

# NALSA –A QUINQUENNIAL VISION & STRATEGY

## Objective

"The first duty of society is justice."

- Alexander Hamilton

"Without equal access to the law, the system not only robs the poor of their only protection, but it places it in the hands of their oppressors the most powerful and ruthless weapon ever created."

- Reginald Heber Smith, Justice and the Poor, 1919

Though the Constitution of India provides the framework for fulfilling, realising and actualising the pledge for 'justice' enshrined in the preamble, but in the society deeply divided on the basis of caste with centuries-old traditions of exploitation and discrimination, the above pledge has remained a distant dream and faces challenges in realisation. But since the Constitution of the country is made supreme and the rule of law is intended to prevail in the society, there is no alternative but to bridge the 'justice gap' by ensuring equal access to justice to the people of the country.

"Access of justice for all" is the vision of Legal Service in India. It summarizes what we stand for, what we have strive to achieve since the day of our inception and what we intend to do in the years to come. We are re-emphasizing it once again when we are unfolding our vision and strategy for the next five years.

Going by the stark reality that a substantially large percentage of the population of this country still suffers from extreme poverty and wants in areas of food, nutrition and public health, with no social security whatsoever and fear/apprehension amongst socially and economically disadvantaged people about relevance of the legal system only demonstrates that we have somehow faltered one way or the other and a lot more deserves to be done by laws, legal institutions and by all other institutions.

Hence, keeping in view the impediments in the process of access to justice on account of social disparities and systemic barriers to legal aid movement NALSA resolves to lay down 'realistic working-strategies' and to

design 'effective and concrete action plans' to achieve the objectives of the task assigned to it.

As would Dr. APJ Kalam would say “A vision is not a project report or a plan target. It is an articulation of desired end result in broader terms.” For us, the purpose of this document is not to predict exactly, where would be after five years but is an attempt to define in broader terms the desires and aspirations of NALSA, as to what NALSA would like to achieve in next five years i.e. by the year 2014. These desires may have been couched in broader terms but they are neither unrealistic nor an exercise to built castle in air. It is followed by the strategy which will make this dream come true.

## **Structure of the Document**

This document presents a vision and strategy for legal services in India for the next five years. It takes into its fold the plan of action adopted in the seventh All India Meet of State Legal Service Authorities held on 28-29 March, 2009 at Bangalore. It has also incorporated the comments and suggestions received from various State Legal Service Authorities. It is also a reflection of feedback we receive from time to time from various quarters including the target groups to whom legal services are provided.

This quinquennial vision and strategy document is organized as follows:

- Part-I (Legal Service – a journey from charity to constitutional Rights) recount the history of legal aid and coming into existence of NALSA
- Part-II- Looking back – the activities thus far
- Part-III – Projects, challenges and strategies.
- Part-IV– Identifies the thrust areas and sets out a proposed strategy to strengthen the legal services machinery in India
- Part – V- Lays down the road map for making the assessment and implementation of the strategies.

## Part-I

### **Legal Services – a journey from charity to Constitutional rights**

“Nothing rankles more in human heart than a brooding sense of injustice”

- Justice Brennan of US Supreme Court.

The yearning for justice is as old as the humankind. The human civilization has not only evolved the concept of justice in the course of its development but also fabricated different kinds of apparatuses to impart justice shaped by the local customs, history and circumstances.

Justice in terms of society would be meaningless if only a privileged few could access it. Seven hundred years ago Magna Carta Libertatum declared:

“No Freeman shall be taken, or imprisoned, or be disseised of his Freehold, or Liberties, of free Customs, or be outlawed, or exiled, or any otherwise destroyed; nor will we pass upon him, nor condemn him, but by lawful Judgment of his Peers, or by the Law of the Land. We will sell to no man, we will not deny or defer to any man either Justice or Right.”

The words used in declaration “We will sell to no man, we will not deny or defer to any man either Justice or Right” are profound. The right to access to justice is impregnate in these words.

The extent of this declaration would not have been very clear at the time it was made. It may not have been anticipated at that time that there would be a stage where the state would bear the expenses of any litigant at the tax payer's cost. It would have been seen as a irreconcilable contradiction that on one hand the State would prosecute an offender and on the other hand provide him assistance from the state exchequer to defend him in the Court of Law. No wonder Lord Denning described it as “The greatest revolution in the law since the post-second World War”

Even before the State had taken up on itself to provide the Legal Aid to the poor litigants there had been a movement of a sorts of the lawyers themselves to provide free Legal Aid. In 1981 a young barrister called Frank Tillyard began offering free Legal Advice at weekly poor Man's

Lawyer Meeting at Mansfield House, a Community Centre in West Ham in the East End of London. There are numerous instances where lawyers in India, who were also part of freedom struggle like Gopal Krishna Gokhle provided free services to poor litigants.

In England there were many laws in place like the Poor Prisons Act, 1903 or Poor Person Procedure, 1940 to provide some kind of legal aid to poor prisoners but the real organized effort to provide legal aid and legal advice came up only after Rushcliffe Committee in the year 1944, which ultimately became the basis for the enactment of Legal Aid and Legal Advice Act, 1949.

Around the same period, the attention of Government of India in 1945 was brought by the Bombay Legal Aid Services Society, to the report of Lord Rushcliffe on Legal Aid and Legal Advice in England and Wales. The Bombay Legal Aid Service Society had suggested the setting up of similar Committee in India to examine the question of Legal Aid. In March, 1949, under the Chairmanship of Justice N. H. Bhagwati (then a Judge of Bombay High Court) was constituted by the Government of Bombay to consider the question of granting of Legal Aid to persons of limited means and persons belonging to backward classes. In the same year, Government of Bengal, had set up another Committee under the Chairmanship of Sir Arthur Trevor Harries, the then Chief Justice of Calcutta High Court. The detailed reports were submitted by the said two Committees to respective Governments. It, however, appears that nothing much could be done on the basis of these reports. India at that time was a nascent nation, struggling to stand on its feet. There were obvious financial constraints to put into practice the schemes like that of Legal Aid to Poor. At that time of the history, the courts were yet to take a clear stand on the issue. In *Janardhan Reddy v. State of Hyderabad* AIR 1951 SC 217 the Court despite observing after hearing the argument - “.. we must state the throughout the arguments on this point, we could not help feeling that the Special Tribunal should have taken some positive steps to assign a lawyer to aid the accused in their defence.” had held “it cannot be laid down as a rule of law that in every case where the accused is unrepresented, the trial shall be held to be vitiated”

Law Commission of India, in its 14<sup>th</sup> Report had considered the question of Legal Aid and made one of the recommendations stating “Free Legal Aide to poor person and persons of limited means is a service which a modern welfare State owes to its citizens. The State must, therefore, accept this obligation and make available funds providing legal aid to poor

persons and persons of limited means.” This report was submitted on 26<sup>th</sup> September, 1958. This report did not have much impact.

Legal aid programme in India received renewed impetus, thanks to the great legal luminaries of this country like Justice P. N. Bhagwati and Justice V. R. Krishna Iyer. Justice Bhagwati had submitted a report on free Legal Aid in 1971 and a similar report was submitted by a Committee on Legal Aid titled “Processul Justice to Poor” presided over by Justice V.R. Krishna Iyer in 1973.

It was the report of Committee for Legal Aid constituted under the Chairmanship of Justice V.R. Krishna Iyer, which eventually became the basis of legal aid movement in India. The Committee in its report recommended the introduction of concept of legal aid in the Constitution of India. This recommendation was accepted and by 42<sup>nd</sup> Amendment (1976), Article 39A was introduced as one of the Directive Principles of State Policy. The introduction of this Directive Principle and the judicial activism of the time took the legal aid movement to a new high. We all know too well how the Lok Adalats were organized through out the country as part of Legal Aid programme, for the quicker disposal of cases. Article 21 received a new interpretation in the light of Article 39A in *Hussainara Khatoon v. State of Bihar*, (1980) 1 SCC 98. In the subsequent judgments, Supreme Court time and again emphasized the question of providing free legal aid to an accused in criminal cases, describing it as a Constitutional mandate. The role of legal aid was redefined by the Supreme Court in 1986 in the case *Suk Das v. Union Territory of Arunachal Pradesh* AIR 1986 SC 991, bringing into focus the conviction that legal aid programmes (need not be passive programme but) must be proactive, where the legal aid is not just confined to providing it as and when a litigants approaches for it but also creating awareness of legal rights. In the said judgment, it was observed:

“Now it is common knowledge that about 70% of the people living in rural areas are illiterate and even more than that percentage of the people are not aware of the right conferred upon them by law. Even literate people do not know what are their rights and entitlements under the law. It is this absence of legal awareness which is responsible for the deception, exploitation and deprivation of rights and benefits from which the poor suffer in this land. Their legal needs always stand to become crisis oriented because their ignorance prevents them from anticipating legal troubles and approaching a lawyer for consultation and advice in time and their poverty magnifies the impact of the legal troubles and difficulties when

they occur. Moreover, because of their ignorance and illiteracy, they cannot be self-reliant; they cannot even help themselves. The law ceases to be their protector because they do not know that they are entitled to the protection of the law and they can avail of the legal service programs for putting an end to their exploitation and winning their rights. The result is that poverty becomes with them a condition of total helplessness. This miserable condition in which the poor find themselves can be alleviated to some extent by creating legal awareness amongst the poor. That is why it has always been recognized as one of the principal items of the program of the legal aid movement in the country to promote legal literacy. It would be in these circumstances made a mockery of legal aid if it were to be left to a poor, ignorant and illiterate accused to ask for free legal service, legal aid would become merely a paper promise and it would fail of its purpose.”

Legal Services is that important tool, which makes the ideals of justice, liberty, equality, which together forms a spirit of Constitutional freedom, a reality. With the enactment of legal services Authorities Act, 1987, the structure for providing legal aid is firmly in place. The Act provides a structure for imparting legal aid right from Supreme Court of India to Taluk level.

NALSA was constituted on 5.12.1995 and became properly functional by February, 1998. The State is alive to the necessity of providing legal aid to the needy like at no other time before. So much so that in the substantive enactments dealing with social justice like Mental Health Act, Scheduled Caste/Scheduled Tribes (Prevention and Atrocities) Act, 1989 and Protection of Women from Domestic Violence Act, 2005, it is the responsibility of State to make available “legal services”, which includes “rendering of any service in the conduct of any case or other legal proceedings” of the case.

## **Part-II**

### **Looking back – the activities thus far**

Ever since the day when the activities of the erstwhile Committee for Implementation of Legal Aid (CILAS) were taken over by National Legal Services Authority (NALSA) in December 1995, NALSA has been endeavoring to implement the objectives of Legal Services Authorities Act, 1987. In addition to the court based legal aid to the categories of persons eligible for free legal services under Section 12 of the Act, NALSA has paid incremental attention to conduct Lok Adalats all over the country as a part of its drive for ADR and also the preventive and strategic legal aid through legal awareness camps. Some states have started target specific legal literacy classes for the benefit of school and college students and also for empowerment of women in neighborhood groups.

Till 31.03.2009 around 96,99,000 persons were benefited through legal aid and advice throughout the country out of which about 13,83,000 people belong to Schedule Castes and 4,64,000 belong to Schedule Tribes. As many as 10,22,000 women have benefited out of the legal services rendered by NALSA and its State counter-parts. Around 2,35,000 prisoners were also given legal services.

Around 7,25,000 Lok Adalats have been organized in the country till 31.03.2009, in which 2,68,00,000 cases have been settled. Of these settled cases, 16,87,000 cases were relating to motor accident compensation. The compensation disbursed in these cases has been to the tune of around Rs.75,93,18,00,000.

A large number of national and regional level conferences, conventions, workshops and training courses were also conducted by NALSA throughout the country. It is worth mentioning that NALSA had undertaken legal aid to the HIV affected persons, in collaboration with the UNDP. Similar programmes have been undertaken with the assistance of UNODC also.

Legal Aid has become a fundamental right of the deprived and marginalized people of the society. The concept of equality envisaged in Article 14 of our Constitution can not be promoted by the exclusion of such deprived groups. The Legal Services Authorities in the country must aim at the inclusive strategy of bringing up the marginalized groups to the mainstream of the society and providing them the benefits of Equality contemplated under Article 14.

## **Part-III**

### **The Challenges**

#### **Conflicts & Economic Growth:**

In the last 25 years per capita income has doubled in India. According to some estimates rate of gross domestic product (GDP) of 9 percent per annum would be sufficient to quadruple per capita income by 2020. Despite the global economic slow down India has stood its ground. Although there has been an economic slow down in the last few years, the GDP which was at 9.3 percent in 2007 is likely to slip to 6.9 in 2009 ,according to IMF, but with economy firmly in control , the recovery may just be round the corner. There is no reason why growth rate of 9 of GDP percent can not be sustained by 2020. If we want this growth rate to be attained and this growth has the human face , it would be extremely important, apart form all we are dong, that we manage and resolve the conflicts we have and the conflict which may arise as a result such economic growth, effectively and efficiently.

#### **Community Disputes:**

There is another factor which we always need to keep in mind that India still lives in its villages and these villages are no longer “Independent Republics” as they used to be at one time. The new means of communication have bridged the gap between village communities and the other communities. Villages are increasingly coming into contact with the industries outside villages, in urban centres. The life in villages is no more as simple as it used to be. There was a time when all kind of community conflicts in villages were handled by the Gram Panchayats. These institutions have either crumbled to a great extent or are in need of a new orientation or to be empowered with the new tools of resolving disputes.

#### **Industrial Relations:**

Industrial relations or in the larger terms employer-employee relations is another conflict situation which needs attentions. Although conciliation machineries exist under the provisions of the Industrial Disputes Act, 1947, they are incapable of resolving all kinds of employer- employee disputes. At times, they are reduced to mere formal preliminary exercise before an industrial dispute is referred for adjudication. There is an urgent requirement to evolve mechanisms to in house resolution of disputes before they are taken out for redress to formal institutions.



### **Government as the litigant:**

The government is itself one of the largest litigants in this country. A lot of tax payers' money is consumed in useless or avoidable litigation. Sadly, the courts also take years to decide litigations and by the time final decision comes, the ultimate cost (not merely financial) of litigation goes up substantially. There are times like in the case of litigations related to government employees where a dismissed employee is reinstated in service after long drawn litigation and the government has to pay such an employee wages for the periods for which no service has been rendered by the individual. Primarily, the reason invariably is that there is no one prepared to take decisions in respect of the disputes, may be some times because there is no reasonable method of ascertaining the final outcome of the litigation which makes it difficult to take decisions for the bureaucrats.

### **Causes of marginalized:**

There are many issues on which NALSA can take stand and resort to social justice litigation to address questions concerning people at large in general and poorer and weaker sections of the society in particular. Unfortunately there is nothing much which has been done in this respect. NALSA needs to activate its legal cell and also instruct the legal service authorities at the state district and the Taluk level to set up similar cells and formulate the policies to identify the causes which may be taken up by way of social justice litigation. Since more than 6 decades we are an independent democratic welfare state where the state is responsible to ensure welfare of its citizens. But a significant percentage of population in the country is poor and awaiting the welfare arm of the state. Unfortunately, there are certain colonial laws still in operation today which criminalize poverty and punish people on the basis of their status such as the Bombay Prevention of Begging Act, 1959.

### **Illiteracy & Ignorance:**

A large section of our society is still illiterate. They have no knowledge of their rights. First of all it may not be possible to make them aware of their rights in the sense one may like them to understand and secondly if even if they are made aware of their rights they may still not be access the forums available for getting relief because of the incapacity to handle the paper work which may be required to be carried out to get the relief. These people may also suffer form some kind of inhibition in approaching the legal service centres at the district level or the taluk level. There exists requirement for NALSA should play a proactive role and provide legal services to all such people at their door steps.

### **Effective implementation of socio-economic laws:**

There is plethora of laws and statutes enacted with a view to improve the socio-economic conditions of the poor and down-trodden and also to ensure that they are not exploited on account of social and status inequalities, such as the Minimum Wages Act, the Contract Labour (Regulation and Abolition) Act, the Bonded Labour System (Abolition) Act and the Inter-State Migrant Workmen (Regulation and Condition of Service) Act. But unfortunately they are often not properly and effectively implemented in the interest of the poor and the disadvantaged. The implementation of the legislation enacted with a view to improving the socio-economic conditions of the poor and the downtrodden is many a time frustrated and thwarted by the economically powerful sections of the community with the result that the legislation remains merely a paper tiger without teeth and claws. Even the benefits of various social and economic rescue programmes initiated by the Central and State Governments through administrative measures have not effectively reached the poor and weaker sections of the community. It's time that NALSA comes out of its traditionally understood remedial role and avenues of its assuming preventive role are explored as well.

### **Calamities – man-made or natural:**

Global scenario is rapidly changing. As the physical boundaries are merging, traditional safety mechanisms for life and liberty appear to be inadequate. There is violation and infringement of the very basic right to live and survive by the actions of unknown and unforeseen forces having the capacity to cause massive destruction in ethnic, communal or terrorist activities. In the wake of natural disasters like earthquake, tsunami, etc., executive branch always doles out relief. But, there has always been disenchantment with such measures, particularly on the score of timeliness of the relief, adequacy, quality, equitable distribution and so on. A welfare state is responsible to guarantee the right to safety to its people and it cannot be absolved of its corresponding duty. We understand that NALSA is required to reach out to the victims of these activities and explore the avenues to play rehabilitative role.

### **Docket exclusion:**

The impediments in 'Access to Justice' are: (i) where a person is able to approach the courts but may not take his litigation right through the trial; (ii). Where a person has not been able to approach the court at all. The latter can be sub-divided into two categories – (a) where the person is

aware of his rights but does not know whom to approach and where to approach, and (b) where the person is not aware of his rights at all. NALSA must find out solutions to reach out to people and to enable them to overcome these barriers.

## **The Strategy**

The strategy of meeting the aforesaid challenges and to achieve the broader Constitutional objectives under Article 39A would be to focus on empowering and enabling the legal services institutions, at all the levels, empowering people and institutions to resolve their own disputes and to remove barriers to “access to justice” and to bring justice to the door steps of the people.

### **Scaling up for a national coverage of legal services activities**

The Strategy laid down in this document envisages a synergistic implementation of the policies laid down by NALSA along with the State-level Plan of Action and strategies adopted by the State Legal Services Authorities. The policies laid down by the State Authorities shall be supplementary in nature, not to supplant the National policies and strategies laid down by the Central Authority. One has to take in to account of the local situations prevailing in each State and may, in such cases, depart from the National Plan to suit the local conditions.

### **Role of National Legal Services Authority**

NALSA being the Central Authority is ordained (*by Section 4*) to lay down the policies and principles to be implemented for whole of the country. Nevertheless, taking into consideration the multi-ethnic and multi socio-economic and geo-political situations prevailing in India, the State level plans and strategies for legal aid also assume importance. Therefore, NALSA has to coordinate the activities of the State Legal Services Authorities for leading to the ultimate objective envisioned in Articles 14, 21, & 39-A of the Constitution of India. In order to implement the ‘Constitutional Vision’ in its letter and spirit, it is a statutory obligation of NALSA to lay down broad policies and principles for making legal services all inclusive, particularly having regard to the entitlement (as indicated in section 12) of marginalized or weaker sections of society like members of scheduled castes, schedules tribes, victims of trafficking, women, children, elderly persons, people with disabilities, etc. Towards this end, it is incumbent on NALSA to identify and give concrete shape to schemes with pan–India application, prioritize their implementation in a fixed time-frame

and at the same time equip the State Legal Services Authorities so as to strengthen their machinery to make it battle ready.

## **Role of State Legal Services Authorities**

Apart from implementing the National Strategies and Plans of Action, the State Authorities have a pivotal role to play. The State Authorities are to function in such a way as to serve as the State level apex body for the legal services activities taking place in the State concerned. They should work in such a manner as a benevolent institution to which all categories of persons mentioned in Section 12 of the Act can pin their hopes on. To the common people, the State Authority should be the first name which comes to his mind when they desire to get legal services. In other words, the functioning of each State Authority should be with the objective of making its name or acronym (e.g. NALSA, UP/MP SLSA etc.) an household-word in the State.

## **Development of NALSA into Apex Body with Research & Training Facility**

NALSA is in a centrally located position to develop itself as a policy making institution and also as a research and training institution.

It is intended to conduct orientation programmes for Judicial Officers in association with National Judicial Academy, Bhopal and also with the assistance of the State Judicial Academies.

It is also proposed to conduct research programmes on legal services in association with the Indian Law Institute, New Delhi and to engage law graduates as Research Officers.

## **Action Programme**

In order to have an effective and co-ordinated legal services with a national perspective, it is imperative that NALSA envisions policies on the identified thrust areas. At the same time, NALSA would like to reach out to the people at large and towards this end adopt appropriate publicity measures to add to the awareness. Production of documentaries in Hindi, English and regional languages, inserting advertisements in the print and electronic media through the DAVP can also be thought of for publicity measures. Similar strategies for publicity, education and training may be adopted by the State Legal Services Authorities also.

## **Synergistic action with State Legal Services Authorities**

It is important that the State Legal Services Authorities work in tandem with each other, always keeping NALSA informed, so that all energies are channelised in a concerted manner to achieve the shared broader objectives and common goals. NALSA shall periodically convene regional meets of the state authorities to exchange ideas, share their experiences and 'best practices'.

## **Quality Control**

The State Legal Services Authorities need to establish appropriate machinery for evaluation and monitoring of the programmes conducted at different levels by the legal services institutions under their control. NALSA intends to play an active role in evaluating the quality and impact of the programmes undertaken by the state authorities and lay down the standards and devise protocol there for. The ultimate objective of the quality control measures would be to evaluate the success and failure of various programmes and schemes of NALSA and State Legal Services Authorities.

## **Resource Requirements**

Implementation of the strategy outlined in this document undoubtedly will require substantial additional expenditure for the State Legal Services Authorities. Under Section 16 of the Act, the State Legal Services Authorities receives grants from the Central Authority as well as from the State Government. Most of the State Governments make provisions for grant-in-aid to the State Legal Services Authorities in their Budget. Quite often, the need for separate allocation of grant-in-aid for State Legal Services Authorities in the Budget of the State Governments is lost sight of by some State Governments. In many States the budgetary provision for grant-in-aid is confused with the salaries and administrative expenses of the State Governments. The Member Secretaries of the State Authorities shall have to impress upon the department of finance of the State Governments that the grant-in-aid contemplated under Section 16 and the administrative expenses including salary allowance etc mentioned in Sub section (7) of Section 6 of the Act are two different and distinct heads to be incorporated in the State Budget. It has to be specifically noted that the administrative expenses under S.6 (7) are to be defrayed out of the Consolidated Fund of the State. The distinction between the Consolidated Fund of the State and the budgetary provisions from out of the revenue of the State has to be delineated and impressed upon to the Budget wing of

the Finance Department of the State Government. If this is done, there will be no difficulty for the State Authorities to obtain grants from the State Governments for legal services. The Central Authority will endeavor to make appropriate allocations of fund to the State Authorities subject to the availability of grants under Section 14 of the Act.

## **Collaboration with Voluntary Organisations:**

There is a large number of NGOs working in every nook and corner of the country addressing different needs of the society, targeting different sections of the society. To derive optimum gain and maximize results out of their disparate efforts, it is desirable that NALSA provides the necessary platform so that there is a proper co-ordination amongst them, of course without compromising their identity or independence of initiatives.

## **Reaching out:**

In the last eleven years, the Information and communication technology has under gone a sea change. Today it is being used as vehicle of growth in every walk of life and governance. The NALSA is way behind in using this technology to either expand its reach or to render services effectively and efficiently to everyone.

Community Radio is another medium to reach out to even remote and inaccessible communities, where even ICT may have no impact. This is a tool with great potential which is yet untapped. These community radio stations can be managed locally with assistance from NALSA.

## Part-IV

### The Thrust Areas

#### **Lok Adalat**

Much before Civil Justice Reforms Act, 1990 in U.S. was enacted, paving the way for the growth in the creation of Alternative Dispute Resolution programme and their implementation in India the Committee of Implementing Legal Aid Scheme (CILAS) constituted by the Ministry of Law and Justice, Government of India, in the year 1980 had proposed the establishment of Lok Adalats. Pursuant to that, Lok Adalats were organized first in March 1982 in Gujarat. A practice which soon caught the imagination of every one and the Lok Adalats were beginning to be organized in different States across India. One cannot forget the enthusiastic response it received from people in general. In those days Lok Adalats used to be organized on Sundays and holidays. They bore a distinctive festive look. Contrary to the general belief lok adalats received whole hearted support from the community of legal practitioners, which took no time to embrace it. They were the ones who participated in large numbers by presiding over such lok Adalats *pro bono*.

Lok Adalats continue to be relevant and remain the single most effective method of resolving the disputes outside the Court. In the course of time, however, catering to the different needs, different variants of Lok Adalats have evolved.

- (a) **Lok Adalats** (Pre-litigation disputes) – Lok Adalats largely at one point of time remained a court annexed process, essentially working towards cutting short pending litigation. They continue to discharge this function but have gone a step further. They have taken in their fold the disputes ripe to ultimately land up in court. This is what is described as Lok Adalats for pre-litigation disputes. This process of early settlement of disputes at the pre-litigative stage, though at the level of individual, has not been able to catch the fancy of the people but it has received a tremendous response from the institutions like the Banks, Power Distribution Companies etc., which have a large potential of churning out litigation. One of the biggest advantages of pre-litigation is that it not only quells the litigation in its infancy and saves huge costs of prosecuting litigation in Courts but it also provides for greater scope of negotiation for the parties to settle

their disputes as at this point of time parties generally do not have a hardened stand as to their legal rights. They are prepared to negotiate on the basis of their respective interest rather than on their rights. The parties to a Lok Adalat come out in a “win-win” mood unlike in a court of law where they find themselves in a “win-loose” situation as a result of the adversarial nature of litigation.

- (b) **Permanent Lok Adalats for Public Utility Services** – Permanent Lok Adalats is another variant of Lok Adalats. Legal Services Authority Act envisages setting up of Permanent Lok Adalats for public utility services. It is well known that the Government, Government owned/run and controlled Corporations and Authorities are the biggest litigants in this country. The public utility services referred to in Section 22-A (b) have the largest share of such litigations as they have a huge consumer base. Permanent Lok Adalat is a process to resolve all the disputes which arise between an individual and the public utility services before the disputes are taken to the court. As the name would suggest, unlike the other Lok Adalats organized from time to time, it is a Lok Adalat which remains permanently available for everyone to approach for settling his/her dispute.

In the proceedings of Permanent Lok Adalat for Public Utility Services, the Adalat has to follow in seriatim, at first the techniques of mediation, then conciliation and finally arbitration, when parties agree to resolve the dispute on the basis of amicable settlement and compromise.

As far as practical, only serving Judicial Officers in the rank of Additional District Judge and above shall be appointed as Chairman of the Permanent Lok Adalat for Public Utility Services to ensure that such Officers are within the administrative and disciplinary control of the High Court concerned.

- (c) **Continuous Lok Adalats** – Continuous Lok Adalat is a concept of recent origin. It may sound akin to a Permanent Lok Adalat but it is not. While Permanent Lok Adalats take care of only the disputes which arise at a pre-litigation stage, the Continuous Lok Adalats are meant to resolve all disputes of civil nature and



compoundable criminal cases. There has been a realization in the course of time that a Dispute Resolution may not be a one day long affair. It may take several sittings to settle a dispute. Ordinarily Lok Adalats are organized for a day and in case of failure, the disputes are sent back to the Court to resume trial as before. This form of Lok Adalat had been subject to criticism by some by saying that a Lok Adalat of such nature hardly has sufficient time to make a wholehearted effort for the settlement of the dispute. Therefore, even the disputes which have some element of settlement go unsettled. The concept of Continuous Lok Adalats offers a distinct advantage of engaging the parties over a period of time and undertakes all the methods for helping them to reach a settlement. The necessity to constitute such forum arose specially to handle the Matrimonial Disputes, Commercial Disputes and disputes which are of a bit complicated nature.

There is a need to set up this system with greater vigour across the board, at least one such lok adalat at each district.

- (d) **Mobile Lok Adalats** – This is another form of Lok Adalat. It is in sync with the new strategy of NALSA of engaging itself proactively with the poor and the marginal sections of the society living in rural far flung areas realizing that it may not be easy for such people to approach the Legal Services Authority for legal help in the case of need. The idea is that in case they cannot approach the Legal Services Authority, the Authority would approach them at their door steps. Last year in November, 2008, Karnataka Legal Services Authority launched a scheme called “Justice on Wheel”. A bus was designed to have a look of a Court Room inside; it was called “Legal Aid and Legal Literacy Chariot”. The purpose of this scheme was to take this Lok Adalat to different areas for resolving petty cases and also spreading legal awareness. Similarly, according to a committee of Haryana Legal Services Authority between 1<sup>st</sup> October and 31<sup>st</sup> December, 2008, 6119 cases pending in courts were settled in rural/Mobile Lok Adalats organized by District Legal Services Authority and sub-Divisional Legal Services Committee. Jharkhand State Legal Services Authority also has set-up on **05<sup>th</sup> July, 2009** a mobile lok adalat for achieving the above objective. NALSA proposes to push this programme on the national scale.

There has been an effort to bring uniformity in conducting the Lok Adalats in different States in India. A Scheme for Lok Adalat has been prepared by NALSA as per directions of Hon'ble Supreme Court in *B.P.Moideen Sevamandir & Anr v. A.M Kutty Hassan* (Civil Appeal No.7282-7283 of 2008). The Guidelines for Lok Adalat were already circulated to all State Legal Services Authorities for their comments and a few States have sent their comments. In the responses received, most of the States have conceded to the Guidelines prepared by NALSA. The guidelines now finally stand adopted and have been converted into the form of Regulations under Section 29 of the Act. These Regulations cover almost all aspects of manner in which the Lok Adalats are to be organized. **(see Appendix-1)**

## **Coordination with MCPC**

The Mediation and Conciliation Project Committee (MCPC) of the Supreme Court of India is responsible for laying down policies, conducting training and maintaining quality control for the ADR technique of mediation envisaged under Section 89 Code of Civil Procedure 1908. NALSA is responsible for the overall control of the mechanism adopted by MCPC and also for its funding. State Legal Services Authorities are entrusted with the establishment of Mediation Centers in districts. The MCPC has its own National Plan of Action. Since MCPC is set up as a Committee constituted by the Hon'ble Supreme Court of India, policies laid down by it should be adopted and implemented by the State Legal Services Authorities also.

## **Preventive and Strategic Legal Aid Programmes**

It is one of the functions of the State Legal Services Authorities to provide preventive and strategic legal aid. The preventive aspect contemplated is to adopt suitable strategies dissuading the people from getting into unnecessary disputes and wasting their time, energy and money in unnecessary litigation. By doing so, peace is brought back in the society and the resources, both economic and manpower, can be chanelised for useful, constructive and nation building process.

Strategic Legal Aid also encompasses Alternative Dispute Resolution (ADR) mechanisms. The ADR mechanisms of Lok Adalat or Mediation and Conciliation are all strategies to be implemented as a part of Legal Aid and Legal Services. The Ultimate objective is to prevent the dispute maturing into expensive, bitter, acrimonious and adversarial litigation. Yet another strategic intervention by legal aid and legal services is by way of creating

legal awareness and thereby reducing the chances of coming into conflict with law.

### **Legal Aid Camps:**

As far as practicable the legal aid camps shall be organized in the targeted neighbourhood itself. The people shall not be made to travel long distances for the purpose of attending camps. Instead of pompous inaugural functions and speeches, time, energy and resources shall be devoted on interaction with the people. Local bar shall be encouraged to participate. Local voluntarily organizations, social clubs, colleges, universities and other educational institutions shall be engaged to join as partners in such ventures for mutual benefit.

### **Legal Aid Clinics:**

Legal Aid clinics are intended to function as first aid centres in the field of legal services. The legal aid clinics may be organized at Mandal (Block) levels with the assistance of the Mandal (Blocks) Panchayats.

Qualified lawyers with skills of mediation and conciliation selected from the local bar may be empanelled for serving in the legal aid clinics. Adequate publicity shall be given about legal aid clinics with the assistance of the local self-government institutions. The Mandal (Block) Panchayat Authorities shall be encouraged to provide necessary infrastructure.

The lawyer-consultant in the legal aid clinic may employ the techniques of mediation or conciliation for resolving the dispute within the clinic itself. He can advice the parties to take up the matter before the Legal Services Authority / Committee for referring the same to the Lok Adalat or about the futility of litigation.

The Lawyer-consultant shall also help parties to draft simple petitions, applications and even to fill up Forms. The legal aid clinics shall serve as a 'Pre-litigation Centre' for that Block. The clinic may be suitably named as "Pre-litigation centres" or "Legal Aid Centre", "Nyaya Seva Sadan" or by any other suitable name.

### **Student Legal Aid Clinics**

Association of law students with the work of providing legal services would not only help the cause of legal services but also give to the young students a sense of identification and involvement with the cause of the poor.

The legal aid clinic is an excellent medium to teach professional responsibility and a greater sense of public service. The law school legal aid clinic is a viable and effective instrument for community education and preventive legal services programme. Including the law students in legal aid will contribute towards a better legal education, socially relevant and professionally valuable. The law school clinics can plough back into the legal curriculum and will be a goldmine of information that can make learning and teaching of law stimulating, challenging and productive.

Law school legal aid clinic can be located at the law colleges premises itself which will be an excellent source for study of conflicts in civil society.

Each State Authority shall prepare a law school legal aid manual depending on the local needs of the State.

The law students shall be encouraged to form into different groups, each group adopting a village, preferably a remote village. The students who have adopted a village may conduct socio-legal surveys in that village. The questionnaire in the surveys may be prepared in consultation with the teachers of the law schools, the contents of which may vary depending on the local circumstances. The questionnaire shall be sufficient enough to gather the problems faced by villagers especially relating to their legal rights.

The nature of disputes, if any, *inter-se* the inhabitants of the village may be identified and they may be encouraged to resolve the disputes amicably through the ADR techniques like conciliation, mediation, Lok Adalat etc. For this purpose, the students may seek the help of their teachers, and if necessary, of the nearest legal services institutions.

The students shall be encouraged to organize legal awareness classes for small groups of people (4 or 5 houses together or 10 to 12 people). It should be more in the form of informal gatherings.

In an appropriate cases, senior students and post-graduate students who have already enrolled as lawyers may be entrusted with the filing and conducting of the litigation in the courts, free of cost.

The students may adopt colonies and slum areas in urban locations also where economically and socially backward people reside. Such areas

also may be chosen for setting up of legal aid clinics.

## **Para-Legal Volunteers**

In the traditional sense, Para-Legal are those individuals who assist lawyers in the delivery of legal services. They are not supposed to give legal advice to consumers of legal services. In NALSA parlance a Para-Legal individual would be a person who would not be in a strict sense giving legal advice to an individual but would assist an individual in obtaining the services of NALSA and other Legal Services Authorities in case of necessity. Such a person would be expected to have some rudimentary knowledge of the basic rights of the individuals, functioning of courts, functioning of Legal Services Authorities and the functioning of some of the organizations such as Municipal Corporations and District Administration. NALSA proposes to build a strong base of Para-Legals all over the country not only to act as a bridge between the individuals and Legal Services Authorities but also to help people in need to approach the concerned authorities such as the Police and the District Administration by helping them write applications, filing forms and providing relevant information which may be necessary for asserting any right. The target group to be trained as para-legals would include people at the grass-root level such as anganwari workers, basic teachers, primary health workers, panchayat members, etc.

A draft Scheme for the Para-Legal Voluntary Services, based on the scheme prepared by Andhra Pradesh State Legal Services Authority is annexed to this document as **(Appendix-II)**. The details of the scheme and the modalities of functioning of Para-Legal Volunteers are detailed in **Appendix-II**.

## **Legal Aid Clinics in Jails**

Prisoners are doubly handicapped persons. Most of them belong to lower strata of the society, both socially and economically. Secondly, they are *incommunicado*, walled-off from the world. But they being citizens of India are entitled to protect their rights enshrined in Article 21 of the Constitution and its variants. Therefore, it is highly essential that prisoners also are given legal aid especially in matters relating to defending or prosecuting their cases and appeals and also legal problems they and their family might face on account of their being behind the bars.

The legal aid clinics in Jails shall be run under the District Legal Services Authorities. Panel of lawyers selected in consultation with the

local bar association may be deployed for manning the legal aid clinics in prisons. Services of sociologists and psychiatrists also may be availed of while providing legal aid to the prisoners.

The applications, appeals and petitions from the prisoners may be forwarded to the appropriate authorities and courts as expeditiously as possible. Their pleas in relation to the remission, parole etc also may be assisted and attended to by the legal aid counsel deputed to such clinics in Jails.

## **Legal Literacy and Legal Awareness**

It is a truism to say that the vast milieu of our country is ignorant about the laws enacted by their own elected representatives. Because of this ignorance, many of the rights conferred by laws remain not known to the real beneficiaries. This results in exploitation and undeserved sufferings. Although ignorance of law is not an excuse, ignorance of laws can lead to exploitation and often results in acts in conflict with law. Under this circumstance and in view of the fact that a large number of our population is distanced from the knowledge of law, the need for legal literacy and legal awareness assumes importance.

Legal literacy and legal awareness programmes may be conducted with the help of lawyers, law teachers, law students and legal academics.

Legal literacy programmes may be conducted at four different levels:

- (i) Legal Awareness Camps at village level.
- (ii) Legal Literacy classes for school students.
- (iii) Legal Literacy classes for college students.
- (iv) Legal awareness programmes for empowerment of women.

Special legal literacy classes may be organized for other targeted groups like Industrial workers, drivers of commercial vehicles, professionals like Doctors, Engineers, I.T. Professionals

Specific Legal literacy classes may also be organized for educating people on special laws like Information and Technology Act, Cyber Laws and Cyber Crimes etc.

In every legal literacy class, selection of resource persons is very important. Lawyers with good communication and pedagogic skills may be identified in consultation with the local bar association. The selected

resource persons may be given orientation classes before they are sent to the legal literacy camps or legal awareness classes.

The legal awareness classes shall be interactive in nature and the people should be encouraged to clear their doubts on the topics covered in the classes. Classes in the nature of public lectures may be avoided. Feedback from the participants in the legal awareness camps / classes may be collected and evaluated.

Every effort shall be made to organize legal literacy camps or legal awareness classes on a thrift basis, not spending extravagantly. The large pomp and show shall be avoided in the legal literacy classes. As far as practicable inaugural function and other ceremonial etiquettes may be avoided for saving money and time for the real business of conducting legal literacy classes.

It is important that young law students and women lawyers should be encouraged to serve as resource persons for legal literacy classes.

In remote villages, legal literacy classes can be conducted in informal gatherings of the residents and neighborhood groups (NHGs) of women.

Selection of topic for legal literacy classes shall be made by the District Legal Services Authorities depending on the needs of the locality and its people. Selection of topics for the classes shall be subject to the policy guidelines issued in this regard by the State Legal Services Authorities and the Central Authority.

## **NALSA – Partnership with Government and Voluntary Organizations**

In the modern world Government has become the biggest litigant. May be due to the imperfect knowledge of the citizens about their legal rights, government officials at times engage in a confrontational mode with the citizens resulting in protracted litigation, waste of public money and manpower.

Legal disputes with the Government Department can to a certain extent be discussed, clarified and settled by way of mutual discussion across the table under the able guidance of a mediator or through the Lok Adalats. The State Legal Services Authority shall persuade the

government departments to refer the grievance petition received by the letter to the Lok Adalat. Many pending cases relating to tax matters, land acquisition references etc., can be effectively settled if the government departments are made to realize the usefulness of the ADR techniques. For this purpose, the State Authority may take up the matter at the top level of the Government and persuade the senior officers to change their mindsets from embarking on litigations, even for small matters which can be easily settled through the ADR.

Administration by the executive department being part and parcel of the democratic set up, Legal Services Authorities also will have to rise to the occasion and seek the cooperation of the government departments not only for settlement of disputes but also for implementing the legal services programmes. The District Collectors, Public Prosecutors, Police Officers are ex-officio members of the District Legal Services Authorities. A similar set up exists in the Taluk Legal Services Committee level also. Essentially, what can be perceived from the partnership of government officials in the legal services institutions is that legal service cannot be effectively carried out without the cooperation of executive branch of the government. Therefore, efforts should be made by legal services institutions to act in co-operation with the government departments.

**Voluntary Organisations** (NGOs): The role of voluntary organizations in the field of legal services cannot be under estimated. If one looks back, it may be seen that legal aid and legal services were initiated by voluntary efforts. In the vast milieu of Indian Social set-up, welfare activities cannot be successfully done by the solitary work of the government. Non-governmental organizations have always played a great role in the socio-economic upliftment of common people.

Legal Services Authorities are duty-bound to cooperate with the NGOs for implementing the objects of the Legal Services Authorities Act. But there is a word of caution: the Legal Services Authority shall co-operate with only those NGOs who have good credentials, reputed and experienced in legal services matters. Therefore, the State Legal Services Authorities shall take extreme caution in choosing the NGO for fostering partnership with. NGOs with substantial knowledge on the socio-economic situation in a particular locality also may be associated with the Legal Services Authorities.



The legal services activities entrusted to the NGOs shall be under the strict supervision of the Legal Services Authorities / Committees. Any deviation from the policies and principles of the Legal Services Authorities / Committees shall not be permitted. Fund, if any given to the NGOs for carrying out the legal services activities should also be closely monitored and strictly accounted. No relaxation shall be given on financial matters because the money used for legal services activities is public money. Allotment of funds to the NGOs shall be given subject to the proof of activities which shall be personally verified and satisfied by the Chairman of the District Legal Services Authorities.

### **Role of NALSA in Managing Disasters:**

Natural or man made disasters bring in a deluge of legal problems. Large scale of loss of properties, loss of crops, livelihood and loss of lives suddenly bring in a change in legal equations existing in the society as well.

Following can readily be seen as the areas which require the attention of NALSA at the time of such disasters:

- (i). Settlement of insurance claims relating to life, property and crops
- (ii). Fair distribution of grants and reliefs made available by the Government for rebuilding the houses or for the rehabilitation of life of the affected people.
- (iii). Resolving *inter se* disputes arising in the family as a result of loss of life (considering that it is a crisis situation where the survivors are likely to stake claim to the properties left behind by the deceased
- (iv). Replacement of legal documents lost such as wills, property papers, loan, agreements, etc.
- (v). Counselling / settlement of claims of the laid off workers of the industries / commercial establishments closed as a result of such disasters
- (vi). Redrafting / renegotiating of commercial contracts between the parties where the ability to pay or fulfill the terms of the contract are severely affected
- (vii). Counselling in the landlord / tenant dispute which may arise as a result of loss of property

NALSA proposes to :

- (i). Open camp offices in areas affected
- (ii). Open hot lines at the time of such disasters hitting any part of the country
- (iii). Dispense information of its service on the local community radio / other networks available

(iv). Make effective use of electronic and print media

Since the ability to pay is likely to be severely affected in general, everyone would be entitled to the services of NALSA irrespective of the economic status of the person before such disaster.

### **Social Justice Litigation:**

It is one of the function of the National Legal Services Authority to take necessary steps by way of social justice litigation with regard to consumer protection, environmental protection or any other matter of special concern to the weaker sections of the society and for this society and for this purpose give training to social workers in legal skills.

The above function does not mean that the legal services authorities should invariably take up public interest litigation on the aforesaid topics. But in appropriate cases where individual rights are infringed, appropriate legal services including court-based legal aid can be given in such matters.

Orientation classes may be arranged frequently for improving the legal skills of the social workers.

### **Funding and Control:**

The Legal Services Authorities Act, 1987 envisages 5 Modes of funding for the Legal Services Authorities:-

- (i) Grant-in-aid by the State Government under Section 16(b).
- (ii) Grants made by the Central Authority.
- (iii) Donations by any person for the purpose of the Act.
- (iv) Amounts received by the Authority under the orders of any Court, or
- (v) Any other source

The State Legal Aid Fund under Section 16 has to be distinguished from the salaries and allowances etc. payable to the Member Secretary, Officers and other employees of the State Authority under sub-section (7) of Section 6. Such administrative expenses are to be defrayed out of the Consolidated Fund of the State. This special status given to the State Authorities makes them distinct from other statutory bodies in respect of the budgetary allocation.

It may be noted that the grants given by State Government for legal services activities under Section 16 is by way of appropriation made by the legislature in the form of Budget. But although the administrative

expenses under sub-section (7) of Section 6 is also budgeted, the special provisions given there under for meeting such expenditure from the Consolidated Fund of the State enables the functionaries of the State legal Services Authority to receive their salaries and allowances even without the passing of the Appropriation Bill in the legislature.

Section 18 of the Act details the manner in which the accounts of the State and District Authorities are to be maintained and audited. It may be noted that the audit of the accounts of the Authorities can be done only by the Comptroller-Auditor General of India. The CAG is entitled to levy fee from the State and District Authorities for the audit performed.

The State Authorities and District Authorities shall conduct internal audit, if necessary, with the help of a Chartered Accountant. Accounts so prepared shall be placed before the meeting of the State Authority or the District Authority as the case may be and after approval by the Authority, shall be sent to the Accountant General (Audit) of the State concerned.

The State Authority shall send inspection teams to the District Authority for ensuring that books and registers are maintained and funds are utilized properly. The District Authority shall send similar teams to the Taluk State Legal Services Committee under it for conducting inspection of the office of the Taluk Legal Services Committees on the lines stated above.

### **FINANCIAL DISCIPLINE**

The State Authorities and other bodies while submitting their schemes / plans to NALSA for being funded must justify allocation of funds by:-

- (a). making “efficient use of resources despite ever-growing case-load complexity and volume”;
- (b). adopting “effective accountability tools to measure and report on performance” and affirmatively welcoming every opportunity to report;
- (c). having its leaders demonstrate “a high level of expertise and professionalism in the management of court affairs;”
- (d). having its leaders show “a strong commitment to introducing structural reforms to improve public satisfaction with the courts;”
- (e). improving the “quality and professionalism of the Bench” so as to ensure the public’s trust and confidence in itself.

NALSA would like the State Authorities to maintain a highest order of

financial discipline. It expects that the funds allocated to them would be utilized with responsibility, judiciously and not allowed to be squandered bearing in mind that just like we expect other public institutions to be accountable, we must be open to social audit.

## **Monitoring & Impact Assessment**

The State Legal Services Authorities shall closely monitor the activities of the District Legal Services Authorities and Taluk Legal Services Committees. Appropriate software shall be prepared for e-governance and monitoring and thereby collecting data from the District Authorities and Taluk Committees. After consulting the same, the State Authority shall send the consolidated data to the Central Authority by the 15<sup>th</sup> of every month.

The National Authority plans to prepare software, for monitoring National Plan of Action. The copies of the software will be given to Taluk District and State Authorities. The details of the activities and programmes conducted by the Authority / Committee shall be communicated through e-mail to the Central Data Storage System of the National Legal Services Authority. Such transmission of data shall be made within two days after the programmes/activities have been conducted.

The State Authorities shall set up a State Level Monitoring Committee for assessing the actual benefit received by the beneficiaries of the various legal services programme in the State. The Monitoring Committee shall be set up by the State Authority and will have State-wide jurisdiction for inspecting the offices and records of the District Authorities and Taluk Committees. The Committee shall submit half-yearly reports to the Hon'ble Executive Chairman of the State Authority. The Committees may be re-constituted once in three years. The objective of this entire exercise shall be to enable NALSA make an impact assessment of all the schemes and projects.

## **Research and Training in Legal Services.**

The National Legal Services Authority shall employ a team of Researchers for conducting research on the legal services programmes and to identify the thrust areas. The findings and reports of the research team shall be placed before the Central Authority / State Authority for evaluation and for policy decisions.

## **Use of ICT**

National Legal Services Authority is planning for a nation-wide network of Legal Services Authorities using the latest information and communication technology (ICT). For this purpose, NALSA will prepare special software for monitoring the progress of the National Plan of Action.

The copies of the software shall be supplied to all State / District Authorities and Taluk Committees for transmitting data to the Central Authority through the medium of internet and special servers installed at the Central Authority. NALSA plans to computerize all the Legal Services Institutions in the country and thereby creating a network and e-governance.

## **Empowering Community and Institutions for resolving their own disputes.**

### **Community Mediation Programme**

The Community Mediation Programme is a programme which is aimed at empowering the community to resolve their own disputes. NALSA aims at having Community Mediation Centres in each Taluk in India to resolve the neighborhood disputes, family disputes, community disputes and disputes relating to sharing common facilities and so on. Similarly, Community Mediation Centre in urban areas shall be established in every residential hub, be it slums or middle class residential areas or residential colonies of the affluent.

NALSA would strive to train every member of Panchyat, community Leader in village and urban areas in the skills of Mediation and effectively resolve all such community disputes without the aid of outsider or taking the disputes to the courts.

### **Impartial Internal Dispute Resolution Mechanism (IDRM)**

The progress of India depends largely on how the industrial houses are able to handle the employer and employee disputes and even disputes between employees and employees working in same establishment. NALSA aims that at least in the establishments, where the working strength is more than 100 and the companies are professionally managed, at least five persons be trained in such techniques such as Mediation and Conciliation as would be necessary to resolve such disputes in-house or at least provide non-binding solutions for resolving such disputes.

### **Neutral Evaluation Committees (NEC)**

NALSA shall undertake an exercise to help every department of the Government at the Centre as well in the States to have Neutral Evaluation Committees, comprising officers who may not have anything to do with the department concerned to make a neutral non-binding evaluation of all disputes after hearing the department and the disputing parties, before the Government decides to approach Court against any one or decide to defend a case against any one in the Court of Law.

## **Part-V**

### **The Road Map**

*Vision without action is merely a dream. Action without vision just passes the time. Vision with action can change the world.*

- Joel A. Barker

#### **Implementation of the quinquennial strategy in a phased manner:**

The strategy and plan envisioned in this document is for a period of five years. However, the National Plan of Action for each year has to be implemented in four quarters. The State Authorities are expected to send reports to NALSA every month on the extent to which the National plan has been implemented in the State.

The quinquennial strategy under this document shall also be implemented in a phased manner, the first phase from July 2009 to June 2010, phase-II will be from July 2010 to June 2011, phase-III will be from July 2011 to June 2012, phase-IV from July 2012 to June 2013 and phase-V from July 2013 to June 2014. It is expected that the strategy in this document for the thrust areas will be fully implemented by 2014 so that a new era of legal services can be set in place for the forthcoming years.

#### **Vision implementation Committee**

NALSA, in order to implement the vision and the strategy narrated in this document would constitute a committee to be called "Vision Implementation Committee" consisting of five persons having such qualifications and experience, as the Executive Chairman may consider appropriate, in consultation with the Hon'ble Chief Justice of India.

Member Secretary, NALSA, will be the Secretary of the Committee. The Committee shall formulate the schemes necessary for the implementation of vision and strategy envisaged in this document within a period of three months from now. The committee shall evaluate all such schemes and programmes after every six months and submit a report to the Executive Chairman NALSA to bring to his attention the status of the implementation of schemes, success or failure of the scheme, financial or other constraints in the implementation of such scheme etc.

## **Annual Report**

Based on the out come the schemes framed to execute the Vision envisaged herein and the activities undertaken by NALSA, an annual report shall be published.

Xxxxxxxxxxxxxxxxxxxxx



**NATIONAL LEGAL SERVICES AUTHORITY**  
**(LOK ADALATS) REGULATIONS, 2009**

*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.

**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) 'Member Secretary' means Member Secretary appointed under sub Section (3) of Section 6 of the Act.

(d) 'State Authority' means State Authority constituted under Section 6 of the Act.

(e) 'High Court Legal Services Committee' means High Court Legal Services Committee constituted under Section 8A of the Act.

(f) 'District Legal Services Authority' means District Legal Services Authority constituted under Section 9 of the Act.

(g) 'Taluk Legal Services Committee' means Taluk Legal Services Committee constituted under Section 11A of the Act. 'Lok Adalats' means Lok Adalats to be organized under Section 19 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 thinks fit. Special Lok Adalats shall be organized for all Family Courts at regular intervals.

**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 the case may be, shall 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, convening 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 at 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, allurements 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 has jurisdiction only for arriving at a compromise or settlement between the parties to a dispute. Lok Adalat has no power whatsoever to issue a 'direction' or 'order' in respect of the dispute between the parties.

#### **11. Reference of cases and matters**

Cases pending before the court can be dealt with by the Lok Adalat only after a reference is made to the Lok Adalat in the manner prescribed in Section (20) Legal Services Authorities Act, 1987 or under Section 89 of the Code of Civil Procedure 1908. Lok Adalat gets jurisdiction over the case/matter only if a reference is made to it

**12.** While a pending case is referred to Lok Adalat by the court it is important that the court is *prima facie* satisfied that there are *chances of settlement* or that the matter *is appropriate to be taken cognizance of by Lok Adalat*. A mechanical reference of unsuitable cases/matters to the Lok Adalat should be avoided. 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, such case shall 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 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, place the case records before 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 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 cooperate in transmission of the Court records.

#### **16. Pre-Litigation matters**

Pre-Litigation petitions dealt with by the Lok Adalats shall be matters falling within the jurisdiction of any court for which the Lok Adalat is organized. In other words, the Pre-Litigation matters taken up by the Lok Adalat must arise from within the territorial jurisdiction of a court for which the Lok Adalat is organized.

**17.** When a Pre-Litigation matter is received by the Authority/ Committee, it is imperative that the Authority/ Committee shall give notice to the opposite party and a reasonable opportunity of being heard shall be given to such party.

**18.** A challenge of an award based on settlement of the Lok Adalat can be done only by filing by petition under Article 226 and/or Article 227 of the Constitution, on very limited grounds. Non-compliance of the procedure prescribed in Section 20 of the Act for taking cognizance of the case by Lok Adalat may be one such ground.

## **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 in to account the circumstances of the case, the wishes the parties may express, including any request by a party that the Lok Adalat hear oral statements, and the need for a speedy settlement of the dispute.

**24.** The Lok Adalat determines a reference only, at its instance, on the basis of a compromise or settlement between the parties by making an Award in terms of the compromise and 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 Lok Adalat has no adjudicatory role or power for judicial determination. The award of the Lok Adalat is not an independent verdict or opinion arrived at by any decision making process.

### **26. Administrative assistance**

In order to facilitate the conduct of Lok Adalat Proceedings, the parties, or the Lok Adalat may arrange for administrative assistance by a suitable institution or person.

### **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 therefor.

## **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 to 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 the 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 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 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 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 Para 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.

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**APPENDIX-I**

**BEFORE THE LOK ADALAT**

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

**[Organized by \_\_\_\_\_ Authority/ \_\_\_\_\_ Committee under  
Section 19, Legal Services Authorities Act 1987(Central Act)]**

**Petitioner/Plaintiff/Complainant:**

**Defendant/Respondent :**

**No. of proceedings of the \_\_\_\_\_ Court/Authority/Committee**

***Present:-***

**Name of Judicial Officer / :  
Retired Judicial Officer**

**Name of Members : (1)**

**(2)**

**AWARD**

The dispute between the parties having been referred for determination to the Lok Adalat and the parties having compromised/settled the case/matter, the following award is passed in terms of the settlement :

.....  
.....  
.....

The parties are informed that the court fee, if any, paid by any of them shall be refunded.

**Petitioner/Plaintiff/Complainant  
Defendant/Respondent**

**Judicial Officer**

**Member**

**Member**

**Date:**

**(Seal of the Authority/Committee)**

## APPENDIX-II

### PROFORMA DISPOSAL OF CASES IN LOK ADALAT

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

---

**NATIONAL LEGAL SERVICES AUTHORITY, NEW DELHI**

**SCHEME FOR IMPLEMENTING THE PROJECT OF  
PARALEGAL VOLUNTEERS BY THE STATE LEGAL SERVICES AUTHORITIES**

**I. INTRODUCTION**

One of the objectives of the ' POLICY FOR ACCESS TO JUSTICE FOR ALL' formulated by the National Legal Services Authorities is development of "Para - Legal Services" for the purpose of imparting legal awareness to various target groups of Para Legal Volunteers who in turn bring legal awareness to all sections of people.

For effective functioning of the system, modalities are to be worked out in respect of organizing training programmes and also provide reference material for the faculty of the training programmes and Para-Legals. In order to achieve the desired results and to shape the trainees as full-fledged Para Legal Volunteers, the following instructions are to be followed.

1. **At the First** phase every District Legal Services Authority shall identify about 50 volunteers and every Taluk Legal Services Committee shall identify about 25 volunteers who can read and write vernacular language in such a way that the identified persons area of operation

**II. FORMULATION OF MODALITIES**


will cover the Jurisdiction of respective District Legal Services Authority or Taluk Legal Services Committee, for training at respective District Legal Services Authorities under the supervision of Chairman and Secretary, District Legal Services Authority.

The training programmes of Para Legal Volunteers and other activities enunciated herein shall be conducted, under the overall supervision of the District Judge and Chairmen, District Legal Services Authority, by Secretary of District Legal Services Authority and other Officers and staff.

The programmes under this scheme shall be formulated by the Secretaries of District Legal Services Authorities in consultations and approval of District Judge and Chairman concerned. Each such programme conducted by them as well as report about the work done by the Para Legal Volunteers shall be submitted to the State Legal Services Authority.

**WHO SHOULD BE PARA LEGAL VOLUNTEERS:**

2. **Para Legal Volunteers** are to be identified from the following target groups.
  - *Advocates, Teachers and lecturers of Government and Private School and Colleges of all levels.*
  - *Anganwadi Workers*
  - *Private or Government doctors and other Government employees.*
  - *Field level officers of different departments and agencies of the State and Union Governments.*
  - *Students of graduation and Post graduation in law, Education, Social Services and humanities.*
  - *Members of apolitical Service oriented Non-Governmental Organizations and Clubs*
  - *Members of Women Neighbourhood Groups, Maithri Sanghams*
  - *Educated prisoners serving long term sentences in Central Prison and District Prison.*
  - *Social Workers and volunteers, volunteers of Panchayat Raj and Municipal institutions.*
  - *Members of Co-operative Societies.*
  - *Members of Trade Unions.*
  - *Any other persons which the District Legal Services Authority or Taluk Legal Services Committee deems fit to be identified as Para Legal Volunteers*
3. **After identification** of the volunteers, their names, addresses, telephone numbers (if available) shall be entered in a separate Register maintained by the District Legal Services Authority and Taluk Legal Services Committee by giving batch number.
4. Each identified Para-Legal volunteer is to be given an identification card by the Secretary, District Legal Services Authority. Identification card shall be given in the proforma.

	<b>..... STATE LEGAL SERVICES AUTHORITY</b>	
	Para-Legal volunteer registration number ---- (.....)	
	Name:	
	Father / Husband Name:	
	Village / Town:	
<div style="border: 1px solid black; width: 60px; height: 60px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">Photo</div>	Signature of Para Legal Volunteer	Signature of Secretary, DLSA

5. The identified volunteers be given training in Six Sessions, two sessions in each month and training is to be completed within a period of three months for each identified Batch.
6. After completion of Six Sessions of training, the District Legal Services Authority and Taluk Legal Services Committee shall identify another batch of Para Legal Volunteers and impart training by observing the same instructions.

7. The District Legal Services Authority and Taluk Legal Services Committee should enlist the cooperation of the Collector of the District or the Revenue Divisional Officer of that area and through them the Officers of the concerned departments or agencies or organizations, to identify the interested volunteers to be trained as Legal Aid volunteers and to enable participation of such persons in such programmes and for providing the necessary infrastructure and other support for organizing such programmes.

#### **SPECIAL IMPETUS ISSUES**

8. Training programmes are to be planned in such way to provide exposure to the Para Legal Volunteers to the necessity of generating Legal Awareness in respect of constitutional and statutory rights and duties, and general Civil, Criminal substantial and procedural laws and the problems and issues of law and Society as well as special issues related to:

- a. *Women*
- b. *Children*
- c. *Students*
- d. *Farmers*
- e. *Industrial and Agriculture labour*
- f. *Prisoners*
- g. *Victims of natural disaster*
- h.. *Physically challenged, including persons suffering from Mental disorder and mentally retarded persons.*
- i. *Victims of Trafficking i.e. Women and Children as well as those suffering from HIV / AIDS*
- j. *Members of Scheduled Castes and Scheduled Tribes*
- k. *Bonded Labour.*
- l. *Consumers.*
- m. *Senior Citizens.*
- n. *And other beneficiaries under Legal Services Authorities Act,*

besides providing clear idea of the working of Legal Services Authorities and Services provided under the Legal Services Authorities Act.

9. If the District Legal Services Authority and Taluk Legal Services Committee deems fit and necessary to identify Para Legal Volunteers exclusively in respect of dealing the issues of special groups mentioned in the

para No.8, the District Legal Services Authority and Taluk Legal Services Committee shall identify persons interested to work exclusively in respect of dealing the issues of any of the special groups mentioned, register their names and impart training focusing the issues related to the special group by following similar procedure in respect of entering the names in the Register and training Sessions.

10. The training should be so oriented as to enable the trainees to act as effective coordinators between the Legal Services authorities and the needy and deserving citizens.

11. The Para Legal Volunteers should know clearly that they should work as pure volunteers without expecting any fee, remuneration or salary, for doing services to the oppressed and suppressed sections of people around them in a dedicated way as a commitment.

### **TRAINING TOPICS**

12. Topics to be covered in training programme.

- Rights of Women under the following Acts and Topics.
  - i. *Hindu Marriage Act, Christian Marriage Act, Muslim Women's Protection Act and Special marriage Act.*
  - ii. *Child Marriage Restraint Act 1929.*
  - iii. *Family Court Act 1994.*
  - iv. *Guardian and Wards Act 1890.*
  - v. *Hindu Minority and Guardianship act.*
  - vi. *Maternity Benefit Act.*
  - vii. *Medical Termination of pregnancy Act.*
  - viii. *Dowry Prohibition Act.*
  - ix. *Dowry harassment.*
  - x. *Section 125 CrPC.*
  - xi. *Harassment of working women.*
  - xii. *Protection of Women from Domestic Violence Act, 2005.*
- Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.
- Consumer protection Act.
- Labour Welfare Laws.
- Procedure for claiming compensation under Fatal Accidents Act, Motor vehicles Act, Workmen's compensation Act and compensation from Railway Accident Claims Tribunal.
- Bonded Labour (Abolition) Act 1976.
- F.I.R.
- Arrest - Bail.
- Rights of Prisoners.
- Fundamental Rights of accused including prisoners.



- Fundamental Duties of accused including prisoners.
- Registration and stamp Duty
- Promissory notes.
- Revenue Laws.
- *Nyaya Sankalp* programme under taken by National Legal Services Authority in collaboration with UNDP (United Nations Development Programme) entitled TAHA (Trafficking and AIDS / HIV)
- Entitlements conferred on special groups by Governments under various schemes, orders and legislations.
- Public Interest Litigation.
- Lok Adalats, A.D.R. System, Free Legal Services under Legal Services Authorities act.
- Any other topic or Act the District Legal Services Authority and Taluk Legal Services Committee deem it necessary, including those related to local problems.

### **PROCEDURE RELATING TO TRAINING**

13. Para Legal Volunteers training programme is to be conducted under the supervision of the Chairmen and Secretaries District Legal Services Authority.
14. As soon as six sessions of training is completed to a batch of identified Para Legal Volunteers in the District, consolidated list of registered numbers and names of Para Legal Volunteers who have undergone training shall be submitted to the State Legal Services Authority.
15. A Separate review meeting with the trained Para-Legal Volunteers batch wise be conducted once in three months by the Secretary, District Legal Services Authority and a report shall be submitted to State Legal Services Authority with in one month thereof.
16. District Legal Services Authority and Taluk Legal Services Committee should devise their own plan in preparing batches of identified Para Legal Volunteers in such away that the training programme be continued through out the year for batch after batch.
17. The District Legal Services Authorities be permitted to spend maximum amount of Rs.3000/- for each training session including refreshments, actual conveyance charges and stay to trainees.
18. The District Legal Services Authority may utilize the Services of serving or retired Judicial Officers, Law Teachers, Lawyers, Law students, Revenue Officials as well as Retired Sheristadars of Courts and Law Graduates among Court staff as resource persons for training programme.

### **PARA LEGAL VOLUNTEERS IN JAILS**

For this purpose, about ten educated prisoners serving long term sentences in the very same Central Prison and District Prisons may be identified for being trained as Para Legal Volunteers whose services shall be available to the other prisoners in the jail itself at all times. The Jail Authorities have agreed to implement the scheme.

### **III. DISQUALIFICATIONS OF PARA LEGAL VOLUNTEERS AND THEIR REMOVAL:**

No person is eligible for being identified as Para-Legal Volunteer if he / she:

- a) Fails to evince interest in the Scheme.
- b) Has been adjudged insolvent.
- c) Has been accused of an offence.
- d) Has become physically or Mentally incapable of acting as Para-Legal Volunteer
- e) Has so abused his/her position or misconducted in any manner as to render his/her continuance prejudicial to the public interest.
- f) Affiliated to political parties.

Any such Para-Legal Volunteer can be removed by the Chairman, District Legal Services Authority and intimate the same to the State Legal Services Authority.

### **IV. DUTIES OF TRAINED PARA LEGAL VOLUNTEERS:-**

1. The Para Legal Volunteers shall educate every citizen to enable him or her to be aware of the right to live with human dignity, enjoying all the constitutionally and statutorily guaranteed rights and performing the duties and discharging the obligations as per Law.
2. The Para Legal Volunteers shall make every citizen aware of the nature of the disputes / issues / problems concerning which a citizen can approach the Legal Services Authorities and through whom and the manner of resolution of disputes / issues / problems through the Legal Services Authorities.
3. The Para Legal Volunteers shall constantly keep a watch on any transgressions of law or acts of injustice in their area of operation and bring them immediately to the notice of the concerned District Legal Services Authority or Taluk Legal Services Committee through a telephonic message or a written communication or in person expeditiously to enable effective remedial action by such Authority or Committee.
4. The Para Legal Volunteers shall organize Legal awareness camps regularly in their area of operation either in collaboration or under intimation of District Legal Services Authority or Taluk Legal Services Committee to generate Legal Awareness among citizens in respect of the problems any issues related to

women, Children, Labour, Members of Scheduled Castes and Scheduled Tribes persons and other beneficiaries under Legal Services Authorities Act.

5. The Para Legal Volunteers shall create awareness among citizens about the working of the Legal Services in the State and services provided by the District Legal Services Authorities / Taluk Legal Services Committees / High Court Legal Services Committee / State Legal Services Authority / Supreme Court Legal Services Committee / National Legal Services Authority and also provide their address to enable them to utilize their services.
6. The Para Legal Volunteers shall generate awareness among citizens about the benefits in settlement of disputes through arbitration, conciliation, Judicial settlement including settlement Lok Adalat and Mediation.
7. The Para Legal Volunteers shall propagate among the citizens that they may approach the District Legal Services Authority / Taluk Legal Services Committee for settlement of disputes at pre-litigation stage itself without paying any Court Fees.
8. The Para Legal Volunteers shall create awareness among citizens that the parties are entitled for refund of court fees in the matters settled in Lok Adalat and that their litigation comes to an end there itself and lies no appeal and waste of time is avoided.
9. The Para Legal Volunteers shall create awareness among citizens about the settlement of disputes relating to **public utility Services** through permanent Lok Adalats.
10. The Para Legal Volunteers shall submit a brief report every month about their activities to District Legal Services Authorities / Taluk Legal Services Committees.
11. The Para Legal Volunteers shall see that the publicity brochures of Legal Services Authority reach educated persons in every village.
12. The Para Legal Volunteers and people trained can utilize the telephone services of Taluk Legal Services Committee, District Legal Services Authority wherever telephones are available and those of State Legal Services Authority to bring to the notice of various Legal Services Authorities about any aberrations or infringement of rights for immediate help and instructions. If any expenditure is incurred by the volunteers as para legal volunteers on account of telephone charges for their services, can be got reimbursed from the Taluk Committees/district Authorities on production of proof of such expenditure.

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