesday

09
Thursday

LEGAL AWARENESS CAMP ON NATIONAL LEGAL LITERACY DAY

November
2017

November
2017

10
Friday

11
Saturday

November
2017

November
2017

12
Sunday

13
Monday

November
2017

November
2017

LEGAL AWARENESS CAMP ON CHILDREN DAY

14
Tuesday

15
Wednesday

LEGAL AWARENESS CAMP ON BHAGWAN BIRSA JAYANTI

November
2017

November
2017

16
Thursday

17
Friday

November
2017

November
2017

18
Saturday

19
Sunday

JAIL ADALAT

November
2017

November
2017

20
Monday

21
Tuesday

November
2017

November
2017

22
Wednesday

23
Thursday

November
2017

November
2017

24
Friday

25
Saturday

LOK ADALAT

November
2017

November
2017

LEGAL AWARENESS CAMP ON CONSTITUTION DAY

26
Sunday

27
Monday

November
2017

November
2017

28
Tuesday

29
Wednesday

November
2017

November
2017

30
Thursday

NOTES

01
Friday

LEGAL AWARENESS CAMP ON WORLD AIDS DAY

December
2017

December
2017

02
Saturday

03
Sunday

LEGAL AWARENESS CAMP ON WORLD DISABILITY DAY

December
2017

December
2017

04
Monday

05
Tuesday

December
2017

December
2017

06
Wednesday

07
Thursday

December
2017

December
2017

08
Friday

09
Saturday

December
2017

December
2017

LEGAL AWARENESS CAMP ON HUMAN RIGHTS DAY

10
Sunday

11
Monday

December
2017

December
2017

12
Tuesday

13
Wednesday

December
2017

December
2017

14
Thursday

15
Friday

December
2017

December
2017

16
Saturday

17
Sunday

JAIL ADALAT & LEGAL AWARENESS CAMP

December
2017

December
2017

18
Monday

19
Tuesday

December
2017

December
2017

20
Wednesday

21
Thursday

December
2017

December
2017

22
Friday

23
Saturday

LOK ADALAT & LEGAL AWARENESS CAMP

December
2017

December
2017

24
Sunday

25
Monday

December
2017

December
2017

26
Tuesday

27
Wednesday

December
2017

December
2017

28
Thursday

29
Friday

December
2017

December
2017

30
Saturday

31
Sunday

December
2017

Tentatives Dates of Calendar for Lok Adalats, Legal Awareness Camps and other Legal Services Activities from January 2017 to December 2017 for all the District Legal Services Authorities, SDLSC and Labour Courts of Jharkhand State

Month	Lok Adalat	Jail Adalat	Legal Awareness Camp/Programmes
January	28th (Sat)	26th (Thu) on Republic Day	1st, 8th, 15th, 22nd and 29th
February	25th (Sat)	19th (Sun)	5th, 12th, 19th, and 26th
March	25th (Sat)	19th (Sun)	5th, 12th, 19th, 26th and 30th (Sarhul)
April	29th (Sat)	16th (Sun)	2nd, 9th, 16th and 23rd
May	27th (Sat)	21st (Sun)	1st (Labour Day), 7th, 14th, 21st and 28th
June	24th (Sat)	18th (Sun)	4th, 11th, 18th and 25th (Rath Yatra)
July	29th (Sat)	16th (Sun)	2nd, 9th, 16th and 23rd
August	26th (Sat)	15th (Tue) on Independence Day	6th, 13th, 20th and 27th
September	23rd (Sat)	17th (Sun)	2nd (Karma), 3rd, 10th, 17th and 24th
October		2nd (Mon) on Gandhi Jayanti	8th, 10th (Mental Health Day), 15th, 22nd and 29th
November	25th (Sat)	19th (Sun)	9th (National Legal Literacy Day), 14th (Children Day), 15th (Bhagwan Birsa Jayanti), 26th (Constitution Day)
December	23rd (Sat)	17th (Sun)	1st (Worlds AIDS Day), 3rd (Worlds Disability Day), 10th (Human Rights Day), 17th and 23rd

Name of Schemes Every 1st and 2nd Sunday of Month (January to December)

1. NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015.
2. NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015.
3. NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015.
4. NALSA (Legal Services to the Mentally ill and Mentally Disabled Persons) Scheme, 2015.
5. NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015.

6. NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015.
7. NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015.
8. NALSA (Legal Services to Senior Citizens) Scheme, 2016
9. NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016

Special Legal Awareness Programme for eradicating the menace of Witch Huntingfrom the State of Jharkhand - 3rd Sunday of each month after Jail Adalat

The DLSA's should utilize the services of Panel Lawyers, Retainer Lawyers, PLVsfor these Special Awareness Programmes.

Notes

1. 1st May - On the occasion of Labour Day, Lok Adalat has to be organised by all Labour Courts in the Sate of Jharkhand.
2. 25th June : The DLSAs of the Judgeship observing holiday for Rath Yatra shall organize Legal Awareness Camps in the Rath Yatra Mela.
3. 2nd Sep : The DLSAs of the Judgeships observing holiday for Karma Puja shall organize the Legal Awareness Camps in the Mela.
4. 14th November - Children's Day to be observed by organizing Legal Literacy Camps related to Juvenile problems and by holding programmes at schools involving children in plays, skits, competitions etc.
5. The Chairman, DLSA, Dumka has to organize Legal Awareness Camp in "Hizla Mela."
6. The Chairmen, DLSA, Deoghar and Dumka have to organize Legal Awanress Camps on the occasion of Shrawani Mela at Deoghar and Basukinath respectively.
7. Legal Awareness Camp may be organized preferably on/at all important occasions and festivals like fairs, mela, haat, bazaars, rehabilitation centers, Homes/Institutions under JJ Act etc or at other places of public importance.
8. DLSA should try to know the interest of community about any special topic or subject they need awareness.
9. Calendar for the month wise Legal Literacy Classes and Camps :-

Jan : Government beneficial schemes e.g. MNREGA, Children Laws, Juvenile Justice, Prisoner Rights, Transgenders, Benefits of ADR, Pleabargaining, Civil laws, Protection of Women from Domestic Violence, PNDT.

Feb : Maintenance and welfare of parents and senior citizens, Anti smoking, Anti ragging, Plea Bargaining, Victim Compensation, Right to Education.

Mar : Protection of Rights of Women and Children, Trafficking of women and children, Female foeticide, Dowry harassment, Witch Craft, PWDV, PNDT.

Apr : Child marriage, women empowerment/gender justice and equality, SC ST Laws.

May : Right to employment, Motor accident cases, Labour laws, Rights of unorganized laborers, Minimum Wages Act, Workmen compensation Act.

Jun : Right to Education, Basic Laws and Constitutional empowerment, Right to Information Act.

Jul : Cyber crimes, Cyber laws, Children Laws.

Aug : Execution of sureties, warrants, Non bailable warrants, Right to competent counsel for trial, right and duties Bail provision, Prohibition Act, Probation of Offenders Act.

Sep : Mediation, Family dispute counselling, importance of institution of marriage, Marriage laws, fundamental duties and other socio-legal issues etc.

Oct : Psycho social issues like Mental Health Act, Wards and Guardianship Act Property Rights.

Nov : Accident cases, Traffic rules and grievances.

Dec : HIV / AIDS General Laws, Disability Laws, Human Rights.

DLSA shall involve the students, law students in the camps/classes/activity programmes in coordination with the Head of their Institution.

10. DLSA shall organize on last Sunday of every month an Orientation Programme for Panel Lawyers, Retainer Lawyers and Para Legal Volunteers.

The orientation programme should include the topic of Trafficking and other social evils.

11. 30 Legal Literacy Classes shall be organized by DLSA in consultation with Institutional Heads and priority is to be given to Govt. Schools, Kasturba Schools every month. Each DLSA shall work out a monthly plan for resource persons and schedule for legal literacy classes in a particular Govt. School, Kasturba School under intimation to this Authority in advance with school name and resource person name.

12. It shall be highly appreciated if the active participation of print and electronic media people are ensured in all the above said Legal Services activities in order to give a wide coverage and message to the people at large and to ensure distribution of pamphlets, Brochures, handbills on the topics above, to the masses.

13. It shall be the duty of every DLSA Chairman to ensure compliance of the aforesaid calendar and it shall be certified by the Chairman, DLSA every month that all the programmes referred to above has been observed by the DLSA. Every DLSA shall ensure that all the reports including pictorials of events must be sent to JHALSA in both soft and hard copy by the first week of next calendar month positively.

LEGAL SERVICES: AT A GLANCE

PLV and Legal Aid Clinic

No. of PLVs trained till date	:	1839
No. of PLVs deputed in Legal Aid Clinics	:	325
No. of PLVs deputed in Front Office	:	53
No. of PLVs (Jail Inmates) in Jails	:	122
No. of PLV deputed in Police Stations	:	78
No. of PLV deputed in Old age Home	:	2
No. of PLV deputed in RINPAS	:	2

Legal Aid Clinics: 382

No. of LAC at Law School/ Colleges	:	6
No. of LAC at Village and Subdivision	:	325
No. of LAC in Jail	:	27
No. of LAC in Community Centres/JJB/RINPAS	:	24
Total No. of Remand Advocates	:	160
Total No. of Panel Advocates	:	1227
Total No. of Retainer Advocates	:	66
Trained trainer for Panel Lawyers	:	4
Trained Trainer for Mediator	:	13
Advocate Mediator	:	187
Judicial Officer Mediator	:	112
Expert Mediators	:	20

Legal Aid Beneficiaries

Year	SC	ST	BC	WOMEN	CHILDREN	IN-CUSTODY	GENERAL	Total
2015	423	834	1047	833	56	871	624	**4688**
2016	135	252	378	306	16	531	274	**1892**
Total	**558**	**1086**	**1425**	**1139**	**72**	**1402**	**898**	**6580**

Legal Aid beneficiaries at High Court in 2016 : 438

Lok Adalat

Month	Pre-Litigation Cases Settled	Post-Litigation Cases Settled	Total No. of Cases settled	Amount Settled
2015	2002285	55020	2057305	7374613125
2016	183577	14560	198137	1208471876
Total	**2185862**	**69580**	**2255442**	**8583085001**

Compassionate Appointment in Lok Adalat in 2015 : 203

NOTES

NOTES

NOTES

NOTES

NOTES

NOTES

Prepared by
Jharkhand State Legal Services Authority
Near A.G. Office, Doranda, Ranchi
Phone : 0651-2481520, 2482392, Fax : 0651:2482397
Email : jhalsaranchi@gmail.com
Website : www.jhalsa.org