

COMPENDIUM - II



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Compilation of NALSA Regulations alongwith Schemes of NALSA/HALSA

HARYANA STATE LEGAL SERVICES AUTHORITY (HALSA)

हरियाणा राज्य विधिक सेवा प्राधिकरण [हालसा]

HARYANA STATE LEGAL SERVICES AUTHORITY



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LOK ADALAT
REGULATIONS 2010

MINISTRY OF LAW & JUSTICE
(Department of Legal Affairs)
NATIONAL LEGAL SERVICES AUTHORITY

NOTIFICATION

New Delhi, 10th July, 2009

S.O. (E).- In exercise of the powers conferred by Section 29 of the Legal Services Authorities Act, 1987, the Central Authority hereby makes the following regulations, namely:

1. Short title and commencement. – (1) These regulations may be called National Legal Services Authority (Lok Adalats) Regulations, 2009.

(2) They shall come into force at once.¹

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) ‘District Legal Services Authority’ means District Legal Services Authority constituted under Section 9 of the Act.

(d) ‘High Court Legal Services Committee’ means High Court Legal Services Committee constituted under Section 8A of the Act.

(e) ‘Lok Adalats’ means Lok Adalats to be organized under Section 19 of the Act.

(f) ‘Member Secretary’ means Member Secretary appointed under sub Section (3) of Section 6 of the Act.

(g) ‘State Authority’ means State Authority constituted under Section 6 of the Act.

(h) ‘Taluk Legal Services Committee’ means Taluk Legal Services Committee constituted under Section 11A of the Act

3. Constitution of Lok Adalats

Lok Adalats may be organized by State Authorities/District Authorities/ Supreme Court Legal Services Committee/ High Court Legal Services Committee/ Taluk Legal Services Committees. The Lok Adalats shall be organized for a definite geographical area the aforesaid Authorities/Committees think fit. Special Lok Adalats shall be organized for all Family Courts at regular intervals.

¹ Adopted in the Meeting of the Central Authority on 10 July, 2009.

4. Procedure for organizing Lok Adalat

- (a) The Member Secretary of the State Authority, the Secretary of the High Court Legal Services Committee or the District Authority or the Chairman of the Taluk Legal Services Committee as the case may be, may convene and organize Lok Adalats at regular intervals.
- (b) The Member Secretary, Secretary of the High Court Legal Services Committee or District Authority, Chairman of the Taluk Legal Services Committee, as the case may be, may associate the members of the legal profession, college students, social organizations, charitable and philanthropic institutions and other similar organizations for organizing the Lok Adalats.

5. Intimation to the State Authority

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

- a. The place and the date on which the Lok Adalat is proposed to be organized.
- b. Whether any of the organizations as referred to in Regulation 4(b) above have agreed to associate themselves with Lok Adalat.
- c. Categories and nature of cases, viz. pending cases or pre-litigation disputes proposed to be placed before the Lok Adalat.
- d. Number of cases proposed to be brought before the Lok Adalat in each category.
- e. Any other information relevant to the convening and organizing of the Lok Adalat.

6. Notice to the parties concerned:-

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

Provided that such notice may be dispensed with, if the court while referring the case to the Lok Adalat fixes/informs the date and time of the Lok Adalat in the presence of the parties / Advocates.

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

7. Composition of the Lok Adalat:-

- (a) **At the State Authority Level** – The Member Secretary organizing the Lok Adalat shall constitute Benches of the Lok Adalats, each Bench comprising of a sitting or retired Judge of the High Court or a serving or retired Judicial Officer and any one or both of the following:
- i. A member of the Legal Profession;
 - ii. A Social Worker of repute who is engaged in the upliftment of the Weaker Sections of the people, including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour and interested in the implementation of Legal Services Schemes and Programmes.
- (b) **At the High Court Level** – The Secretary of the High Court Legal Services Committee organizing the Lok Adalat shall constitute Benches of the Lok Adalats, each Bench comprising of a sitting or retired Judge of the High Court or a serving or retired Judicial Officer and any one or both of the following:
- i. A member of the Legal Profession; and
 - ii. A Social Worker belonging to the category mentioned in Sub Para (a) above.
- (c) **At District Level** – The Secretary of the District Authority organizing the Lok Adalats shall constitute Benches of the Lok Adalats, each Bench comprising of a sitting or retired Judicial Officer and any one or both of the following:
- i. A member of the Legal Profession; and
 - ii. A Social Worker belonging to the category mentioned in 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 organizing the 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 of the Legal Profession; and
 - ii. A Social Worker belonging to the category mentioned in Sub Para (a) above or a person engaged in para- legal activities of the area, preferably a woman.

8. Allotment of cases to Lok Adalat:-

- (a) The Member Secretary, Secretary of the High Court Legal Services Committee or District Authority, Chairman of the Taluk Legal Services Committee, as the case may be, shall assign specific cases to each Bench of the Lok Adalat.
- (b) The Member Secretary, Secretary of the High Court Legal Services Committee or District Authority, 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 the Lok Adalat.

- (c) 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.

9. Holding of Lok Adalat:-

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

10. Jurisdiction of Lok Adalats

Lok Adalat shall have powers only for helping parties to arrive at a compromise or settlement between the parties to a dispute. Lok Adalat shall have no power whatsoever to issue a 'direction' or 'order' in respect of the dispute between the parties.

11. Reference of cases and matters

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 Legal Services Authorities Act, 1987, or under Section 89 of the Code of Civil Procedure, 1908.

12. A mechanical reference of pending cases to Lok Adalat should be avoided. The referring court should be *prima facie* satisfied that there are chances of settlement of the case through Lok Adalat and the case is appropriate to be referred to Lok Adalat. Matters relating to divorce and criminal cases which are not compoundable under the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) shall not be referred to Lok Adalat.

13. 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 be taken cognizance of 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.

14. Summoning of Records and the Responsibility for its safe custody:-

- (a) Member Secretary, Secretary of the High Court Legal Services Committee, District Authority, Chairman of the Taluk Legal Services 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 courts concerned.
- (b) If any case is referred to the Lok Adalat at the pre-litigation stage, the version of each party shall be obtained by the Member Secretary, Secretary of the High Court Legal Services Committee, District Authority, Chairman of the Taluk Legal Services Committee, as the case may be, for placing it before the Lok Adalat.
- (c) The Officer duly authorized by the Member Secretary, Secretary of the High Court Legal Services Committee, District Authority, Chairman of the Taluk Legal Services

Committee, as the case may be, shall be responsible for the safe custody of the records from the time he receives the same from the court till they are returned.

- (d) 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. In appropriate cases, the court concerned may permit the records to be retained beyond 10 days.
15. Every judicial authority is expected to co-operate in transmission of the Court records.

16. Pre-Litigation matters

In a Pre-litigation matter it may be ensured that the court for which a Lok Adalat is organized has territorial jurisdiction to adjudicate in the matter.

17. Before referring a Pre-litigation matter to Lok Adalat the Authority/Committee shall give a reasonable hearing to the parties concerned.
18. An award based on settlement between the parties can be challenged only on violation of procedure prescribed in section 20 of the Act only by filing a petition under Articles 226 and 227 of the Constitution of India.

Procedure in the Lok Adalats

19. Members of the Lok Adalat have the role of statutory conciliators only and have no judicial role. They, *mutatis mutandis*, may follow the procedure laid down in Sections 67 to 76 of the Arbitration and Conciliation Act, 1996.
20. Members of the Lok Adalat shall not pressurize or coerce any of the parties to compromise/settle cases or matters either directly or indirectly.
21. In a Lok Adalat the members shall discuss the subject matter with the parties for arriving at a just settlement or compromise. Members of the Lok Adalat shall assist the parties in an independent and impartial manner in their attempt to reach amicable settlement of their dispute. If necessary the assistance of an independent person or a trained mediator also may be availed of by Lok Adalat.
22. The Members of the Lok Adalat shall be guided by principles of 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.
23. The Lok Adalat may conduct the proceedings in such a manner as it considers appropriate taking into account the circumstances of the case, the wishes the parties may express, including any request by a party to the Lok Adalat to hear oral statements, and the need for a speedy settlement of the dispute.
24. 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. It is made clear that no Lok Adalat has the power to “Hear” parties to adjudicate the dispute as a court does.

25. The award of the Lok Adalat is not an independent verdict or opinion arrived at by any decision making process.

26. Administrative assistance

Administrative assistance for facilitating Lok Adalat proceedings may be arranged by suitable institutions or persons.

27. Formulating compromise/settlements

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

28. Communication between Lok Adalat and parties

A Lok Adalat may invite the parties to meet it or may communicate with it orally or in writing. The Lok Adalat 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. If such information is desired by the party to be kept confidential, the Lok Adalat shall not disclose such information to the other party.

29. Each party may on his own initiative or at the invitation of the Lok Adalat, submit suggestions for settlement of the dispute.

30. 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. Modifications, if any, suggested by the parties can be taken into consideration and terms of a possible settlement may be reformulated by the Lok Adalat.

31. If the parties reach a compromise or settlement of the dispute the terms of such compromise or agreement may be drawn up. The Lok Adalat may draw up or assist the parties in drawing up the compromise or settlement.

AWARD

32. Drawing up of the award is merely an administrative act by incorporating the terms of settlement or compromise agreed by parties under the guidance and assistance from Lok Adalat.

33. When both parties sign/affix their thumb impression and the members of the Lok Adalat countersign it, it becomes an Award. (See a Model Award in 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 (case no, name of court and names of parties), date of receipt, Register Number assigned to the case in the permanent Register (maintained as per Regulation- 44 below) and date of settlement. Wherever the parties are represented by counsel, they should also be required to sign the settlement / award before the members of the Lok Adalat affix their signature.

In cases referred to Lok Adalat from a court, it shall be mentioned in the Award that the plaintiff / petitioner is entitled to refund of the court fees remitted.

34. Where the parties are not accompanied/represented by counsel, the members of the Lok Adalat should also verify the identity of parties, before recording the settlement.
35. 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 *ex-facie* unreasonable for unconscionable or illegal or one-sided.
 - (b) That the parties have entered into the settlement voluntarily and not on account of any threat, coercion or undue influence.
36. Members of the Lok Adalat should affix their signatures only in settlement reached before them. They 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.
37. Lok Adalat shall not grant any bail or a divorce by mutual consent.
38. The original Award shall form part of the judicial records (in pre-litigation matter, the original Award may be kept with the Legal Services Authority / 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, Secretary of the High Court Legal Services Committee or District Legal Services Authority, Chairman of Taluk Legal Services Committees, as the case may be, **free of charge**. The official seal of the Authority/Committee shall be affixed on all Awards.

CONFIDENTIALITY

39. The Members of the Lok Adalat and the parties shall keep confidential all matters relating to the proceedings in the Lok Adalat. 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.
40. The views expressed and discussions made by parties during the proceedings of the Lok Adalat in respect of the possible settlement of a dispute shall not be brought in evidence in any other arbitral or judicial proceedings. The proposals made by the members of the Lok Adalat or admission made by any party or the conduct of the parties in the course of the Lok Adalat proceedings shall not be made use of in other court or arbitral proceedings.
41. Members of the Lok Adalat shall not record the statement of any of the parties or record any conduct of the parties in such a manner as it would prejudice such party in any other proceedings before a court or arbitrator. The Members shall not express any opinion which may be prejudicial to any party.

42. 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 Lok Adalat Members.

FAILURE OF LOK ADALAT PROCEEDINGS

43. 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. In appropriate cases they may be advised about the availability of legal aid.

44. **Compilation of results:-**

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

45. **Maintenance of Panel of names of Lok Adalat Members:-**

The Member Secretary, Secretary of the High Court Legal Services Committee or District Authority, Chairman of the Taluk Legal Services Committee, as the case may be, shall maintain a panel of names of retired Judicial Officers, Advocates and Social Workers to work in Lok Adalats.

46. **Procedure for maintaining record of cases referred under Section 20 of the Act or otherwise:-**

- a. The Officer designated by the Member Secretary, Secretary of the High Court Legal Services committee or District Authority, 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 the:-
- i. date of receipt;
 - ii. nature of the case/ pre-litigation matter;
 - iii. such other particulars as may be deemed necessary;
 - iv. date of compromise / settlement and the manner in which the case /matter was finally disposed of and;
 - v. date of return of the case file.
- b. A copy of the Award, if passed, duly certified in the manner stated in Regulation 33 shall be kept in the office of the Authority/ Committee as a permanent record.
- c. 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.

47. 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 is not barred. The lawyers may be advised to avoid wearing their robes and bands while before the Lok Adalat. But an effort should be made to encourage parties to be present personally.

48. The above guidelines *mutatis mutandis* shall be applicable to the Lok Adalats organized by the National Legal Services Authority and Supreme Court Legal Services Committee also.

APPENDIX-II

PROFORMA DISPOSAL OF CASES IN LOK ADALAT

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

* * *

**(FREE AND COMPETENT
LEGAL SERVICES) REGULATIONS, 2010**

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

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;
 - (f) “Para-Legal Volunteer” means a para-legal volunteer trained as such by a Legal Services Institution;
 - (g) “Secretary” means the Secretary of the Legal Services Institution;

- (h) “section” means the section of the Act;
 - (i) “State regulation” means regulation made by the State Authorities under the Act.
2. All other words and expressions used but not defined in these regulations shall have the same meanings assigned to them in the Act.

3. Application for legal services.-

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

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

- (1) All Legal Services Institutions shall have a front office to be manned by a panel lawyer and one or more para-legal volunteers available during office hours.
- (2) In the case of court based legal services, such lawyer shall after consideration of the application, forward the same to the Committee set up under regulation 7 and for other types of legal services, the panel lawyer in the front office may provide such legal services.
- (3) The panel lawyer in the front office shall render services like drafting notices, sending replies to lawyers’ notices and drafting applications, petitions etc.
- (4) The panel lawyer in the front office may obtain secretarial assistance from the staff of the Legal Services Institutions.

- (5) In case of urgent matters, the panel lawyer in the front office may in consultation with the Member-Secretary or Secretary of the Legal Services Institutions provide legal assistance of appropriate nature:

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

5. Proof of entitlement of free legal services. –

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

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

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

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) The panel lawyers designated as Retainers shall devote their time exclusively for legal aid work and shall be always available to deal with legal aid cases and to man the front office or consultation office in the respective Legal Services Institution.
- (11) The panel prepared under sub-regulation (2) shall be re-constituted after a period of three years but the cases already entrusted to any panel lawyer shall not be withdrawn from him due to re-constitution of the panel.
- (12) The Legal Services Institution shall be at liberty for withdrawing any case from a Retainer during any stage of the proceedings.
- (13) If a panel lawyer is desirous of withdrawing from a case he shall state the reasons thereof to the Member-Secretary or the Secretary and the latter may permit the panel lawyer to do so.
- (14) The panel lawyer shall not ask for or receive any fee, remuneration or any valuable consideration in any manner, from the person to whom he had rendered legal services under these regulations.
- (15) If the panel lawyer engaged is not performing satisfactorily or has acted contrary to the object and spirit of the Act and these regulations, the Legal Services Institution shall take appropriate steps including withdrawal of the case from such lawyer and his removal from the panel.

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

- (1) The Executive Chairman or Chairman of the Legal Services Institution shall maintain a separate panel of senior lawyers, law firms, retired judicial officers, mediators, conciliators and law professors in the law universities or law colleges for providing legal advice and other legal services like drafting and conveyancing.
- (2) The services of the legal aid clinics in the rural areas and in the law colleges and law universities shall also be made use of.

10. Monitoring Committee. –

- (1) Every Legal Services Institution shall set up a Monitoring Committee for close monitoring of the court based legal services rendered and the progress of the cases in legal aided 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 half- yearly reports of the Monitoring Committees, indicating the success or failure of each of the legal aided cases, to the Central Authority.
- (5) In appropriate cases, the Executive Chairman of the National Legal Services Authority may nominate and authorise the members of its Central Authority to supervise, monitor or advise the Legal Services Institution for effective and successful implementation of these regulations.

**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. :
- (i) 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)

**TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY,
PART III, SECTION 4**

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

NOTIFICATION

New Delhi, dated 10th August, 2011

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

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

- 2. Definitions. –** (1) In these regulations, unless the context otherwise requires, -
 - (a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987);
 - (b) “District ADR centre” means the District Alternative Dispute Resolution Centre established with the funds of the 13th Finance Commission and includes any other similar facilities like Nyayaseva Sadans at the district level;
 - (c) “legal aid clinic” means the facility established by the District Legal Services Authority to provide basic legal services to the villagers with the assistance of Para-Legal Volunteers or Lawyers, on the lines of a primary health centre providing basic health services to the people in the locality and includes the legal aid clinic run by the law colleges and law universities;
 - (d) “legal services institution” means a State Legal Services Authority, District Legal Services Authority or the Taluk Legal Services Committee, as the case may be;
 - (e) “panel lawyer” means the panel lawyer selected under regulation 8 of the National Legal Services Authority (Free and Competent Legal Services) Regulations 2010;
 - (f) “para-legal volunteer” means a para-legal volunteer trained as such by a legal services institution;

- (g) “retainer lawyer” means a retainer lawyer selected under regulation 8 of the National Legal Services Authority (Free and Competent Legal Services) Regulations 2010;
- (h) “section” means the section of the Act;
2. All other words and expressions used in these regulations but not defined shall have the same meanings as assigned to them in the Act.
3. **Establishment of legal aid clinic.-** Subject to the financial resources available, the District Legal Services Authority shall establish legal aid clinics in all villages, or for a cluster of villages, depending on the size of such villages, especially where the people face geographical, social and other barriers for access to the legal services institutions.
4. **Eligibility criteria for free legal services in the legal aid clinic.-** Every person who fulfils the criteria specified in section 12 shall be eligible to get free legal services in the legal aid clinics.
5. **The personnel manning the legal aid clinic.-** (1) Every legal aid clinic established under regulation 3 shall have at least two para-legal volunteers available during the working hours of the legal aid clinics.
- (2) The legal services institution having territorial jurisdiction or the District Legal Services Authority may depute trained para-legal volunteers to the legal aid clinics.
- (3) When lawyers are deputed to the legal aid clinic, it shall be the duty of the para-legal volunteers engaged in such clinic to assist the lawyers in drafting petitions, applications, pleadings and other legal documents.
- (4) The State Legal Services Authority may encourage para-legal volunteers to obtain diploma or degree in law for betterment of their prospects in the long run.
6. **Deputing lawyers to the legal aid clinic. –** (1) The nearest legal services institution having territorial jurisdiction may depute its panel lawyers or retainer lawyers to the legal aid clinic.
- (2) If the matter handled by any such lawyer requires follow-up and continuous attention for a long duration, the same lawyer who had handled the matter may be entrusted to continue the legal services.
7. **Frequency of visit by lawyers in the legal aid clinic. –** Subject to the local requirements and availability of financial resources, the legal services institution having territorial jurisdiction may decide the frequency of the lawyers’ visit in the legal aid clinics and if the situation demands for providing

continuous legal services, such legal services institution may consider arranging frequent visits of lawyers in the legal aid clinic.

- 8. Selection of lawyers for manning the legal aid clinics.-** (1) The Panel lawyers or retainer lawyers with skills for amicable settlement of disputes, shall alone be considered for being deputed to the legal aid clinic:

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

- 9. Legal services in the legal aid clinic. -** (1) Legal services rendered at the legal aid clinic shall be wide ranging in nature.

(2) The legal aid clinic shall work like a single-window facility for helping the disadvantaged people to solve their legal problems whenever needed.

(3) Besides legal advice, other services like preparing applications for job card under the 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 in drafting representations and notices, filling up of forms for the various benefits available under different government schemes, public distribution system and other social security schemes:

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

- 10. Functions of para-legal volunteers in the legal aid clinic.-** (1) The para-legal volunteers engaged in the legal aid clinic shall provide initial advice to the persons seeking legal service, help such people, especially the illiterate, in drafting petitions, representations or notices and filling-up the application forms for various benefits available under the government schemes.

(2) para-legal volunteers shall, if necessary, accompany the persons seeking legal services to attend the government offices for interacting with the officials and for solving the problems of such persons.

(3) If services of a lawyer is required at the legal aid clinic, the para-legal volunteers shall, without any delay, contact the nearest legal services institution to make available the services of a lawyer.

(4) In case of emergency, the para-legal volunteers may take the persons seeking legal services in the legal aid clinic to the nearest legal services institutions.

(5) para-legal volunteers shall distribute pamphlets and other materials in aid of legal education and literacy to the persons seeking legal services in the legal aid clinic.

(6) para-legal volunteers shall take active part in the legal awareness camps organized 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 pre-litigation disputes of the persons brought to the legal aid clinics.

(2) If the para-legal volunteers or the lawyers feel that such dispute can be resolved through any of the ADR mechanisms, they may refer such disputes to the legal services institution having territorial jurisdiction or to the District ADR centre.

17. Honorarium for the lawyers and para-legal volunteers rendering services in the legal aid clinics.- (1) Subject to the financial resources available, the State Legal Services Authority in consultation with the National Legal Services Authority may fix the honorarium of lawyers and para-legal volunteers engaged in the legal aid clinics:

Provided that such honorarium shall not be less than Rs. 500/- per day for lawyers and Rs. 250/- per day for the para-legal volunteers.

(2) Special consideration may be given in cases where the legal aid clinic is situated in difficult terrains and in distant places where transport facilities are inadequate.

18. The nearest legal services institutions to organise Lok Adalats at the legal aid clinic or near to its premises. – (1) The nearest legal services institution having territorial jurisdiction or the District Legal Services Authority may

organise Lok Adalats for pre-litigation disputes at the legal aid clinic or in its vicinity.

(2) The Lok Adalats organized 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.

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A SCHEME
FOR THE PROJECT OF
PARA-LEGAL VOLUNTEERS

NATIONAL LEGAL SERVICES AUTHORITY

**A SCHEME FOR THE PROJECT OF
PARA-LEGAL VOLUNTEERS**

(Under the Plan of Action for the year 2009-2010)

The Project of Para-Legal Volunteers is aimed at imparting legal awareness to volunteers selected from certain target groups who in turn act as harbingers of legal awareness and legal aid to all sections of people. The Volunteers are expected to act as intermediaries between the common people and Legal Services institutions and thereby removing barriers of access to justice. Initially, the volunteers are identified from the NSS units in Colleges, creditworthy NGOs and credible social organizations and Women Self Help Groups. In order to achieve the desired results and to mould the volunteers into full-fledged Para-Legal Volunteers, the following guidelines are formulated:

MODALITIES

At the First Stage, every Taluka Legal Services Committee (TLSC) shall identify 5 volunteers from each Arts and Science College where legal literacy classes are conducted. This should be done with the help of the NSS programme officers of the college and in consultation with the Principal. Volunteers shall be of good character, with inclination for social service, law obedient and with a strong sense of legal rights and justice. At least one of the volunteers should be a female student. Names, addresses, and contact telephone nos of the volunteers selected from each college will be kept in the Register of Para-Legal Volunteers maintained by the TLSC.

In the Second stage, selection of volunteers is from the members of the social organizations and Women Self Help Groups. One member with the aforesaid qualities from each panchayat, shall be selected in consultation with the Chairperson of the local self government institutions. This can be done during the legal literacy classes by making advance announcement to the participants. Names, addresses and contact telephone numbers of the selected Para-Legal Volunteers should be noted in the Register.

TLSC may identify other suitable groups also from among whom Para-Legal Volunteers can be selected.

The Third stage is Training. Training programme shall be organized by the TLSC at the Taluka centers. The modalities of training may be decided by the TLSC in consultation with the District Legal Services Authority (DLSA). Training programme is to be planned in such a manner as to provide adequate exposure to the volunteers for generating legal awareness about the Constitutional and statutory rights and duties, general civil, criminal, substantial and procedural laws. Legal issues relating to the following topics also can be included in the Training Programme:

1. Women
2. Children's rights and abolition of child labour.
3. Students.

4. Farmers
5. Industrial and Agricultural Labour.
6. Prisoners
7. Victims of natural calamities and Communal violence.
8. Physically and mentally challenged persons.
9. Victims of trafficking.
10. Members of Scheduled castes and Scheduled Tribes.
11. Consumers.
12. Senior Citizens.
13. Bonded labour.
14. Domestic Violence.
15. Farmers' debt relief.
16. Other beneficiaries of the Legal Services Authorities Act.

The Legal Services Authorities Act 1987, Rules and Regulations framed there under should be an integral part of the training programme. The training should be so oriented as to enable the trainees to act as effective coordinators with the TLSC at the first instance and then with District Legal Services Authorities, High Court Legal Services Committee, State Authority and Supreme Court Legal Services Committee.

TRAINING TOPICS:

Rights of women under the following Acts and topics:

1. Hindu Marriage Act, Christian Marriage Act, Special Marriages Act, Muslim Women's Protection Act.
2. Child Marriage Restraint Act.
3. Family Courts Act.
4. Guardian and Wards Act.
5. Hindu Minority and Guardianship Act.
6. Maternity Benefit Act.
7. Medical Termination and Pregnancy Act.
8. Dowry Prohibition Act.

9. Dowry Harassment.
10. Domestic Violence.
11. S.125 Cr.P.C.
12. Harassment of Women.
13. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act.)
14. Consumer Protection Laws.
15. Labour Welfare Laws.
16. Procedure for claiming compensation for accident victims under Fatal Accidents Act, MV Act, W.C. Act and from railway Accident Claims Tribunal.
17. Bonded Labour (Abolition) Act.
18. F.I.R.
19. Arrest, Bail.
20. Rights of Prisoners.
21. Rights of accused in criminal cases.
22. Registration, Stamp duty.
23. Promissory Notes and Cheques.
24. Revenue Laws.
25. Rights of HIV/AIDS affected persons.
26. Govt. Orders promoting social welfare.
27. PILs.
28. LOK ADALATS, ADR system and free services under the Legal Services Authorities Act.
29. Any other topic the DLSA or TLSC consider to be of relevance to a particular local area.

PROCEDURE RELATING TO TRAINING.

1. Para-Legal Volunteer's training programme is to be conducted under the supervision of the Chairman and Secretary of the TLSC, in consultation with the DLSA.
2. As soon as the training is completed, the TLSC shall send a list of volunteers their names, address and contact details to the DLSA. A consolidated list of Para-Legal

Volunteers in the district shall be prepared by the DLSA and submitted to the State Authority.

3. A review meeting of the Volunteers shall be conducted by the TLSC once in three months and a report shall be submitted to the DLSA within a week. A copy of the report shall be sent to the State Authority also.
4. The TLSC may devise its own plan of action for utilization of the services of the Para-Legal Volunteers.
5. The DLSA may allot a maximum of Rs.2000/- to the TLSC for each training session for providing refreshments to the trainees.
6. The TLSC may utilize the services of serving/retired judicial officers, law teachers, lawyers, law students, revenue officials, officers of the social welfare department and the law graduates among the court staff as resource persons for the training programme.

Disqualifications of Para-Legal Volunteers and their removal

No person shall be eligible to work as Para-Legal Volunteer if he/she;

- a) fails to evince a sustained interest in the scheme or;
- b) has been adjudged insolvent or;
- c) is accused for an offence in a criminal case or convicted by a criminal court or;
- d) has become physically or mentally incapable of acting as a Para-Legal Volunteer or;
- e) has abused his/her position or committed misconduct in any manner as to render his/her continuance prejudicial to public interest or;
- f) has willfully refused to obey the instructions of the DLSA/TLSC or;

A Para-Legal Volunteer with any of the above disqualifications may be removed by the Chairman, TLSC. Such removal should be promptly reported to the DLSA and also to the State Authority.

Duties of Trained Para-Legal Volunteers.

1. Para-Legal Volunteer shall educate people, especially those belonging to weaker sections of the society to enable them to be aware of the right to live with human dignity, to enjoy all the Constitutionally and statutorily guaranteed rights, performing the duties and discharging obligations as per law.
2. Para-Legal Volunteers shall make people aware of the nature of their disputes/issues/problems and inform them that they can approach the TLSC/DLSA/HCLSC/SLSA/SCLSC and that they can resolve the dispute/issue/problems through these institutions.

3. Para-Legal Volunteers shall constantly keep a watch on transgressions of law or acts of injustice in their area of operation and bring them immediately to the notice of the TLSC through telephonic message or a written communication or in person to enable effective remedial action by the Committee.
4. Para-Legal Volunteers shall assist the DLSA/TLSC for organizing legal awareness camps in their area of operation.
5. Para-Legal Volunteers shall give information to the people of their locality about the legal services activities of SLSA/DLSA/TLSC/HCLSC/SCLSC and shall provide their addresses to the people so as to enable them to utilize the free services rendered by the above organizations to the eligible persons.
6. Para-Legal Volunteers shall generate awareness among people about the benefits of settlement of disputes through Lok Adalats, Conciliation, Mediation and Arbitration.
7. Para-Legal Volunteers shall propagate the facility of Pre-Litigation petitions in the TLSC/DLSA for inexpensive settlement of disputes.
8. Para-Legal Volunteers shall create awareness among citizens that if pending cases are settled through Lok Adalats the parties are entitled to refund of Court fee and that there is no appeal.
9. Para-Legal Volunteers shall make people aware of the benefits of inexpensive settlement of disputes relating to Public Utility Services like P&T, Telephones, Electricity, Water Supply, insurance and hospital services through Permanent Lok Adalats (PLA).
10. Para-Legal Volunteers shall submit monthly reports of their activities to the TLSC.
11. Para-Legal Volunteers shall see that publicity materials of legal services activities are exhibited at prominent places in there are of activity.

Expenses incurred by Para-Legal Volunteers.

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

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**SCHEME FOR LEGAL SERVICES
TO THE VICTIMS OF DISASTERS
THROUGH LEGAL SERVICES
AUTHORITIES**

SCHEME FOR LEGAL SERVICES TO THE VICTIMS OF DISASTERS THROUGH LEGAL SERVICES AUTHORITIES

1. Background

Sub clause (e) of Section 12 Legal Services Authorities Act, 1987 makes the victims of disasters who are under circumstances of undeserved want as a result of such disaster eligible for free legal services to file or defend a case. But in a disaster of catastrophic nature whether it is natural or manmade, the victims are often taken unawares and are subjected to face the grim situation of loss of life, becoming homeless, destruction of property or damage to or degradation of environment and subject to human sufferings and damage beyond the coping capacity of the community of the affected area.

Even though it is the duty of the Government and the Administration of the locality to come to the help of the victims of disasters, Legal Services Authorities by virtue of sub-clause (e) of Section 12 can play an effective role by coordinating the activities of the State Administration in the disaster management by way of strategic interventions in an integrated and sustainable manner, reducing the gravity of the crisis and to build a platform for early recovery and development. The Legal Services Authorities shall endeavour to help the victims and the administration for reducing risk and assisting them to adopt disaster mitigation policies and strategies, reducing the vulnerabilities of the geographical and social situation and strengthening their capacities for managing human made and natural disasters at all levels.

2. Name of the Scheme.

This Scheme shall be called the Scheme for Legal Services to the victims of disasters through Legal Services Authorities.

3. Objective

The objective of the scheme is to provide legal services to the victims of disaster-both manmade and natural - who are under circumstances of undeserved want being victims of mass disaster, ethnic violence, caste atrocities, flood, drought, earthquake or industrial disasters.

The intervention of Legal Services Authorities should be for coordinating the integrated, strategic and sustainable development measures taken by the Government and Disaster management Authorities for reducing the period of crises and for building a platform for early recovery and development. The thrust of the efforts for by the State Legal Services Authorities shall be for strengthening the capacity of the victims for managing the disaster at all levels and to coordinate with

the Government departments and non-governmental organizations and also for providing legal aid to the victims,

4. Strategic Intervention by the State Legal Services Authorities.

The strategy for intervention by the Legal Services Authorities for helping the victims of disasters shall be on the following lines:

1. Ensuring immediate help by Governmental and Non-Governmental Agencies to the victims.
2. Coordinating the activities of different departments of the Government and the NGOs for bringing immediate relief.
3. Supervising the distribution of relief materials.
4. Supervising the construction of temporary shelter or transporting the victims to a safer place.
5. Supervising the reunion of families.
6. Supervising the health care and sanitation of the victims and preventing the spread of epidemics.
7. Supervising the needs of women and children.
8. Ensuring the availability of food, medicine and drinking water.
9. Supervising the reconstruction of damaged dwelling houses.
10. Supervising the restoration of cattle and chattel.
11. Legal Awareness Programmes in the relief camps on the legal rights of the victims,
12. Organising Legal Aid Clinics in the affected areas for assisting in reconstruction of valuable documents.
13. Assisting the victims to get the benefits of the promises and assurances announced by the Government and Ministers.
14. Assisting in the rehabilitation, care and future education of orphaned children,
15. Taking steps for appropriate debt relief measures for the victims.
16. Assisting in the rehabilitation of the old and disabled who lost their supporting families.
17. Assisting in the problems relating to Insurance Policies.
18. Arranging Bank Loans for restarting the lost business and avocations.
19. Arranging for phyciatrist's help / counselling to the victims who are subjected to physiological shock and depression on account of the disaster.

5. Machinery for Legal Services.

The State Legal Services Authorities shall establish a Core group in all districts under the control of the District Legal Services Authorities to spring into action in the event of a disaster, whether manmade or natural.

The Core group shall consist of a senior judicial officer, young lawyers including lady lawyers selected in consultation with the local bar association, Medical Doctors nominated by the local branch of the Indian Medical Association and the NGOs by accredited by the State Legal Services Authority. The Secretary of the District Legal Services Authority shall maintain a Register containing the Telephone numbers and the cell numbers of the members of the Core group.

STRATEGY FOR LEGAL AID TO THE VICTIMS

6. Ensuring immediate help by Governmental and Non Governmental agencies to the victims

The nodal agency for responding to a disaster shall be the State and District Disaster Management Authorities set up under the Disaster Management Act, 2006.

The State Legal Services Authority should immediately alert the District Legal Services Authority concerned who in turn shall get in touch with the Disaster Management Authority of the State and District and gather the details of the steps taken by the latter.

- (a) The Core group set up the District Legal Services Authority shall immediately proceed to the area where the disaster has occurred and get involved in the work of relief.
- (b) The District Legal Services Authority and the Core team shall coordinate the activities of the relief operations by involving themselves and without causing any hindrance to the smooth flow of the relief operations.

7. Coordinating different departments of the government and the NGOs for bringing immediate relief.

The State Legal Services Authority at the apex level shall get in touch with the State Disaster Management Authority / Department to ensure that all the departments of the State Government including health, finance, social welfare and police are involved in the relief operations. The State Legal Services Authorities shall

coordinate the implementation of the Plan of Action, if any, prepared by the Disaster Management Authorities.

- (a) The State and District Legal Services Authorities shall obtain a copy of the disaster management plan, if any, prepared by the State Disaster Management Authority / District Disaster Management Authority.
- (b) The State Legal Services Authority / District Legal Services Authority shall as far as practicable follow the aforesaid plan and, if necessary, make suggestions to the state administration or Disaster Management Authorities for improving the quality of relief operations.

8. Supervising the distribution of relief materials.

In the event of a disaster, the first and foremost step to be taken is to ensure that the victims are provided with adequate support to tide over their undesired wants. This includes provision of food, safe drinking water and transferring the victims to safe shelters. The District Legal Services Authority in coordination with the Disaster Management Authority and State Government Departments, shall supervise effective and timely supply of relief materials to the victims of the disaster.

9. Supervising the construction of temporary shelters or transporting victims to safer place.

District Legal Services Authority and the Core team shall supervise construction of temporary shelters and transportation of victims to such shelters to other safer places. Any lapses can be reported to the government officer incharge to ensure that the lapses are remedied immediately.

10. Supervising the reunion of families.

A disaster may result in sudden disruption of the cohesive unit of families. Members of the family are likely to get separated on account of the disaster or by reason of the rescue operations or on account of medial emergencies. Separation can occur due to loss of life also. The Core team shall visualise such probable traumatic situations in the families affected by the disaster and shall take necessary steps for consoling the victims and shall take earnest search for the missing members of the families.

11. Supervising the health care of the victims and preventing the spread of epidemics.

The District Legal Services Authority shall take prompt steps for coordinating with the District Medical Officer for ensuring that the victims of the disaster are given proper medical care. The injured victims shall be given prompt treatment.

- (a) When a large number of affected persons are congregated in relief camps, adequate sanitation has to be ensured. Steps shall be taken to ensure that the public health authorities are performing cleaning and sanitation of the camps on a regular basis.
- (b) The District Legal Services Authority shall ensure that adequate preventive measures are taken by the health authorities against outbreak of contagious and infectious diseases and waterborn diseases can occur in the relief camps.
- (c) Right to health being a concomitant to the Right to Life guaranteed under Article 21 of the Constitution of India, the disaster victims are entitled to adequate health facilities and the Legal Services Authorities are duty-bound to ensure the same through appropriate measures.

12. Supervising the needs of women and children.

Women and children are beneficiaries of free legal aid under Section 12 of Legal Services Authorities Act. They are the most vulnerable group amongst the victims of any disaster. Safety of women and children in the camps and their valuables like ornaments and personal belongings are to be protected. The District Legal Services Authority shall ensure that the Police takes necessary steps for preventing theft and anti-social activities. Legal Services Authorities shall coordinate with the Police Officers to ensure the safety of women and children.

13. Ensuring the availability of food, drinking-water and medicine

The need for food, safe drinking water and medicine are basic human needs and hence are attributes of the Right to life under Article 21 of the Constitution of India. Legal Services Authorities can therefore rightfully intervene and coordinate with the State Government, District Administration and Health Authorities to ensure the availability of food, safe drinking-water and medicine to the victims living in the shelters.

14. Supervising the reconstruction of damaged dwelling houses

Housing is one of the important problems faced by the victims of disasters. Partial or total damage may occur to houses in disasters like earthquake, flood and communal riots. Assurances given by the Ministers and Government officials

ex gratia payment and funds for reconstruction of damaged houses of the victims may go unfulfilled or forgotten due to passage of time. Efforts shall be taken by the Legal Services Authorities to ensure that such promises are fulfilled and the promised funds 'or other relief measures are disbursed to the victims without delay.

15. Supervising the restoration of cattle and chattel

Loss of cattle, chattel and household articles are concomitant with all mass disasters. Thieves, looters and anti-socials have a field day during riots and ethnic violence and also during the havocs like flood, drought, pestilence and earth-quake. The District Legal Services Authority in coordination with the Police or Armed Forces shall ensure that the valuables belonging to the victims are not looted or stolen houses. Similarly, steps shall be taken to protect live-stocks and chattel also. The Legal Services Authorities shall coordinate with the animal-husbandry department of the government to save the livestock.

16. Legal Awareness Programmes in the relief camps on the legal rights of the victims

Once the victims are relieved from the immediate shock an impact of the disaster, the Legal Services Authority may chose a convenient time and place near the relief camps for imparting legal awareness to the victims. Women lawyers may be entrusted with the job of conducting informal legal awareness programme, mainly related to the rights of the disasters victims to avail of the relief measures from the authorities, The legal remedies available and the mode in which the benefits of the offers and schemes announced by the government are to be availed of also may be included as topics. Legal Awareness Programmes shall not be conducted in a ceremonial manner. Inaugural function and other formalities shall be totally avoided. The ambience of disaster and the mood of grief stricken victims should be fully taken in to account by the resource persons and the steps for legal awareness shall be taken in such a manner as to go along with the measures for consolation and redressal of the grievances of the victims. Visits by women lawyers to the camps and homes of the victim will be desirable.

17. Organising Legal Aid Clinics in the affected areas for assisting in the reconstruction of valuable documents

It is likely that the victims of disaster have lost their valuable documents like titled deeds, ration cards, identity cards, school and college certificates, certificate of date and birth, passport, driving licence etc. The District Legal Services Authority shall organise legal aid clinics in the affected areas and assist the victims to get duplicate certificate and documents by taking up the matter with the authorities'

concerned. Arrangements for issuing Death Certificates of the deceased victims also shall be made.

18. Taking care of the rehabilitation and the future care and education of the orphaned children

Orphaned children are the living monuments of disasters. Loss of childhood, paternal affection are likely to haunt them for the rest of their lives. At times, the orphaned children may get affected with psychiatric problems also. The Legal Services Authority shall seek the help of voluntary organisations large business houses and Corporates for the educational needs and accommodation of such children till they attain the age of maturity. In appropriate cases, the Legal Services Authority may assist such children to be taken care of under provisions of the Juvenile Justice (care and protection) Act.

19. Taking steps for appropriate debt relief measures for the victims

Rehabilitation of disaster victims will be a gigantic challenge for any administration. The adequate funds should be made available to the victims who lost everything in their life for rebuilding their avocation, buying agricultural implements and other implements required for their avocations in which they were engaged prior to the disaster. Victims belonging to fisherman community may require huge amounts for buying nets, boats and outboard engines. Such measures of rehabilitation may require the assistance of government departments concerned. The State Legal Services Authority shall coordinate with Public Sector Banks, Social Welfare Department and other departments concerned for helping the victims to re-start their avocations. In appropriate cases, provisions in the laws relating to debt relief shall be invoked.

20. Rehabilitation of the old and disabled who lost their supporting families

Persons with disabilities as defined in Clause (e) of Section 2 of Disabilities (Equal Opportunity) Protection of Rights and Full Participation Act, 1995 are entitled to free legal aid under Section 12 of the Legal Services Authorities Act. Senior citizens are entitled to certain benefits under the provisions of Maintenance and Welfare of Parents and Senior Citizen Act. The senior citizens and disabled persons who lost their support on account of disasters shall be identified and appropriate legal aid shall be given to them.

21. Problems relating to Insurance Policies

The Legal Services Authorities shall take up the insurance claims of the disaster victims with the Insurance Companies for settlement of such claims. Negotiations may be undertaken with the Insurance Company officials for a settlement favourable to the victims. In appropriate cases the service of Insurance Ombudsman also may be availed of.

22. Arranging Bank Loans for restarting the lost business and avocations

The victims who suffered substantial loss of their business and implements used in their avocations shall be helped by adopting proper restorative measures. For this purpose, efforts shall be made to make available financial assistance of nationalised banks and other public sector financial institutions. The Legal Services Authorities shall persuade the officials of such financial institutions to raise to the occasion for helping the victims.

23. Arranging for the services psychologists I psychiatrists help for counselling the victims suffering from psychological shock and depression on account of the disaster

Mental shock and the related psychiatric manifestations are usually seen associated with the traumatic effects of disasters on the victims and their family members. Sudden loss of human life and the horrifying experiences of the trauma of the disasters can result in mental shock and psychiatric problems not only to the victims but also to their family members. The District Legal Services Authority shall in coordination with the District Medical Officer make necessary arrangements for the services of psychiatrists and psychologists. The District Authority shall ensure the presence of the members of the Core group at the relief camps everyday till the victims are rehabilitated.

24. District Legal Services Authority shall collect reports from the Core Group

District Legal Services Authority shall collect daily reports from the Core group working at the location of the disaster. Copies of such reports shall be sent to the State Legal Services Authority. The State Legal Services Authority shall consolidate the reports and send a comprehensive report to the National Legal Services Authority and copies thereof shall also be sent to the District Management Authorities of the State and District. Copies of the report shall be placed before the Patron-in-Chief of the State Authorities and also in the meeting of the State Authority. If any difficulty arises in giving effect to this Scheme, the State Legal Services Authority and District Legal Services Authority or the Core group may seek guidance from the Executive Chairman of the State Authority.

LEGAL SERVICES TO THE MENTALLY
ILL PERSONS AND PERSONS WITH MENTAL
DISABILITIES SCHEME, 2010



NATIONAL LEGAL SERVICES AUTHORITY

NATIONAL LEGAL SERVICES AUTHORITY (LEGAL SERVICES TO THE MENTALLY ILL PERSONS AND PERSONS WITH MENTAL DISABILITIES) SCHEME, 2010

[Adopted in the Meeting of the Central Authority of NALSA held on 8.12.2010 at Supreme Court of India]

Persons with disability, especially those suffering from mental illness and other barriers like mental retardation do not get proper attention from the authorities in the matter of access to justice. The result is that they are sidelined and are viewed only from the prism of the paternalistic “social welfare” which looks upon them as merely as persons who are in need of special protection by the State and the society. India being 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 the 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 to ensure effective access to justice for persons with disabilities on an equal basis with others. In other words, the Convention has the philosophical underpinnings with a right based and inclusive approach and it treats persons with disabilities as those to be accepted as persons living in the inherent diversity in society.

In this background, the following guidelines are issued 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 mentally ill and persons with mental disabilities:

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PART – I: MATTERS TO BE CONSIDERED WHILE RENDERING LEGAL SERVICES TO MENTALLY ILL PERSONS:

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 ill persons are entitled to all human rights and fundamental freedoms** – While dealing with mentally ill 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 the mentally ill persons.
3. **Respect for the inherent dignity of mentally ill persons** - The legal services institutions shall promote respect for the inherent dignity, individual autonomy including independence of mentally ill persons.
4. **Non-discrimination** – The legal services institutions shall not discriminate mentally ill persons merely because of his state of mental health. It shall be always borne in mind that they are entitled to be treated without any discrimination, on equal basis with others and are entitled to equal protection and equal benefit of the law.

5. **Reasonable accommodation** – The legal services institutions shall ensure that the mentally ill persons are afforded situations with appropriate modification and adjustments, where needed in a particular case, to ensure that they enjoy on an equal basis with others all human rights and fundamental freedoms (*see Article -2 of CRPD*).
6. **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 deprived of treatment either due to illegal confinement or superstition or lack of means shall be ensured to get treatment facilities available in the psychiatric hospitals or psychiatric nursing homes. The provisions in chapter IV of the Mental Health Act, 1987 may be invoked in appropriate cases.
7. **Informed consent for treatment** – Legal services institutions shall ensure that when a person is subjected to treatment for mental illness, his / her informed consent has been obtained. If any person is incapable of giving such consent, the informed consent of his / her relatives or friend and if no relative or friend or if there is no relative or friend the satisfaction of the court under Part II Chapter V of Mental Health Act, 1987 shall be ensured.
8. **Legal services during the proceedings for Reception Orders** – It shall be the duty of the legal services institutions to depute its retainer lawyer to the court which deals with every application for a reception orders under Part III of Chapter IV of the Mental Health Act, 1987. The Legal Services Authorities may request the Magistrates who deals with such application that the Legal Services Institution having jurisdiction in that area is given notice in all cases, for protecting the interest of the mentally ill persons in relation to whom an application for reception order is made.

The retainer 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 order has been made warrants such an order from the Court.

9. **Privacy and dignity of mentally ill persons** – Mentally ill persons are entitled to right to privacy and dignity emanating from the right to life under Article 21 of the Constitution of India. The legal services institutions shall always uphold and ensure the privacy and dignity of mentally ill persons during the spell of their illness. This shall be especially observed in the case of women who are mentally ill and incapable of taking care of themselves.
10. **Protection of the other fundamental rights of the mentally ill persons** – Legal Services Institutions while dealing with mentally ill persons shall ensure that because of his / her being mentally ill his / her human rights and fundamental rights are not violated.
11. **Humane living conditions in the mental hospitals and other places where mentally ill persons are confined** – The legal services institutions shall in consultation with the State Authority for Mental Health organize visits to psychiatric hospitals or psychiatric nursing homes and other places where mentally ill are confined to ensure that there is humane living condition at such places. The legal services institutions shall take up the matter with the State Mental Health Authority and the State Government in cases of lack of humane living conditions.
12. **Legal services to the mentally ill persons confined in psychiatric hospitals or psychiatric nursing homes** – The Legal Services Institutions shall organize frequent visits to psychiatric hospitals or psychiatric nursing homes and other places where the mentally ill persons are confined and shall gather information about the existence of any legal problems for any

mentally ill persons which he / she cannot deal with on account of mental illness. The information so gathered shall be utilized by the legal services institutions for providing legal aid to such mentally ill persons for protection of his / her rights. For gathering such information, the visitors from legal services institutions shall interview the mentally ill persons, hospital authorities and the relatives / friend, if any, of the mentally ill persons.

13. **Legal services in case of forced admission into the psychiatric hospitals or psychiatric nursing homes** – Legal services institutions shall attempt to gather information during its visits to the psychiatric hospitals or psychiatric nursing homes 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 psychiatric nursing homes.
14. **Legal Services Institutions to follow up the condition of the mentally ill persons against whom a Reception Order has been passed** – 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 Court under Part III of Chapter IV of Mental Health Act, 1987 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.

15. **Legal services during inquisition proceedings** – 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 Mental Health Act, the legal services institutions in consultation with District Legal Services Authorities concerned 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.

16. **Legal services institutions to step in when there is attempt to misappropriation of property of mentally ill persons** – On getting information about the misappropriation or fraudulent dealing with the properties of mentally ill persons by any person, the legal services institutions in consultation with the District Legal Services Authority concerned shall invoke the provision in Chapter VI of the Mental Health Act, 1987.
17. **Legal Services for non-criminal mentally ill persons confined in jails** – Legal services institutions through the panel lawyers deputed for jail visits or otherwise shall attempt to identify whether any non-criminal mentally person is detained in any of the prisons. If any such person is found, necessary legal aid may be given to such mentally ill person for transferring them to the psychiatric hospitals or psychiatric nursing homes for treatment as per law.
18. **Legal services for making available the benefits of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995** – The definition of ‘disabled’ under Section 2 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 includes mentally ill persons. Therefore, the legal

services institutions shall provide legal services to mentally ill persons for availing of the benefits under the PWD Act, 1995 in appropriate cases.

- 19. Legal aid to mentally ill persons under Section 91 of Mental Health Act, 1987** – Legal services institutions can play an effective role in the situation mentioned in Section 91 of Mental Health Act, 1987 provided that the mentally ill person is in custody in a psychiatric hospital or psychiatric nursing home, irrespective of his / her proof of means. However, in all cases under Section 91 where the mentally ill person has no sufficient means to engage a legal practitioner, the legal services institutions shall provide legal services to such mentally ill persons.
- 20. Legal awareness programmes and public advocacy relating to mental illness and the rights of mentally ill persons** – The legal services institutions shall organize awareness programmes especially in rural areas, to educate people that mental illness is curable and the need for equal treatment of mentally ill with other persons in the society. Such awareness camps may be organized for the cured mentally ill persons and also for the relatives of the mentally ill persons in a particular locality to educate them about the aforesaid matters for changing the mind set of the society towards mentally ill persons. 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. The lawyer in such camps may educate on the property and other legal rights and the other provisions of law relating to the mentally ill persons.
- 21. Special legal awareness programmes for sensitizing Judicial officers and panel lawyers** – The State Legal Services Authority / District Legal Services Authority may organize training programmes in association with Judicial Academy to sensitize the judicial officers about the socio-legal problems faced by the mentally ill 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.
- 22. Setting up of legal aid clinics for dealing with the problems of mentally ill persons** - The District Legal Services Authorities may set up special legal aid clinics in association with the psychiatric hospitals or psychiatric nursing homes to sensitize the family members of the persons with mental disabilities and for discussing the issues relating to inheritance, guardianship, family pension benefits, properties belonging to the mentally ill persons and to take steps for institutional care for destitute and wandering mentally ill persons.
- 23. Organizing rehabilitation measures for the cured mentally ill persons** – The legal services institutions in consultation with District Legal Services Authorities and the State Legal Services Authorities shall assist the persons cured of mental illness for their rehabilitation. For this purpose, the Legal Services Authorities may liaise with the Social Welfare Department. The District Legal Services Authority / State Legal Services Authority shall make frequent visits to the places where such rehabilitated persons are accommodated to ensure that they are given proper shelter with humane conditions, proper food, continued medication and vocational training.
- 24. Co-operation with the NGOs and Volunteer Social Organizations** – The legal services institutions shall co-ordinate with NGOs and other volunteer social organizations for dealing with the issues relating to mentally ill persons.
- 25. Observance of the World Mental Health Day on 10th October every year** – All legal services institutions may organize programmes on 10th October every year for observing it as the World Mental Health Day. The programmes shall focus on creating awareness about the mental illness, promoting mental health advocacy and spreading the message that the

mentally ill persons are entitled to human rights and other legal rights, as persons living in the inherent diversity in the society and as persons before the law on an equal basis with others in all aspects of life.

PART – II

MATTERS TO BE CONSIDERED WHILE RENDERING LEGAL SERVICES TO MENTALLY RETARDED PERSONS:

- (1) **Mentally retarded persons are not mentally ill persons** – There is a confusion even amongst the legal community that mentally retarded people are mentally ill. Mentally retarded persons are suffering from mental disabilities due to developmental disorders. Mental retardation of permanent nature is not curable. 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 retarded persons are (i) PWD Act, 1995 and; (ii) National Trust Act, 1999. They also come under the purview of the UN Convention on the Rights of Persons with Disabilities (CRPD), 2008.
- (2) **Legal services to mentally retarded persons (MRs)** - The legal services institutions shall get in touch with the Social Welfare Department of the State Government and find out the different beneficial schemes for the MRs. Indian Railways and some State Governments have schemes for travel facility for MRs. The Income-Tax Act also gives some benefits to the parents of MRs. The legal services institutions shall attempt to make available the benefits under various schemes to the MRs and their family members.
- (3) **Legal services for ensuring the health care of MRs** – MRs like any other citizens are entitled to right to health services as a part of the fundamental rights.
- (4) **Legal services for ensuring the fundamental rights of MRs** – The legal services institutions shall provide assistance to the MRs for protecting their fundamental rights, equality and equal treatment.
- (5) **Right to education** – The policy in CRPD is an inclusive policy providing respect for MRs, evolving capacity of MRs, for preserving their identity, respect their inherent dignity and individual autonomy. The Convention envisages the right of MRs to get education on the basis of equal opportunity and for the development of their mental, physical abilities and creativity to their fullest potential. Therefore, the Legal Services Institutions shall always attempt to safeguard the above mentioned rights of MRs whenever they are found to be deprived of such rights.
- (6) **Legal services for the benefits under PWD Act, 1995** – Legal services institutions shall assist the MRs for obtaining benefits under the PWD Act, 1995.
- (7) **Prevention of exploitation and abuse of MRs** – MRs are one of the vulnerable groups likely to be exploited. Female MRs are the most vulnerable of the group. Therefore, the legal services institutions shall come to the assistance of MRs in preventing their exploitation including sexual abuse and also for taking legal action against the abusers and exploiters.
- (8) **Legal services for MRs for owing and inheriting properties and to have financial rights** – Legal services institutions shall come to the help of MRs in protecting the rights of inheritance, owing properties and enjoying financial rights.

- (9) **Appointment of guardians under the National Trust Act, 1999** – Loss of both parents often leads to a situation that the MRs become orphans. Therefore, appointment of guardian as contemplated under National Trust Act, 1999 is of great importance. Legal services institutions shall come to the assistance of MRs in the matter of appointment of guardian.
- (10) **Need for setting up of a supported network** – The legal services institutions with the help of the Social Welfare Department of the State Government, NGOs, charitable trust, relatives of the MRs and social workers shall encourage to set up a supported network at the local level for the welfare of MRs. The supported network in each locality shall take care of the MRs to ensure that the MRs are not becoming destitutes and their food, health and other essential needs are taken care of uninterruptedly.
- (11) **Creating awareness campaigns amongst the other school children** – It is important that the normal children are made aware of the fact that MRs and other persons with disabilities are also equally entitled to the rights provided by the laws and the protection of laws like any other persons. Therefore, the Legal Services Authorities shall on the World Disability Day organize special awareness programmes in the primary schools to create awareness amongst the young children to change their mindset towards MRs. Video films, charts, picture, skits and thematic presentations can be used in such programmes.
- (12) **Awareness camps for educating the family members of MRs** - The legal services institutions in association with the schools in their locality shall organize awareness camps for the family members of MRs. Services of specialists in counseling, psychiatric, psychological, social work and lawyers also can be made use of in their programmes. Siblings of MRs also may be included in such programmes.
- (13) **Awareness programmes for the general public** – Awareness programmes may be conducted for the general public to educate the public that MRs and other disabled persons also have the rights on par with the other normal persons.
- (14) **Sensitization Programme for Judicial Officers and Lawyers** - Special sensitization programmes can be organized with the assistance of Judicial Academy and bar associations for sensitizing judicial officers and lawyers about the MRs and their rights.

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**(LEGAL SERVICES TO THE
WORKERS IN THE UNORGANISED
SECTOR) SCHEME, 2010**

NATIONAL LEGAL SERVICES AUTHORITY

NATIONAL LEGAL SERVICES AUTHORITY (LEGAL SERVICES TO THE WORKERS IN THE UNORGANISED SECTOR) SCHEME, 2010

[Adopted in the Meeting of the Central Authority of NALSA held on 8.12.2010 at Supreme Court of India]

In the Regional Conference of the State Legal Services Authorities of the Western Region organised by the National Legal Services Authority (NALSA) at Ahmedabad on 28-29 August, 2010 the topic of deliberations was '*Workers in the Unorganised Sector and the Role of Legal Services Authorities*'. Detailed discussions took place on the plight of unorganised workers in securing their statutory rights and availing of the benefits of the various schemes put in place by the State Governments.

It is estimated that the workers in the unorganised sector contribute more than 60 per cent of the national economy. Unlike their brethren in the organised sector, they are generally reluctant to come to the forefront and demand for the benefits under the various schemes and other welfare measures put in place by the labour department and other institutions because of their sheer unorganised or loosely organised nature. Such workers are generally not confined to any particular area as their place of work has no permanent status. Quite often their work is seasonal and when the work at once place is finished they migrate to other places in search of work. They do different kinds of work depending on the availability of work. Some stick on to certain avocations on the basis of caste and tradition and yet remain unorganised.

In this scenario, the general problem the authorities and welfare institutions face is that the workers in the unorganised sector are not identifiable. Illiteracy, poverty and the concern for earning their daily bread compel these workers to forsake the benefits of the various social welfare measures. It is the duty of the legal services institutions to reach out to the workers in the unorganised sector for making available the benefits of various schemes and to provide them the protection of law.

Most of the schemes and welfare laws for the benefits of the workers in the unorganised sectors are dispensed through the institutional mechanisms of Boards and Corporations. Such schemes and laws are in the nature of social security measures and provide assistance to the unorganised workers, at least to tide over their difficult times. Legal services institutions should come to the help of this disadvantaged group to make available the benefits though small in quantum, to ease their struggle against the odds of life.

Legal Services Authorities can come to the help of the workers in the unorganised sector in the following manner:

- 1. Identifying the unorganised workers within the jurisdiction of each legal services institution by conducting surveys.**

State Legal Services Authorities may take steps for conducting surveys for identifying unorganised workers and all other categories of workers included in Central Act 33 of 2008. Services of law students, NGOs and para-legal volunteers also can be availed of for conducting such surveys. Surveys can be conducted in a phased manner, gradually covering entire area within the jurisdiction of the legal services institutions concerned. The beneficiaries may be categorised into groups depending on the different welfare schemes of the State Government implemented through the Boards and Corporations (i.e. Construction Workers Welfare Board, Bidi Workers Welfare Board, Artisans Welfare Corporation etc). The survey should indicate whether the workers belonging to each category have made efforts to avail of the benefits of the scheme or scheme / legislation / programme of the government. The next step shall be to liaise with the Boards / Corporations concerned to make available the benefits of the schemes / programmes. Every effort shall be made to ensure that all deserving unorganised workers are brought to avail of the benefits.

2) Conducting legal awareness programmes for the identified groups of unorganised workers.

After identification of the unorganised labourers in each category, legal awareness programmes may be organised for creating awareness amongst them about the different welfare schemes and social security measures available. For this purpose, awareness programmes may be organised, as far as possible, at the place of work itself (e.g construction work sites, market places in the case of street-vendors etc). Legal awareness classes can be conducted in other places like community halls also. Care shall be taken that the timing of the awareness programmes does not conflict with the work of workers. Lunch intervals and holidays can be utilised for the awareness campaigns.

3) Persuading and assisting the workers in the unorganised sector to avail of the benefits under the different social welfare legislations, administrative programmes and schemes put in place by the State Governments.

Workers in the unorganised sector may be temperamentally not inclined to undergo the hassles for availing of the benefits of the schemes, programmes etc. Most of them being poor, illiterate and belonging to the lower strata of the society may not have the mental capacity to demand for their entitlements. Migrant workers being eager to go back to their villages after the work are unlikely to have support from the local people where they work. They are worst sufferers and victims of exploitation. Any such situation demanding individual will have to taken care of attention and, if necessary, legal aid can be given.

4) Reaching out to the unorganised labourers and facilitating their bargaining capacity with the employers and the institutional mechanisms for their welfare.

Unorganised workers seldom have bargaining capacity for securing their rightful entitlements. This leads to exploitation by the employers. Temporary nature of their work also disables them from using the collective bargaining techniques. Support by the legal services institutions to the unorganised workers will empower them in

demanding their legal rights and entitlements. It shall be ensured that the workers are able to approach the Legal Services Authorities with confidence to avail of the benefits under the Central Act 33 of 2008.

5) Providing legal assistance in appropriate cases.

If any particular case requires legal action the legal services institution shall provide necessary legal assistance. For cases of court based legal services the eligibility criteria prescribed under Section 12 of the Legal Services Authorities Act, 1987 shall be kept in mind. The provisions of the Contract Labour (Regulation and Abolition) Act, 1970; The Bonded Labour System (Abolition) Act, 1976; The Inter-State Migrant Workmen Act, 1979; The Child Labour (Prohibition and Regulation) Act, 1986 and other major labour legislations also may be made use of in appropriate cases.

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**'DOVE MISSION' AND 'KUTTY MISSION'
OF THE KOTHAMANGALAM TALUK LEGAL
SERVICES COMMITTEE IN KERALA
(SUPPORTED BY THE NATIONAL LEGAL
SERVICES AUTHORITY)**

NATIONAL LEGAL SERVICES AUTHORITY, NEW DELHI

‘DOVE Mission’ and ‘KUTTY Mission’ of the Kothamangalam Taluk Legal Services Committee in Kerala (supported by the National Legal Services Authority).

GUIDELINES I.

Objective.

1. The objective of the ‘Dove Mission’ and ‘Kutty Mission’ shall be to take necessary steps for preventing and eradicating domestic violence in the Kothamangalam Taluk under the auspices of the Taluk Legal Services Committee, Kothamangalam in the Ernakulam District of the State of Kerala. The term ‘domestic violence’ shall have the same meaning as assigned to it in the Protection of Women from Domestic Violence (PWDV) Act 2005.
2. The aforesaid two projects shall be a part of the preventative and strategic legal aid programme of the Taluk Legal Services Committee (TLSC) as envisaged in Section 7(2)(c) of the Legal Services Authorities Act, 1987.
3. These projects shall be implemented with the assistance of the members of the local body institutions, ‘Jagratha Samithy’, teachers including Anganwadi teachers, NGOs and Para Legal Volunteers (PLVs) identified and trained by the Legal Services Authority.
4. The implementation of the projects shall be guided by the directions issued by the National Legal Services Authority.
5. Directions issued by the Executive Chairman of Kerala State Legal Services Authority shall be binding on those who execute the aforesaid projects.
6. The District Legal Services Authority, Ernakulam, shall have the immediate control and supervision of the project.

II.

Procedure for Implementation of the Project.

1. The TLSC shall organise surveys in the different wards of the municipality and panchayats within the Taluk to identify the families or houses affected with domestic violence.

2. The survey shall be conducted by the PLVs or law students specially engaged by the TLSC. Assistance of the local 'Jagratha Samithy', members of the local body institutions and NGOs also may be sought for.
3. Before presuming that a family / house is affected with domestic violence, care shall be taken to ascertain whether the incidents of domestic violence are repetitive in nature or whether such incidents are only solitary or emotional outbursts at random that could be corrected by appropriate counselling.
4. The survey shall focus on the reasons for the incidence of domestic violence; for example:
 - (a) drunken behaviour of a family member;
 - (b) use of drugs or narcotic substances;
 - (c) lack of harmonious relationship;
 - (d) personality conflicts;
 - (e) repetitive incidents of quarrelsome behaviour;
 - (f) sexual assaults / sexual aberrations;
 - (g) financial / economic problems;
 - (h) demand for dowry;
 - (i) other reasons.
5. After conducting survey, the TLSC may send a team consisting of lawyers, social workers, PLVs and members of 'Jagratha Samithy' to the families or homes identified to be affected by domestic violence.
6. The parties to domestic violence may be called to a convenient place for conciliation and counselling.
7. Services of experts like sociologists, psychologists, psychiatrists, medical doctors and economists may be availed of in appropriate cases.
8. A panel of sociologists and economists available in the Taluk e.g faculty members of the relevant disciplines in the Arts and Science Colleges and a panel of sociologists, psychologists, psychiatrists and medical doctors who can provide voluntary services from within the Taluk also may be maintained.
9. In appropriate cases, where services of specialists in psychiatry, medicine or psychology is required from outside the Taluk, reasonable expenses for bringing them may be met by the TLSC.

10. Counselling the parties involved in the domestic violence shall be one of the important steps. Sometimes repeated counselling may be necessary.
11. Services of the functionaries of religious institutions cast/religious organisations also may be made use of.
12. Counselling shall be conducted at a congenial place away from public institutions like court, police station or panchayat office. A neutral place agreeable to the parties shall, as far as practicable, be ideal for conducting counselling.
13. During the counselling process parents and relatives of the parties may also be involved. However, involvement of parents of the parties may be made use of only if they maintain a non-partisan and unbiased approach.
14. Individual problems of the parties to domestic violence such as psychiatric problems, alcoholic/narcotic habits may require special assistance by doctors, psychologist, and psychiatrists. Services of these professionals shall be used in a discreet manner. However, the privacy and confidentiality of the parties shall be maintained scrupulously.
15. The Chairman of the TLSC may set up different committees/teams for counselling in different wards. Members of the local body institutions and the 'Jagratha Samithy' of each ward shall co-operate with the committees/teams set up by the Chairman, TLSC.
16. Counselling shall focus on the principles of equality and fundamental rights of both the male and female members of a family. If the parties in a domestic violence are not husband and wife, but a female member of a family suffering domestic violence from a male member or another female in the family, appropriate counselling may be given to both the parties.
17. If any legal issue is the cause of domestic violence, services of a lawyer may be made use of.
18. As far as practicable, involvement of police officers in resolving the family dispute may be avoided, except in the circumstances where the cause of violence is due to the influence of a person un-related to the family.

III.

Empowerment of Women Members of the Identified Families.

1. The TLSC and all persons connected with this project shall endeavour to empower the women in the identified families and make them aware of their

fundamental right to equality and shall endeavour to facilitate the overall development of the family and its members.

2. The teams deputed by the TLSC shall make suggestions to the affected women the ways and means to become self-reliant and economically independent, given the fact that economic independence of women reduces the incidence of domestic violence.
3. If the women in the identified families are not earning members, the team may give advice for improving the economic status of the family by the women engaging in micro-enterprises and other income generating activities.
4. The TLSC may help the women concerned to obtain bank loans and assistance of government departments for setting up home-based or micro-level activities that would generate income for the family.

IV.

Legal Awareness Classes at Ward Level.

1. The TLSC may organise ward level legal awareness programmes at convenient places.
2. The legal awareness programmes may be organised for the members of all houses in a locality.
3. There shall be no formal functions like inauguration, inviting VIPs etc in such legal awareness programmes.
4. The legal awareness programmes shall be made as informal as possible.
5. Services of women lawyers, law students and PLVs also may be used in such programmes.
6. PLVs may be deputed for distributing pamphlets relating to prevention of domestic violence.
7. The women in the locality shall be made aware of the different provisions of the Protection of Women from Domestic Violence (PWDV) Act 2005 and the different functionaries there under. Addresses, location and the contact number of the Probation Officers, Service Providers etc shall be made available to all women in the locality.

8. No special provision may be made for food and refreshments in such programmes. As far as practicable, the participants themselves may be encouraged to make available such refreshments, as a community effort.
9. As far as practicable, the gathering in the legal awareness programmes shall not exceed 50. Men also may be encouraged to attend such programmes.

V.

Monitoring of the Identified Families.

1. The 'Jagratha Samithy' of each village and the members of the team set up by the TLSC for a locality shall be vigilant in preventing the incidents of domestic violence in the locality.
2. Without infringing the rights of privacy, the identified families shall be under the discreet monitoring by the 'Jagratha Samithy' / team.
3. If there is a manifest indication of domestic violence such as physical violence in the identified family, the members of the 'Jagratha Samithy' may knock at the door or push the bell button - if the house has a calling bell.
4. The members of the 'Jagratha Samithy' may advise the perpetrator of physical violence to resist from the proceeding with it and apprise such person of the legal consequences.
5. 'Jagratha Samithy' and members of the team shall keep such instances confidential and shall not divulge the details thereof to the general public or to the media.
6. In an actual scene of domestic violence, the approach of the 'Jagratha Samithy'/teams shall be conciliatory, advisory and impartial in nature and they shall maintain utmost restraint, level-headedness and maturity.
7. After having been able to resolve the domestic problems of an identified family, the 'Jagratha Samithy' /team members may have friendly visits to the identified families and may share the happiness of the family with its members.
8. The local body institutions may take measures for appreciating the peaceful post-incident life of the identified family members.

VI.

'Kutty Mission'.

1. The child victims of domestic violence may be given immediate help by the TLSC.
2. Urgent steps may be taken for rehabilitation of a child in extreme cases of violence in the family.
3. The TLSC shall take steps for early restoration of the child to the parents, as far as practicable, to both parents. The TLSC may seek the assistance of the Child Welfare Committee (CWC) set up under the Juvenile Justice (Care and Protection of Children) Act 2000.
4. The TLSC shall take steps to see that children enjoy the love and affection of both parents.
5. The TLSC shall encourage setting up of legal literacy clubs in all High Schools.
6. The members of the legal literacy clubs may be made aware of the provisions of the PWDV Act and also about the rights of the children.
7. The members of the legal literacy clubs may be encouraged to inform the quarrelling parents and elders in the family about the legal consequences of domestic violence. Under the project 'Kutty Mission' all efforts shall be taken to make the children aware of the legal consequences of domestic violence and they may be advised to report such matters to the teachers, who in turn, through the legal literacy clubs, inform the TLSC about the incidents of domestic violence.

VII. Social Audit.

1. The TLSC shall conduct Social Audit of the two projects with a view to assess the impact on and the usefulness of the project to the people of the Taluk.
2. For this purpose, the TLSC shall organise public meetings at block / ward level and shall record the opinions of the people.
3. The TLSC may prepare a format / proforma for recording the opinions, suggestions and criticisms of the project. A PLV shall be entrusted with the recording of the opinions during the proceedings of the Social Audit.
4. Social Audit shall be conducted in each block / ward at frequent intervals not exceeding three months and TLSC in consultation with the District Legal

Services Authority. The DLSA shall evaluate the results of the Social Audit and shall issue necessary directions to the TLSC to make amends and for improving the implementation of the projects.

5. MPs, MLAs and members of the local body institutions shall be encouraged to participate in the Social Audit proceedings.

VII.

Finance & Audit.

1. The National Legal Services Authority has supported the projects of 'Dove Mission' and 'Kutty Mission' undertaken by the Kothamangalam TLSC.
2. The funds required for implementation of this project may be provided to the Kothamangalam TLSC by the State Legal Services Authority through the District Legal Services Authority, Ernakulam.
3. Donations / Contributions, if any, by any other government departments or institutions shall be received only by the District Legal Services Authority, Ernakulam.
4. The TLSC may maintain proper accounts for the funds received from the District, State / National Legal Services Authority for implementation of the projects. The fund may be deposited in the regular bank account of the TLSC.
5. Income and expenditure relating to the implementation of the two projects shall be audited by a Chartered Accountant, as early as possible after the 31st March of every year, and utilisation certificate signed by the Chairman, TLSC shall be sent to the State Legal Services Authority through the District Legal Services Authority, Ernakulam. The Kerala State Legal Services Authority shall forward such statement of accounts and utilisation certificate to the National Legal Services Authority.
6. The funds provided by the National Legal Services Authority may be utilized for meeting the expenditure like setting up of a 'front office' with necessary furniture for such office; purchase of a computer with printer and internet facility; creating a website for the projects and for paying honorarium to the PLVs, specialist professionals including lawyers who render service during the counselling and awareness programmes. Special permission shall be obtained from the Executive Chairman of the Kerala State Legal Services Authority for other items of expenditure.
7. A separate identifiable account relating to the funds provided by National Legal Services Authority may also be maintained by the TLSC, in addition to its regular books of account.

**CO-ORDINATOR'S
SCHEME**

COORDINATOR'S SCHEME

Various legal aid schemes are being implemented by Haryana State Legal Services Authority under the aegis of National Legal Services Authority. At District Level, District & Sessions Judge-cum-Chairman is the overall in-charge of administration and implementation of the programmes of the State Authority & that of the District Authority; whereas Chief Judicial Magistrate being the Secretary of District Legal Services Authority is responsible to coordinate and supervise all the activities. He is also required to convene the meetings with previous approval of the Chairman and has to maintain true & proper accounts of the receipts & disbursement of the Funds of the District Authority.

On account of the multifarious functions to be performed by Secretary, District Legal Services Authority, the Government of Haryana was requested to sanction twenty one (21) posts of Chief Judicial Magistrate to be appointed as Whole Time Secretaries for 21 Districts of Haryana. Said posts were duly sanctioned. However, in the Annual General Meeting of the State Authority held on 24.3.2011, it was resolved to initially post nine (9) Whole Time Secretaries. Ever since then, repeated letters have been written to the Hon'ble Registrar, Punjab and Haryana High Court, Chandigarh but no posting of any officer has been made as Whole Time Secretaries.

It may be added that the 13th Finance Commission has granted huge funds for improving the justice delivery system. These include funds for Lok Adalats, Legal Aid, Mediation Training and establishment of ADR Centers. Guidelines issued by Government of India reveal that staff of ADR Centre can be temporarily posted out of 13th Finance Commission funds. ADR includes Mediation, Lok Adalat, Conciliation, Arbitration and Judicial settlement. Funds are also available from National Legal Services Authority (NALSA) Grant, which are for implementation of the various schemes launched by National Legal Services Authority.

In the recent past, NALSA has made certain important Regulations and has also launched certain schemes, which are to be implemented by the State Authority through District Legal Services Authorities and Sub-Divisional Legal Services Committees. Some schemes of the State Authority are also under implementation. These schemes & Regulations are as under:

1. NALSA (Free and Competent Legal Services) Regulations 2010.
2. NALSA (Legal Aid Clinics) Regulations 2011.
3. NALSA (Lok Adalat) Regulation 2009.
4. NALSA (Para Legal Volunteers) Scheme, 2010.
5. NALSA (Legal Services to the workers in the unorganized sector) Scheme, 2010.

6. NALSA (Legal Services to Mentally-ill person & persons with Mental Disabilities) Scheme, 2010.
7. Legal Aid Cells for Child Rights.
8. NALSA – Scheme on supporting the implementation of MGNREGS.
9. Model Scheme for Legal Aid Counsels in all the Courts of Magistrates.
10. Model Scheme for Legal Aid Prosecution Counsel.
11. Scheme for Legal Services to the victim of Disasters through Legal Services Authorities.
12. Scheme for Protection of the Rights of Single Women.

Under the schemes, Legal Aid Clinics are being set up so as to provide necessary legal services to the legal aid seekers, in various villages, Office of Protection Officers, Jails, Observation Homes etc. of all the districts of Haryana, which are to be manned by Para-legal Volunteers and Panel Advocates. For that purpose, Para-legal Volunteers are to be identified and trained, before they are put on duty. Para Legal Volunteers have also to work for implementation of the Schemes for the benefit of unorganized labor, single women, mentally retarded & disabled persons etc. Panel Advocates with the help of Para Legal Volunteers have to hold workshops in different villages for creating legal awareness amongst the masses and to spread legal literacy. Mobile Vans provided by NALSA are also being used for that purpose.

So far, about 500 Legal Aid Clinics have already been set up in Haryana; and about 2000 Para Legal Volunteers have been identified & trained. This number will go up in the next year. It is very necessary to coordinate and monitor the functioning of Para Legal Volunteers manning Legal Aid Clinics and their work for proper implementation of all the schemes, so that maximum number of people get benefits of the schemes and are not denied access to justice.

It is not feasible for Chief Judicial Magistrates –cum- Secretaries DLSAs to monitor entire work particularly the work of legal aid clinics set up in different far flung villages and Para-legal Volunteers, considering the fact that they are already over-burdened with judicial work. Though, they are trying to do their best, but proper monitoring of the various schemes is not taking place at desired pace.

In view of the above, it is proposed that either one of the Panel Advocates or Para Legal Volunteer or any other suitable person be appointed as Coordinator in each District to oversee and monitor all the works performed by Panel Advocates, Retainers and Para-legal Volunteers and to see that Legal Aid Clinics are functioning properly and all the schemes are being implemented in true spirits so as to provide maximum benefit to the target groups.

The following functions may be performed by the coordinators.

1. He will coordinate with the Chairman/Secretary, District Legal Services Authorities and Chairman, Sub-Divisional Legal Services Committees to achieve the objectives of the Legal Services Authorities Act and perform his duties in such a way that all the schemes are implemented effectively.
2. Under the supervision & control of Secretary, DLSA, he will prepare schedules of Para Legal Volunteers and Panel Advocates to attend Legal Aid Clinics; Rural Lok Adalats and legal awareness camps, keeping in view the instruction of State Authority issued from time to time.
3. He will check/supervise the visits of Panel Advocates and Para Legal Volunteers to Legal Aid Clinics in Jails, Panchayats/ Villages, O/o Protection Officer, Primary Health Centres etc.
4. He will coordinate with the Chief Judicial Magistrate for holding quarterly meetings with the PLVs.
5. He will supervise the working of Panel Advocates and PLVs deputed by DLSA and SDLSC in the front office.
6. He will coordinate with the Secretary of DLSA to convene quarterly meetings of DLSA.
7. He will prepare the schedule of all his visits, get it approved from Secretary, DLSA and shall forward the same to this Authority.
8. He will submit the consolidated report of visits and the deficiencies found in the implementation of legal aid schemes/holding of rural Lok Adalats and visit of Legal Aid clinics by Advocates/ PLVs etc. to the Member Secretary, HALSA.
9. It will be his duty to see that Mobile Van is functioning properly as per the schedule prepared by DLSA, whenever the said Van is in his District.
10. He will do Social Audit on Legal Services Activities carried out by DLSAs/SDLSCs under the guidance of HALSA.
11. He will ensure the implementation of the Schemes viz. All India Legal Aid Cell on Child Rights, MGNREGA.
12. He will coordinate with the NGOs', various Govt. Departments, Universities and other, promoting the cause of Legal Services to the poor.
13. He will interact with protection officers, police officers, service providers and shelter homes for better implementation of PWDV Act, 2005.
14. He will coordinate the concerned authorities for implementation of the scheme for workers in the unorganized sector.
15. He will take steps for innovation and diversification.

16. He will manage the Special legal literacy classes on the rights of the disabled persons.
17. He will check and get other schemes implemented as directed by Haryana State Legal Services Authority from time to time.

It is also proposed that for doing the work of Coordinator, an honorarium of 10,000/- (Rs. ten thousand only) or 15,000/- (Rupees fifteen thousand only) per month may be paid.

In addition to the honorarium, an amount of ` 3000/- (Rs. three thousand only) may be paid as conveyance allowance.

Or

They may be paid actual T.A.@ 6/- per k.m. on producing a certificate for visiting the rural Lok Adalats/legal aid clinics or any other site of function of legal authority. For visiting the sites of legal aid, he will have to get his tour programme approved from the Chief Judicial Magistrate-cum-Secretary of the respective District Legal Service Authority in advance.

Sd/-
(Deepak Gupta)
Member Secretary

Sd/-
Hon'ble Executive Chairman

From

The Member Secretary,
Haryana State Legal Services Authority,
SCO NO. 142-143, 1st Floor, Sector 34-A,
Chandigarh.

To

All the District and Sessions Judge-cum-Chairmen/
Additional District & Sessions Judge-I-cum-Chairmen/
District Legal Services Authorities State of Haryana.

No.1231-1251/LAC/2012/MS/HALSA
Dated, Chandigarh, the 27/01/2012

Subject: Coordinator's scheme.

In the recent past, NALSA has made certain important Regulations and has also launched certain schemes, which are to be implemented by the State

Authority through District Legal Services Authorities and Sub-Divisional Legal Services Committees. Some schemes of the State Authority are also under implementation. These schemes & Regulations are as under:

1. NALSA (Free and Competent Legal Services) Regulations 2010.
2. NALSA (Legal Aid Clinics) Regulations 2011.
3. NALSA (Lok Adalat) Regulation 2009.
4. NALSA (Para Legal Volunteers) Scheme, 2010.
5. NALSA (Legal Services to the workers in the unorganized sector) Scheme, 2010.
6. NALSA (Legal Services to Mentally-ill person & persons with Mental Disabilities) Scheme, 2010.
7. Legal Aid Cells for Child Rights.
8. NALSA – Scheme on supporting the implementation of MGNREGS.
9. Model Scheme for Legal Aid Counsels in all the Courts of Magistrates.
10. Model Scheme for Legal Aid Prosecution Counsel.
11. Scheme for Legal Services to the victim of Disasters through Legal Services Authorities.
12. Scheme for Protection of the Rights of Single Women.

Under the schemes, Legal Aid Clinics are being set up so as to provide necessary legal services to the legal aid seekers, in various villages, Office of Protection Officers, Jails, Observation Homes etc. of all the districts of Haryana, which are to be manned by Para-legal Volunteers and Panel Advocates. For that purpose, Para-legal Volunteers are to be identified and trained, before they are put on duty. Para Legal Volunteers have also to work for implementation of the Schemes for the benefit of unorganized labor, single women, mentally retarded & disabled persons etc. Panel Advocates with the help of Para Legal Volunteers have to hold workshops in different villages for creating legal awareness amongst the masses and to spread legal literacy. Mobile Vans provided by NALSA are also being used for that purpose.

It is believed by this authority that it is not feasible for Chief Judicial Magistrates –cum- Secretaries DLSAs to monitor entire work particularly the work of legal aid clinics set up in different far flung villages and Para-legal Volunteers, considering the fact that they are already over-burdened with judicial work. Though, they are trying to do their best, but proper monitoring of the various schemes is not taking place at desired pace.

In all the above circumstances, Hon'ble Mr. Justice Satish Kumar Mittal Judge, Punjab and Haryana High Court and Executive Chairman of this Authority has desired me to convey you that either one of the Panel Advocates or Para Legal Volunteer or any other suitable person may be appointed as Coordinator in each District to oversee and monitor all the works performed by Panel Advocates,

Retainers and Para-legal Volunteers and to see that Legal Aid Clinics are functioning properly and all the schemes are being implemented in true spirits so as to provide maximum benefit to the target groups. For doing the work of Coordinator, an honorarium of ` 10,000/- (Rs. ten thousand only) per month be paid. They may also be paid actual T.A. @ ` .6/- per k.m. on producing a certificate of journey. For visiting the sites of legal aid, he will have to get his tour programme approved from the Chief Judicial Magistrate-cum-Secretary of the respective District Legal Service Authority in advance.

You are requested to recommend the name of one person who may be Panel Advocate or Para-legal Volunteer or any other suitable person as deemed fit by him to oversee and monitor all the following works and who can be appointed co-ordinator for your Authority. Co-ordinator will have to perform following functions:-

1. He will coordinate with the Chairman/Secretary, District Legal Services Authorities and Chairman, Sub-Divisional Legal Services Committees to achieve the objectives of the Legal Services Authorities Act and perform his duties in such a way that all the schemes are implemented effectively.
2. Under the supervision & control of Secretary, DLSA, he will prepare schedules of Para Legal Volunteers and Panel Advocates to attend Legal Aid Clinics; Rural Lok Adalats and legal awareness camps, keeping in view the instruction of State Authority issued from time to time.
3. He will check/supervise the visits of Panel Advocates and Para Legal Volunteers to Legal Aid Clinics in Jails, Panchayats/ Villages, O/o Protection Officer, Primary Health Centres etc.
4. He will coordinate with the Chief Judicial Magistrate for holding quarterly meetings with the PLVs.
5. He will supervise the working of Panel Advocates and PLVs deputed by DLSA and SDLSC in the front office.
6. He will coordinate with the Secretary of DLSA to convene quarterly meetings of DLSA.
7. He will prepare the schedule of all his visits, get it approved from Secretary, DLSA and shall forward the same to this Authority.
8. He will submit the consolidated report of visits and the deficiencies found in the implementation of legal aid schemes/holding of rural Lok

Adalats and visit of Legal Aid clinics by Advocates/ PLVs etc. to the Member Secretary, HALSA.

9. It will be his duty to see that Mobile Van is functioning properly as per the schedule prepared by DLSA, whenever the said Van is in his District.
10. He will do Social Audit on Legal Services Activities carried out by DLSAs/SDLSCs under the guidance of HALSA.
11. He will ensure the implementation of the Schemes viz. All India Legal Aid Cell on Child Rights, MGNREGA.
12. He will coordinate with the NGOs', various Govt. Departments, Universities and other, promoting the cause of Legal Services to the poor.
13. He will interact with protection officers, police officers, service providers and shelter homes for better implementation of PWDV Act, 2005.
14. He will coordinate the concerned authorities for implementation of the scheme for workers in the unorganized sector.
15. He will take steps for innovation and diversification.
16. He will manage the Special legal literacy classes on the rights of the disabled persons.
17. He will check and get other schemes implemented as directed by Haryana State Legal Services Authority from time to time.
18. Any other functions as may be directed by State Authority or District Authority from time to time.

Sd/-
Member Secretary,
Haryana State Legal
Services Authority,
Chandigarh

Endst.No.1252-1275/LAC/2012/MS/HALSA,dated,Chandigarh,the 27/01/2012

A copy of the above is forwarded to the following for information and necessary action:-

All the Additional Civil Judges (Sr.Division)-cum-Chairman, Sub-Divisional
Legal Services Committee.

Sd/-
Member Secretary,
Haryana State Legal
Services Authority,
Chandigarh

**SCHEMES FOR
ENFORCEMENT OF
SINGLE WOMEN'S
RIGHTS**

SCHEMES FOR ENFORCEMENT OF SINGLE WOMEN'S RIGHTS

Legal Services Authorities Act, 1987 was enacted to

- Provide Free & Competent Legal Services to weaker sections of the society.
- Ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.
- To organize Lok Adalats to secure that the operation of legal system promotes justice on basis of equal opportunity.

Aforesaid Act was enacted to achieve the goals enshrined in directive principle contained in Article 39 A of the Constitution, added by 42nd Amendment Act, 1976 in order to ensure equal justice as promised to all citizens by the preamble and to further the guarantee of equality before law, which was meaningless to a poor man as long as he was unable to pay for his legal advisor.

Section 12 of the Legal Services Authorities Act, 1987 to be read with Rule 19 of the Haryana State Legal Services Authorities Rules, 1996 provide the criteria for giving legal services. Amongst other category of people, women, irrespective of their financial or social status, are entitled to free legal services, which include rendering of any service in the conduct of any case or other legal proceedings before any Court/Authority and giving of advice on any legal matter.

Women constitute strategic segment of the society and our constitution provides for support mechanism in the shape of protective discrimination for them. However, despite various schemes of social upliftment and programmes of women empowerment, much is still to be done. It is felt that even amongst women, a large segment of single women, (who include abandoned, widowed, deserted, separated, unmarried and divorced) is more vulnerable to atrocities & general discrimination and is deprived of reaping the fruits of legal aid benefits, for want of awareness or due to illiteracy.

Recently, a report appeared in a leading Daily Newspaper "Tribune" on 16th October, 2011 highlighting the plight of such single women. It was reported that there are 36 million single women in India according to 2001 census, numbering more than the population of Canada. This figure is only of those single women, who are legally divorced, separated and widowed. As per the report, a survey was conducted by 'National forum for single women's rights', which found that 75% of the sampled women lived on less than minimum daily wages in their states and yet only 21% of them were actually recognized as poor by the Government. The single women who include widows, divorcees, separated, deserted and unmarried are part of work force, which is mostly unorganized, majority of whom find the going tough. Particularly, in rural areas, they have to constantly battle not only societal prejudices but also have to fight

for survival. The atrocities faced by widowed women on the part of their in-laws after the death of husband are more acute, as they are caught between rigid social & religious customs. There is no official estimate of abandoned, deserted and unmarried women, multitudes of whom live invisibly, often at the mercy of callous family customs and beyond the reach of public welfare.

The challenges faced by the single women are manifold. They are not only vulnerable as both physical and financial insecurity stalks their existence but often face overt discrimination. Many such women despite technically heading the households being providers for their children, are hardly named as heads of families in ration cards. Only some of them receive social security benefits.

Haryana State Legal Services Authority has implemented scheme of Para-legal Volunteers. These volunteers are expected to act as intermediaries/bridge between the common people and legal services institutions and thereby removing the barriers of "Access to Justice". Besides this, Haryana State Legal Services Authority has opened legal aid clinics in cluster of villages of all the Districts of Haryana, which are manned by Para-legal Volunteers and Panel Advocates.

It is felt that in order to ameliorate the condition of single women and to help them achieve their rights; our Para-legal Volunteers can visit every village falling under the area of their operation and identify such single women so as to provide necessary legal services to them. Considering the fact that single women may not be in a position to approach legal services institutions, our effort should be to reach them as "Access to Just for all" is our motto.

Apart from this, it is felt that no woman will be able to assert her right, unless she is aware about the same. Therefore, it will be the duty of Para-legal Volunteers to make such women aware about their rights particularly to make them aware how to claim their rights to land and other property; how to claim maintenance; how to break with the traditions in their caste or community; to guaranteed wage equal to that of men, which will help them afford food, better nutrition and shelter.

Para-legal Volunteers (female) will further help single women to approach the concerned authorities for issuance of ration cards, old age pension, job card, BPL cards etc and to claim maintenance and property rights. Para – Legal Volunteers / Panel Advocates will also create awareness amongst such single women about their constitutional & statutory rights and further apprise them of the various schemes of this Authority or NALSA and other social security governmental schemes, which are beneficial to them. Educated or otherwise interested single women may also be trained as Para Legal Volunteers; as such women will be more helpful in providing succor to similarly placed single women.

It is hoped that by said effort of legal services authorities, various kinds of atrocities faced by single women can be avoided. Said efforts will be

helpful in bringing to the fore the problems of this marginalized section of the society and ensure that benefits of statutory provisions and social security schemes reach these needy women without any hiccups.

In view of the all above, it is proposed that directions be sent to all the District & Sessions Judge/Additional District & Sessions Judge-I –cum-Chairmen, District Legal Services Authorities in Haryana, to direct **female** Para-legal Volunteers of their respective districts to visit every village falling under the area of their operation (cluster) and to identify the single women and provide them all sort of legal services, whichever is required and to help/guide them to approach legal services institutions, if and when it is required to assert their rights. Special workshops may also be conducted to make these women aware of their rights. Interested women of this segment of society may also be trained as 'Para Legal Volunteers'.

OR

Any other order as your lordship feels proper.

Sd/-
(Deepak Gupta)
Member Secretary,
HALSA

Sd/-
Hon'ble Executive Chairman

From

Deepak Gupta,
Addl. District & Sessions Judge-cum-Member Secretary,
Haryana State Legal Services Authority,
SCO No. 142- 143, 1st Floor, Sector 34-A,
Chandigarh.

To

All the District & Sessions Judges/
Additional District & Sessions Judges-I-cum-Chairmen,
District Legal Services Authorities,
in the State of Haryana.

No.14690-710/2011 /MS/HALSA,
Dated, Chandigarh, the 18.11.2011.

Subject: Schemes for enforcement of Single Women's Rights.

Sir/Madam,

Women constitute strategic segment of the society and our constitution provides for support mechanism in the shape of protective discrimination for them. However, despite various schemes of social upliftment and programmes of women empowerment, much is still to be done. It is felt that even amongst women, a large segment of single women, (who include abandoned, widowed, deserted, separated, unmarried and divorced) is more vulnerable to atrocities & general discrimination and is deprived of reaping the fruits of legal aid benefits, for want of awareness or due to illiteracy.

Recently, a report appeared in a leading Daily Newspaper "Tribune" on 16th October, 2011 highlighting the plight of such single women. It was reported that there are 36 million single women in India according to 2001 census, numbering more than the population of Canada. This figure is only of those single women, who are legally divorced, separated and widowed. As per the report, a survey was conducted by 'National forum for single women's rights', which found that 75% of the sampled women lived on less than minimum daily wages in their states and yet only 21% of them were actually recognized as poor by the Government. The single women who include widows, divorcees, separated, deserted and unmarried are part of work force, which is mostly unorganized, majority of whom find the going tough. Particularly, in rural areas, they have to constantly battle not only societal prejudices but also have to fight for survival. The atrocities faced by widowed women on the part of their in-laws after the death of husband are more acute, as they are caught between rigid social & religious customs. There is no official estimate of abandoned, deserted and unmarried women, multitudes of whom live invisibly, often at the mercy of callous family customs and beyond the reach of public welfare.

The challenges faced by the single women are manifold. They are not only vulnerable as both physical and financial insecurity stalks their existence but often face overt discrimination. Many such women despite technically heading the households being providers for their children, are hardly named as heads of families in ration cards. Only some of them receive social security benefits.

Haryana State Legal Services Authority has implemented scheme of Para-legal Volunteers. These volunteers are expected to act as intermediaries/bridge between the common people and legal services institutions and thereby removing the barriers of “Access to Justice”. Besides this, Haryana State Legal Services Authority has opened legal aid clinics in cluster of villages of all the Districts of Haryana, which are manned by Para-legal Volunteers and Panel Advocates.

It is felt that in order to ameliorate the condition of single women and to help them to achieve their rights; our Para-legal Volunteers can visit every village falling under the area of their operation and identify such single women so as to provide necessary legal services to them. Considering the fact that single women may not be in a position to approach legal services institutions, our effort should be to reach them as “Access to Justice for all” is our motto.

It is hoped that by said effort of legal services authorities, various kinds of atrocities faced by single women can be avoided. Said efforts will be helpful in bringing to the fore the problems of this marginalized section of the society and ensure that benefits of statutory provisions and social security schemes reach these needy women without any hiccups.

Hon'ble Mr. Justice S.K.Mittal, Judge, Punjab and Haryana High Court, Chandigarh and Executive Chairman of this Authority has desired me to request you that **female** Para-legal Volunteers of your respective districts be directed to visit every village falling under the area of their operation (cluster) regularly:

1. to identify the single women and provide them all sort of legal services, whichever is required;
2. to help/guide them to approach legal services institutions, if and when it is required to assert their rights.
3. to make these women aware of their rights, special workshops may also be conducted.

His Lordship has also directed that interested women of this segment of society may also be trained as ‘Para Legal Volunteers’.

You are further requested to do the needful and send a report to this Authority so that the same may be placed before the Hon’ble Executive Chairman of this Authority.

Sd/-
Member Secretary,
Haryana State Legal
Services Authority,
Chandigarh.

PROSECUTION SCHEME

PROSECUTION SCHEME

Model scheme for Legal Aid Prosecution Counsel for victims of rape and other crimes against women and children was submitted by Dr. Bharat Bhushan Parsoon, Ld. District & Sessions Judge, Narnaul vide letter No.591 dated 1.2.2006. After getting approval from the Hon'ble Executive Chairman, this Authority vide letter No. 5937 (LA-I)/2006/MS/HLSA dated 23.5.2006 asked the District & Sessions Judge-cum-Chairman, District Legal Services Authority, Narnaul at the first instance to constitute Legal Aid Prosecution Counsel Cell for victims of rape and other crimes against women and children at Narnaul and to submit his report about the working and viability of the Cell within a period of six months. Dr. B.B. Parsoon, on his transfer as District & Sessions Judge-cum-Chairman, District Legal Services Authority, Jind vide letter no. 2422 dated 24.4.07 submitted a similar scheme for implementation at Jind and also submitted that scheme proved to be a success with effective results at Narnaul. After getting approval from Hon'ble Executive Chairman, this Authority vide letter No.4342 (LA-I)/2007/MS/HLSA dated 14.5.2007 requested the District & Sessions Judge-cum-Chairman, District Legal Services Authority, Jind to constitute Legal Aid Prosecution Counsel Cell for victims of rape and other crimes against women and children at Jind and to submit his report about the working and viability of the cell within a period of six months.

The District & Sessions Judge-cum-Chairman, District Legal Services Authority, Narnaul vide letter No. 3342 dated 4.5.07 forwarded letter No.591 dated 4.5.2007 of the Chief Judicial Magistrate-cum-Secretary, District Legal Services Authority, Narnaul whereby he forwarded the progress report of implementation of Legal Aid Prosecution Counsel Scheme for victims of rape and other crimes against women and children submitted by Smt. Usha Yadav, Advocate, District Courts, Narnaul and also forwarded the reports of concerned police stations for payment of honorarium to the concerned Advocates. Vide letter No. 1993(A/c-359.1)07/S/DLSA/J dated 13.11.2007, letter No. 1994 (A/c-359)07/S/DLSA/J dated 13.11.2007, letter No. 55 (A/c-410.1)07/S/DLSA/J dated 11.1.2008 and letter No. 56 (A/c-410.1)07/S/DLSA/J dated 11.1.2008, the Chief Judicial Magistrate-cum-Secretary, District Legal Services Authority, Jind has submitted that the Legal Aid Female Prosecution Scheme has been implemented in Jind w.e.f 23.6.2007 and requested for payment of honorarium to the concerned Advocates for legal representation during the investigating stage @ Rs. 500/- per visit besides traveling expenses and also requested that proper fee structure may be fixed for Female Prosecution Counsel who may assist the Public Prosecutors during the trial before trial court or appeal in the appellate court or revision before the Revision court.

It may also be added here that vide letter no. 2422 dated 24.4.07 Dr. B.B.Parsoon, District & Sessions Judge-cum-Chairman, District Legal Services

Authority, Jind made the following suggestions regarding the remuneration/fee to be paid to Legal Aid Prosecution Counsel :

1. For attending Investigations, Remand & Committal Proceedings (if any), the remuneration for every such counsel would be Rs. 500/- per case with Traveling expenses.
2. For conducting trial in the court of a Magistrate the fee would be pari matrixl with the pattern of payment to Legal Aid Counsel already in place for the accused in Magistrate's court or Sessions Courts as the case may be to avail facility of Legal Aid Prosecution Counsel, the Appeal/Revision would be filed with the approval of the Member Secretary, Haryana State Legal Services Authority . Fee for contesting and Appeal/Revision in High Court would be fixed by the S.L.S.A. In Supreme Court such fee would be as approved by the S.L.S.A.
3. Compliance with the requirements of Section 12 & 13 of the Legal Services Authorities Act, 1987 would be necessary;
4. Monthly payments of Legal Aid Prosecution Counsel would be made after obtaining certificate from the Police Stations/Concerned Judicial officers regarding attendance of the counsel during investigations/proceedings of remand and committal proceedings:
5. On conclusion of Trial/Appeal/Revision proceedings, as the cases may be, payment bill certified on the prescribed proforma from the Court concerned sent through Secretary of the District Legal Services Authority (Chief Judicial Magistrate) would be submitted to the PSLA or as the case may be for prompt payment.

Now vide letter No.2059 dated 8.6.2009 the Chief Judicial Magistrate-cum-Secretary, District Legal Services Authority, Jind has submitted that in view of this Authority letter No.4342 dated 14.5.2007, the Model Scheme for Legal Aid Prosecution Counsel for victims for rape and other crime against women and children has been implemented in the District, Jind and the scheme is very successful. The Chief Judicial Magistrate-cum-Secretary, District Legal Services Authority, Jind also sent some bills submitted by various female advocates for information and necessary action in this Authority.

It may be added that no fee for the advocates visiting Police Stations in order to assist legally and morally, the women and children victims of offence,

under Legal Aid |Prosecution Counsel scheme has been fixed by this Authority as yet.

If approved by Your Lordship, it is proposed that lady advocates may be deputed as Legal Aid Counsel under Prosecution Counsel Scheme, to assist legally and morally, the victims of rape and other crime against women and children. They may be allotted one or two courts depending upon the strength of lady advocates at the particular District or Sub-Division. They will be required to visit the Police Station falling under the jurisdiction of concerned courts allotted to them under the scheme and to assist the victims of rape and other crimes against women and children.. These lady advocates will also legally and morally assist the victims of rape and other crime against woman and children during the trial of the criminal case. They will be paid an amount of Rs.1000/- per case from investigation stage upto the conclusion of trial at the level of the lower court. They will also be entitled to traveling expenses at the following rates.

Upto 20 kilometers	:	Rs. 100/-
Upto 40 kilometers	:	Rs. 150/-
Upto 60 kilometers	:	Rs. 200/-
Upto 80 kilometers	:	Rs. 250/-

Sd/-

Member Secretary.

Sd/-

Hon'ble Executive Chairman

It is proposed that the experiment regarding the Prosecution Counsel Scheme may be extended to all other districts besides Jind. As already approved by your Lordship on page 17 ante, the Legal Aid Counsel deputed under Prosecution Counsels Scheme in other districts may also be paid an amount of Rs.500/- per case for attending Investigations, Remand and Committal Proceedings (if any). They will also be entitled to travelling expenses at the following rates.

Upto 20 kilometers	:	Rs. 100/-
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Upto 40 kilometers : Rs. 150/-

Upto 60 kilometers : Rs. 200/-

Upto 80 kilometers : Rs. 250/-

It is further proposed that at the stage of trial, if the Secretary, District Legal Services Authority is satisfied that any victim of sexual offence against women and children, needs legal assistance, then Legal Aid Counsel may be provided to her/him and Legal Aid Counsels shall be paid legal fee as per schedule already fixed by this Authority vide letter No.5015-34/MS/HSLSA dated 8.7.2002.

Sd/-

Member Secretary.

Sd/-

Hon'ble Executive Chairman

No.10681/2009/MS/HSLSA

From

H.S.Bhangoo,
District & Sessions Judge-cum-Member Secretary,
Haryana State Legal Services Authority,
SCO No.142-143, Sector 34-A,
Chandigarh.

To

The Director General of Police,
Haryana, Panchkula.

Dated, Chandigarh, the 31.8.2009

Subject: Model Scheme for Legal Aid Prosecution Counsel for victim's of rape and other crime against women and children.

Hon'ble Mr.Justice Adarsh Kumar Goel, Judge, Punjab and Haryana High Court and Executive Chairman of this Authority has approved a Scheme for providing Legal Aid Prosecution Counsel to victim's of sexual offences and other crimes against women and children, for implementation in all Districts of Haryana. Under the scheme Secretary, District Legal Services Authority will appoint lady

advocates, who will be required to visit the Police Stations falling under the jurisdiction of concerned courts allotted to them under the scheme and will give legal assistance to the victims of rape and other crimes against women and children.

In view of the above you are requested to direct all the SHO/Incharge of Police Stations in the State of Haryana to do the needful and to co-operate with the lady advocates appointed by the Chief Judicial Magistrates-cum-Secretaries, District Legal Services Authorities in the State of Haryana, in discharge of the aforesaid duty by them.

Sd/-
Member Secretary,
Haryana State Legal
Services Authority,
Chandigarh.

Endst.No.10682-10700/2009/MS/HSLSA, Dated, Chandigarh,the 31.8.2009

A copy is forwarded to all the Chief Judicial Magistrates-cum-Secretaries, District Legal Services Authorities in the State of Haryana for information and necessary action.

Sd/-
Member Secretary,
Haryana State Legal
Services Authority,
Chandigarh.

No.10643-10661/2009/MS/HSLSA

From

H.S.Bhangoo,
District & Sessions Judge-cum-Member Secretary,
Haryana State Legal Services Authority,
SCO No. 142-143, Sector 34-A,
Chandigarh.

To

All the Chief Judicial Magistrates-cum-Secretaries,
District Legal Services Authorities
in the State of Haryana.

Dated, Chandigarh, the 31.8.2009

Subject: Model Scheme for Legal Aid Prosecution Counsel for victim's of rape and other crime against women and children.

The Hon'ble Executive Chairman has approved the Model Scheme for Legal Aid Prosecution Counsel for victim's and other crime against women and children for implementing in all Districts of Haryana. Under the scheme you may appoint lady advocates. They will be required to visit the Police Station falling under the jurisdiction of concerned courts allotted to them under the scheme and will give legal assistance the the victims of rape and other crimes against women and children. They will be paid an amount of Rs.500/- per case for attending Investigations, Remand & Committal Proceedings (if any). They will also be entitled to traveling expenses at the following rates.

Upto 20 kilometers	:	Rs. 100/-
Upto 40 kilometers	:	Rs. 150/-
Upto 60 kilometers	:	Rs. 200/-
Upto 80 kilometers	:	Rs. 250/-

At the stage of trial, if the Secretary, District Legal Services Authority is satisfied that any victim of sexual offence against women and children, needs legal assistance, then Legal Aid Counsel may be provided to her/him and Legal Aid Counsels shall be paid legal fee as per scheduled already fixed by this Authority vide letter No.5015-34/MS/HSLSA dated 8.7.2002.

Sd/-

Member Secretary,
Haryana State Legal
Services Authority,
Chandigarh.

Endst.No.10662-10680/2009/MS/HSLSA, Dated, Chandigarh, the 31.8.2009.

A copy is forwarded to all the District & Sessions Judges-cum-Chairmen, District Legal Services Authorities in the State of Haryana for information.

Sd/-
Member Secretary,
Haryana State Legal
Services Authority,
Chandigarh.

HALSA TOLL FREE HELPLINE NUMBER

1800-180-2057

(Timing 9.00 AM to 12.00 Mid Night on any working day)

Helpline Numbers of District Legal Services Authorities

(Timing 10.00 AM to 1.00 PM and

2:00 PM and 5:00 PM on any working day)

Sr. No.	District	Telephone Number	Sr. No.	District	Telephone Number
1.	Ambala	0171-2532142	11.	Kaithal	01746-235759
2.	Bhiwani	01664-245933	12.	Mewat at Nuh	01267-271072
3.	Faridabad	0129-2261898	13.	Narnaul	01282-250322
4.	Fatehabad	01667-231174	14.	Panchkula	0172-2585566
5.	Gurgaon	0124-2221501	15.	Panipat	0180-2640125
6.	Hissar	01662-270078	16.	Palwal	01275-259304
7.	Jind	01681-245048	17.	Rohtak	01262-257304
8.	Jhajjar	01251-252013	18.	Rewari	01274-220062
9.	Kurukshetra	01744-220216	19.	Sirsa	01666-247002
10.	Karnal	0184-2266138	20.	Sonepat	0130-2220057
			21.	Yamuna Nagar	01732-220840



HARYANA STATE LEGAL SERVICES AUTHORITY, CHANDIGARH

THIS AUTHORITY PROVIDES FREE LEGAL SERVICES TO THE POOR AND WEAKER SECTIONS OF SOCIETY.

"WHO ARE ELIGIBLE TO GET FREE LEGAL SERVICES"

Any citizen of India whose annual income from all sources does not exceed Rs.1,00,000/- or such higher amount as may be notified by the State Government from time to time, shall be entitled to legal services under clause (h) of Section 12 of the Act. The State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority and the Sub-Divisional Legal Services Committee, as the case may be, may grant legal services to any other person irrespective of his income:-

- To a member of Scheduled Caste or Scheduled Tribe or Backward Classes;
- To a victim of trafficking in human beings or beggar as referred in Article 23 of the Constitution;
- To a woman;
- To a child, i.e. person who has not attained the age of 18 years or if he is under the guardianship under the Guardians and Wards Act, 1890 the age of 21 years;
- To 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);
- To a person, under circumstances of undeserved want such as being victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- To an industrial workman; or
- To a person 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 "Children's Home, Observation Home, Shelter Home and Special Home within the meaning of clause (e), (o), (u) and (v) respectively of section 2 of Juvenile Justice (Care and Protection of Children) Act, 2000(56 of 2000)."
- To a person in a psychiatric hospital or psychiatric nursing home within the meaning of clause (q) of Section 2 of the Mental Health Act, 1987; or
- In a test case, the decision of which is likely to affect cases of numerous other persons belonging to the poor and weaker sections of the society; or
- To a person, in a special case, which for reasons to be recorded in writing is considered otherwise deserving of legal service where the means test is not satisfied; or
- To a person in the case where the High Court or the Supreme Court provides legal service under any order in that case legal service would be deemed to have been provided by the Authority/Committee in relaxation of all the conditions laid down in this rule; or
- To a person in case of public interest litigation.
- To an ex-serviceman, and the families of such persons who have died in action; or
- To riot victims, and the families of such persons as well as terrorist victims and families of such persons; or
- To freedom fighters; or
- Transgender people; or
- Senior Citizen that is person who is citizen of India and has attained the age of 60 years or above.

"WHOM TO CONTACT TO GET FREE LEGAL SERVICES"

- At High Court Level** : **Member Secretary**, Haryana State Legal Services Authority, SCO No. 142-143, Sector 34-A, 1st Floor, Chandigarh-160022.
- At District Level** : **Chairman/Secretary**, District Legal Services Authority or any Legal Aid Clinic or Front Office of District Legal Services Authority.
- At Sub-Divisional Level** : **Chairman**, Sub-Divisional Legal Services Committee or any Legal Aid Clinic or Front Office of Sub-Divisional Legal Services Committee.