CHAPTER - V

STATUTORY PROVISIONS
GOVERNING LEGAL AID
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5.1 Introduction

Legal Services is very essential in democracy, the rule of law without legal Services is a judicial myth. Legal Services includes Legal Aid, Legal Advice and Lok Adalat. The Study relates to the provisions of the Legal Services Authorities Act, 1987, ADR Techniques adopted by the Authorities. Gramanyayala Act 2008 and Legal Aid provisions in other Enactments.

5.1.1 Legal Services Authorities Act, 1987.

The Indian Society has suffered from inequality on economic and social plane for centuries and now it is high time it needs to be removed by the constitutional process and perhaps the implementation of Directive Principles enshrined in Part IV of the Constitution would be right step in this direction. The Core issue of 'equal justice to all' and 'speedy justice' have been engaging the attention of the Bar, Bench and Law Reformers during the post independence era and all efforts are being made to cure the malady of Law's delay and slow moving justice but unfortunately it still persists as a chronic disease. It has been generally agreed that the adversarial model of judicial adjudication has proved to be inadequate to meet the needs of the formalities of legal procedure. A number of laws and legislative enactments have been introduced to reform the judicial mechanism and eliminate law's delay ever since the passing of the Legal Services Authorities Act, 1987. Former Chief Justice of India Hon’ble Justice Anand, has once said that Indian Judiciary is suffering from “ABC” ailments: A - Accessibility of Justice shall be the same to all irrespective of their class, caste, creed, region and status either economic or social; but there are many speed breaker in this path. B – Backlog of cases in law courts is a

198 Dr N.V. Pranjape: Law Relating To Arbitration & Conciliation in India p.330
199 Y.V. Ramakrishna, Editorial, Nyaya Seva APLSA Dec , 2001 p.31
major stumbling block to those who seek justice. The cost of litigation is casting an apprehension in the minds of the poor that justice delivery system is beyond their reach. To cure these diagnosed “ABC” disease in the judiciary The Legal Services Authorities Act 1987, has prescribed “Three Drug” combination of which can be named as “Three LAS i.e. Legal Aid, Legal Awareness and Lok Adalat. Under the spirit of 39-A of the constitution the Parliament enacted The Legal Services Authorities Act 1987. The Act was enacted to give a statutory base to legal aid programmes throughout the country on uniform patterns. This Act was finally enforced on 9th November 1995 after certain amendments were introduced therein by the Amendment Act of 1994. Hon.Mr. Justice R.N. Mishra, the then Chief Justice of India played a key role in the enforcement of Act. It was amended by the Legal Services Authorities (Amendment) Act 1996 (1 of 1996) and Legal Services Authorities (Amendment) Act 2002 (37 of 2002).

The object of the Act is threefold, to Constitute Legal Services Authorities, to provide free and competent legal Services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities and to organize Lok Adalats to secure that the operations of the legal system Promotes justice on a basic of equal opportunity.

Section 2 defines various terms case, court, Legal Services, Central Authority,
Infrastructure of the Legal Services Organization

The Act empowered the State to establish a Four Tier System of providing speedy and informal justice at the National, State, District and Taluk Levels. Accordingly, Legal Services Authorities prescribed the formation of a National Legal Services Authority (NALSA) the apex body regulating Legal Aid provision of the Act. Powers of NALSA are delegated to the State Legal Services Authority (SALSA) for implementation at the state level which delegates further to several groups. The Legal Aid movement is a combination of the services of the bench, the bar and other persons in the allied fields like legal education and, Social Action Groups including individuals and NGOs having presence starting from the grass root, state level to the Supreme Court.
NATIONAL LEGAL SERVICES AUTHORITY (NALSA) Composition and its functions:

The Central Government Constitutes the National Legal Services Authority to supervise and regulate legal Services throughout the country. The Central Authority shall consists of the Chief Justice of India who is the Patron-in-Chief, to be nominated by the President, who shall be the executive Chairman, ex officio members and nominated members.202

The Central Government in consultation with the Chief Justice of India appoints a person to be the Member Secretary203 of the Central Authority as the Executive Chairman of the Central Authority to exercise such powers and perform such duties under this Act.204

Functions of the Central Authority. -The Central Authority shall perform all or any of the following functions, namely:(a) Lay down policies and principles for making legal Services available under the provisions, of this Act;(b) Frame the most effective and economical schemes for the purpose of making legal Services available under the provisions of this Act;(c) Utilise the funds at its disposal and make appropriate allocations of funds to the State Authorities and District Authorities;(d) Take necessary steps by way of social justice litigation with regard to consumer protection, environmental protection or any other matter of special concern to the weaker sections, of the society and for this purpose, give training to social workers in legal skills;(e) Organise legal aid camps, especially in rural areas, slums or labour colonies with the dual purpose of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through Lok Adalats;(f) Encourage the settlement of disputes by way of negotiations, arbitration and conciliation;

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202 Section 3 of the Act was subs. By Act No. 59 of 1994, w.e.f 29-10-1994.4. Rule 3 and 4 of the NALASA rules, 1995
203 sec 3 (3) of the Act.
204 Functions of the Central Authority.
inter alia, shall be-(a) to work out modalities of the Legal Services Schemes and Programmes approved by the Central Authority and ensure their effective monitoring and implementation throughout the country;

(b) To exercise the powers in respect of administrative, finance and budget matters as that of the Head of the Department in a Central Government;

(c) To manage the properties, records and funds of the Central Authority;

(d) To maintain true and proper accounts of the Central Authority including checking and auditing in respect thereof periodically;

(e) To prepare Annual Income and Expenditure Accounts and Balance Sheet of the Central Authority;

(f) To liaise with the social action groups and the State Legal Services Authorities;

(g) To maintain up-to-date and complete statistical information, including progress made in the implementation of various Legal Services Programmes from time to time;

(h) To process project proposals for financial assistance and issue Utilization Certificates thereof;

Undertake and promote research in the field of legal Services with special reference to the need for such services among the poor;

(i) To do all things necessary for the purpose of ensuring commitment to the fundamental duties of citizens under Part IVA of the Constitution;

(j) Monitor and evaluate implementation of the legal aid programmes at periodic intervals and provide for independent evaluation of programmes and schemes implemented in whole or in part by funds provided under this Act;

(k) Provide grants-in-aid for specific schemes to various voluntary social service institutions and the State and District Authorities, from out of the amounts placed at its disposal for the implementation of legal Services schemes under the provisions of this Act;

(l) Develop, in consultation with the Bar Council of India, programmes for clinical legal education and promote guidance and supervise the establishment and working of legal Services clinics in universities, law colleges and other institutions;

(m) Undertake special efforts to enlist the support of voluntary social welfare institutions working at the grass-root level, particularly among the Scheduled Castes and the Scheduled Tribes, women and rural and urban labour; and

(n) Coordinate and monitor the functioning of *[State Authorities, District Authorities, Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees and voluntary social service institutions] and other legal Services organisations and give general directions for the proper implementation of the legal Services programmes.
(i) To convene Meetings/Seminars and Workshops connected with Legal Services Programmes and preparation of Reports and follow-up action thereon;

(j) To produce video/documentary films, publicity material, literature and publications to inform general public about the various aspects of the Legal Services Programmes; and

(k) To perform such other functions as may be expedient for efficient functioning of the Central Authority.

All orders and decisions of the Central Authority shall be authenticated by the Member Secretary or any other officer of the Central Authority duly authorised by the Executive Chairman of that Authority.

LEGAL SERVICES

The National Legal Services Authority lay down policies and principles for making legal Services available and also to frame the most effective and economical schemes for that purpose. In pursuance of its functions NALSA formulated Schemes, Regulations, Plan of Action to render free and competent legal Services.

National Legal Services Authority is the apex body constituted on 5th Dec, 1995.

His Lordship Hon. Dr. Justice Anand, Judge, Supreme Court of India took over as the Executive Chairman of National Legal Services Authority on 17th July, 1997. Soon after assuming the office, His Lordship initiated steps for making the National Legal Services Authority functional. The first member Secretary of the Authority joined in December, 1997 and by January, 1998 the other officers and staff were also appointed. By February, 1998 the office of National Legal Services Authority became property functional for the first time. A nationwide network has been envisaged under the Act for providing legal aid and assistance. NALSA

provides for free legal aid to the persons covered by S 12 of Act and includes persons, Women and children, Members of SC/ST, Industrial workmen, Victims of mass disaster, violence, flood, drought, earthquake, industrial disaster; Disabled persons, Persons in custody; Persons whose annual income does not exceed Rs. 50,000/- Victims of Trafficking in Human beings.

Nature of services provided include Payment of court fee, process fees and all other charges payable or incurred in connection with any legal proceedings; Providing Advocate in legal proceedings, Obtaining and supply of certified copies of orders and other documents in legal proceedings Preparation of appeal, paper book including printing and translation of documents in legal proceedings. Legal Services Authorities after examining the eligibility criteria of an applicant and the existence of a prima facie case in his favour provide him counsel at State expense, pay the required Court Fee in the matter and bear all incidental expenses in connection with the case. The person to whom legal aid is provided is not called upon to spend anything on the litigation once it is supported by a Legal Services Authority.

NALSA also provides for preventive and strategic legal aid by undertaking legal awareness programmes and transforming villages into litigation free. The legal aid program adopted by NALSA include promoting of legal literacy, setting up of legal aid clinics in universities and law colleges, training of paralegals, and holding of legal aid camps and Lok Adalats. The National Legal Services Authority is implementing and monitoring legal aid programs in the country206.

206 Free Legal Services can be availed from:
- Supreme Court Legal Services Committee, 109, Lawyers Chambers, Supreme Court of India, New Delhi for Supreme Court Cases.
- State Legal Services Authority constituted in all the States of the country
- High Court Legal Services Committee situated at High Court Complex in every High Court.
LEGAL AWARENESS CAMPAIGN.

NALSA is laying great deal of emphasis on legal literacy and legal awareness campaign. In pursuance of the call given by His Lordship Hon. Dr. Justice Anand, the Chief Justice of India in the First Annual Meet, 9th of November is being celebrated every year by all Legal Services Authorities as “Legal Services Day”. NALSA issues Press Releases in almost all the leading newspapers in the country in English, Hindi and Regional Languages to convey to the public salient provisions of the Legal Services Authorities Act, the important schemes of Legal aid and the utility of LokAdalats, so that people should know about the facilities being provided by Legal Services Authorities throughout the country.

NYAYA DEEP: 'Nyaya Deep', the official newsletter of NALSA is promoting a healthy working relationship between legal Services functionaries throughout the country and is proving immensely useful for exchange of views and sharing of ideas. Statistical information in regard to legal aid schemes and programmes is also included in this newsletter which is printed on quarterly basis. The editorials reflect the soul of 'Nyaya Deep' and measure the depth of the material included therein. These provide a window to the reader who in one glance through it can appreciate the content and purpose of the articles.

Legal Services to Transgender People

Transgender people are generally treated as objects of ridicule and aversion. However, many forget that transgender people too are born as human beings and as citizens of India, entitled to all the rights conferred by law and also are entitled to the

- District Legal Services Authority situated in the District Courts Complex in every District of the country
protection of the laws. The only problem faced by them is a confused gender, being neither a male or female - or a female soul trapped in a male body. Taking into account of the difficulties faced by transgender people in securing their legal right to live with dignity, NALSA has taken steps to provide legal Services to such persons by way of an innovative and diversified programme. NALSA felt that the first step in this regard is to create awareness amongst the other people about the rights of transgenders to live with dignity as human beings and citizens. As a first step in this direction a Conference was organised in Chennai on 14th August, 2010. NALSA has directed the State Authorities to organize similar awareness programmes throughout the country. It is heartening to note that the State of Haryana has included transgender people as persons eligible for free legal Services, in their Rules.

5.1.1 SCHEMES OF LEGAL AID: NALSA

In a country where majority of the people still live below poverty line, where millions and millions have never gone to a school and the society still discriminates on the basis of sex, religion and caste, legal literacy and legal awareness is the only road which lead the suffering majority to the door of equality - social, economical and political. Legal Services functionaries therefore, have a very vital role to play so as to nourish and safeguard the constitutional goal of “equal justice for all”. NALSA introduced numerous schemes and programmers to make legal Services effective and meaningful. It seeks for proper implementation of the schemes and programmers and has kept legal literacy and legal awareness at the top of the agenda.

PERMANENT AND LOK ADALAT SCHEME: A Permanent and Continuous Lok Adalat Scheme has been formulated and implemented to establish Lok Adalats in all the districts of the country for disposal of pending matters as well as disputes at pre-litigative stages. Under this scheme, the Lok Adalats are now organized regularly at designated venues, even away from court complexes and the cases which remain
unsettled are taken up in the next Lok Adalat. Lok Adalats have thus acquired permanency and continuity and are no more occasional. Establishing Permanent and Continuous Lok Adalats in all the Districts in the Departments, Statutory Authorities and Public Sector Undertakings for disposal of pending cases as well as disputes at pre-litigate stage. The Scheme Widens the network of Lok Adalat to Government Departments, Petitions pending before Women's Commissions, various Tribunals, Labour Courts, Industrial Tribunal and Tax Tribunals etc., setting-up Special Lok Adalats in all Family Courts.

**Legal Aid Counsel Scheme:** Legal Aid Counsel Scheme: For Appointment of “Legal Aid Counsel” in all the Courts of Magistrates in the country NALSA has initiated Legal Aid Counsel Scheme to provide meaningful legal assistance to under-trial prisoners who, on account of lack of resources or other disabilities, cannot engage a counsel to defend them. Now, Legal Aid Counsel have been attached to each Magisterial Court who provide assistance and defend a person who is not able to engage a counsel, right from the stage he/she is produced in the court by the police.

Scheme on supporting the implementation of National Rural Employment Guarantee Scheme (NREGS) through the State legal Services Authorities: A scheme on Supporting the Implementation on NREGS through State legal Services Authorities has been formulated by NALSA for generating awareness through Legal Literacy and Awareness Campaign and to establish a grievance redressal forum by Organising Lok Adalats to resolve the disputes/complaints or legal problems of any person in respect of implementation of the scheme and employment guaranteed under NREGA.

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207 [http://aplsa.ap.nic.in](http://aplsa.ap.nic.in) site visited on 10-01-2011 [Adopted in the Meeting of the Central Authority of NALSA held on 8.12.2010 at Supreme Court of India Legal Services institutions means the Taluk/Sub-divisional/Mandal Legal Services Committees, District Legal Services Authorities, High Court Legal Services Committees, State Legal Services Authorities and Supreme Court Legal Services Committee established under the Legal Services Authorities Act, 1987]
Counseling and Conciliation Scheme, Mediation Centers: NALSA has formulated a Counseling and Conciliation Scheme to encourage the settlement of disputes by way of negotiations and conciliation. Under this scheme, Counseling and Conciliation Centres are being set up in all the Districts of the country for guiding and motivating the migrants to resolve their disputes amicably. Such Centres have been set up in most of the Districts. **NALSA is bound to promote all forms dispute settlement mechanisms.** Accordingly, NALSA has taken steps for the setting up of Mediation Centers in all States. The Mediation and Conciliation Project Committee of the Supreme Court of India (MCPC) conducts training programmes on mediation for lawyers and judicial officers, in furtherance of the newly added Section 89 of the Code of Civil Procedure.

**A Scheme for The Project of Para-Legal Volunteers(Under the Plan of Action for the year 2009-2010)**

The Project of Para-Legal Volunteers is aimed at imparting legal awareness to volunteers selected from certain target groups who in turn act as harbingers of legal awareness and legal aid to all sections of people. The Volunteers are expected to act as intermediaries between the common people and Legal Services institutions and thereby removing barriers of access to justice. Initially, the volunteers are identified from the NSS units in Colleges, creditworthy NGOs and credible social organizations and Women Self Help Groups. In order to achieve the desired results and to mould the volunteers into full-fledged Para-Legal Volunteers, the following guidelines are formulated: It is a scheme for building up a group of volunteers from among the rural people to act as intermediates between the common people and legal Services institutions at Central, State, District and Taluka levels.’
Accreditation of NGOs of Voluntary Social Service Institutions for legal Literacy and Legal Awareness campaign: NALSA has formulated a scheme for accreditation of Voluntary Social Service Institutions to establish a nation wide network of voluntary agencies in order to spread legal literacy, legal awareness and publicity for legal Services throughout the nook and corner of the country. All the State legal Services Authorities have been urged to identify Social Service Institutions in all Districts and give them accreditation.

THE NATIONAL LEGAL SERVICES AUTHORITY (LEGAL AID CLINICS) SCHEME, 2010\(^{208}\): The Legal Aid Clinics, setup under this scheme are of two types: Clinic Constituted by Legal Services Institutions and permanent legal aid clinic in law colleges in University. Legal Aid Clinics are intended to provide legal relief easily accessible to the indigent and backward sections of our society. They are almost on the lines of primary health centers where a doctor and other auxiliary medical staff provide basic health care to the people situated in village areas affected with poverty and social squalor. Like the doctors rendering health services to the people of the locality in the primary health centre, a lawyer manning the legal aid clinic provides legal Services to the people. The thrust is on the basic legal Services like legal advice and assisting in drafting of notices, replies, applications, petitions etc. The lawyer manning the legal aid clinic will also attempt to resolve the disputes of the people in the locality, preventing the disputes from maturing into litigation.

Legal aid clinics have to be manned by para-legal volunteers selected by the Legal Services Authorities and lawyers with a sense of commitment, sensibility and sensitiveness to the problems of common people. Legal aid clinic is one of the thrust areas envisioned in the NALSAs Quinquennial vision & strategy document. NALSA plans to set up legal aid clinics in all villages.

\(^{208}\) http://apslsa.ap.nic.in/site visited on 10-01-2011
Especially to the people living in faraway places including the places with geographical barriers, away from the seats of justice and the offices of the legal Services institutions. The objective of the Scheme is to provide legal Services to the poor, marginalised and weaker sections of the society as categorised in Section 12 the Legal Services Authorities Act 1987.

The aim of the Scheme is to provide an inexpensive local machinery for rendering legal Services of basic nature like legal advice, drafting of petitions, notices, replies, applications and other documents of legal importance and also for resolving the disputes of the local people by making the parties to see reason and thereby preventing the disputes reaching courts.

In cases where legal Services of a higher level is required the matter can be referred to the legal Services institutions established under the Legal Services Authorities Act, 1987. Legal Services rendered at the legal aid clinic shall be of wide ranging in nature. Besides legal advice, other services like preparing applications for job card under the MGNREGA Scheme, liaison with the government offices and public authorities and helping the common people who come to the clinic for solving their problems with the officials, authorities and other institutions also shall form part of the legal Services in the legal aid clinic (the list given is only indicative, not exhaustive). Legal aid clinic shall work like a single-window facility for helping the disadvantaged people to solve their problems where the operation of law comes into picture.

- National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010\textsuperscript{209}. The Central Authority decided to have a uniform

procedure for making available free legal Services to the persons eligible under the Act. The New Regulations for free and competent legal Services introduce some novel provisions. The different tires of the legal Services institutions envisaged in the Act are annexed to the courts. Institutionalised legal Services are prone to acquire bureaucratic color and nature, eventually disliked by seekers of legal Services as yet another government machinery with an overplay of officialdom. In order to make the legal Services institutions more people friendly, it has been envisaged that all legal Services institutions shall have a front office manned by professional lawyers. The front offices are to be manned by panel lawyers and by one or more para-legal volunteers. The NALSA* issues guidelines for the State legal Services Authorities to implement the Legal Aid Programmes and schemes throughout the country. Primarily, the State legal Services Authorities, District legal Services Authorities, Taluka legal Services Committees, etc. have been asked to discharge the following two main functions on regular basis, To Provide Free legal Services to the eligible persons and to organize Lok Adalats for amicable settlement of disputes. It also disburses funds and grants to State Legal Services Authorities and NGOs for implementing legal aid schemes and programmes.

**NATIONAL LEGAL SERVICES AUTHORITY (LEGAL SERVICES TO THE MENTALLY ILL PERSONS AND PERSONS WITH MENTAL DISABILITIES) SCHEME, 2010** India being a signatory to the UN Convention on the Rights of Persons with Disabilities (CRPD) 2008 to ensure effective access to justice for persons with disabilities on an equal basis with others. NALSA Issued certain guidelines for the legal Services institutions to be followed while they deal with legal Services to the mentally ill and persons with mental disabilities. (1) The Legal Services Institutions shall keep in mind the fact that mental illness is
curable on proper medication and care. (2) To promote, protect and ensure the full and equal enjoyment of human rights and fundamental freedoms of the mentally ill persons. (3) To Respect for the inherent dignity of mentally ill persons - (4) No discrimination against mentally ill persons merely because of his state of mental health. (5) The right of mentally ill persons to get treatment (6) Legal Services during the proceedings for Reception Orders.

National Legal Services Authority (Legal Services to the Workers in The Unorganised Sector) Scheme, 2010[12] On the basis of the report NALSA in association with the Ministry of Labour, Government of India had organised a National Level Conference for unorganized workers for social security enacted new law, ‘Unorganized Workers’ Social Security Act 2008’. and formulated scheme to render legal Services. In the Regional Conference of the State Legal Services Authorities of the Western Region organised by the National Legal Services Authority (NALSA) at Ahmedabad on 28-29 August, 2010, it was lay down that Legal Services Authorities can come to the help of the workers in the unorganised sector in the following manner: (1) Identifying the unorganised workers within the jurisdiction of each legal Services institution by conducting surveys. State Legal Services Authorities may take steps for conducting surveys for identifying unorganised workers and all other categories of workers included in Central Act 33 of 2008. Services of law students, NGOs and para-legal volunteers also can be availed of for conducting such surveys. Surveys can be conducted in a phased manner, gradually covering entire area within the jurisdiction of the legal Services institutions concerned. (2) The beneficiaries may be categorised into groups depending on the different welfare schemes of the State Government implemented through the Boards and Corporations (i.e. Construction Workers Welfare Board, Bidi Workers Welfare Board, Artisans Welfare Corporation etc). The survey should
indicate whether the workers belonging to each category have made efforts to avail of the benefits of the scheme or scheme / legislation / programme of the government.

The next step shall be to liaise with the Boards / Corporations concerned to make available the benefits of the schemes / programmes. Every effort shall be made to ensure that all deserving unorganised workers are brought to avail of the benefits

3) Conducting legal awareness programmes for the identified groups of unorganized. Unorganised workers seldom have bargaining capacity for securing their rightful entitlements. This leads to exploitation by the employers. Temporary nature of their work also disables them from using the collective bargaining techniques. Support by the legal Services institutions to the unorganised workers will empower them in demanding their legal rights and entitlements. It shall be ensured that the workers are able to approach the Legal Services Authorities with confidence to avail of the benefits under the Central Act 33

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

The report of Dr. Arjun Sen Gupta Commission on labourers in the unorganised sector ‘Social Security for Unorganised Workers’ (May, 2006) reveals a stark reality that nearly 96 per cent of our work force remains in the unorganised sectors and only 4 per cent in the organised sector enjoy the various social security measures provided by the labour laws! The commission’s finding further indicates that the unorganised labour contributes a lion’s share of 60 per cent of our national economy. As the labourers in the unorganised sectors are left untendered to the vagaries of their fate and untold miseries.
A Scheme for Legal Services to Disaster victims through Legal Services Authorities. Legal Services to the people suffering from undeserved wants – Victims of natural or manmade disasters, ethnic violence, communal riots etc are people who become helpless for no fault of theirs. The need for legal Services was felt for the first time when the massive disaster of Tsunami occurred in the coastal areas of the Bay of Bengal and the Arabian Sea. The victims of disasters eventually come across with legal problems like death certificate for the missing persons, loss of vital documents like Title Deeds, Passports, Licences etc. The promises and proclamations made by the visiting political executive and the administrators are quite often forgotten and do not reach the victims. Legal Services can play an effective role in resolving disputes and also for tackling the issues like adoption of orphaned children and rehabilitation of persons who become disabled due to the calamity. These situations have been handled by the State Legal Services Authorities when the disasters like the cyclone Aila and cyclone Laila struck the eastern coast and during the recent cloud-burst in Leh (J&K). The State Legal Services Authorities in the affected areas rose to the occasion and rendered yeomen services to the victims within the frame-work of law.

The National Legal Literacy Mission (NLLM)\textsuperscript{211}

NALSA Constituted National Legal Literacy Mission its main object is to empower the poor and disadvantaged persons, particularly woman and children through legal literacy by making them aware of their rights; to lead them to live their life with dignity and to enjoy equality before law, to ensure justice and further

\textsuperscript{211}On 6th March 2005, National Legal Services Authority unveils the National Legal Literacy Mission NLLM by the PM Dr.Manmohan Singh. Services offered by the Authority for the beneficiaries include Free Legal Aid, FreeLegal Advice, Legal Counselling, Social Justice litigation with the objective of eliminating stigma, discrimination and inequality from the society.

Mukul National Legal Literacy Mission-Implementation strategies Nyaya deep vol v1 Issue4 oct 2005 p.53-56
facilitating them in this respect through free legal Services programmer available under the Legal Services Authorities Act, 1987. The biggest gap between the NLLM and its beneficiaries is lack of awareness of their rights and information about availability of the redresses machinery of legal aid. L.S.H.G, A small informal mechanism to be created at panchayat level and ward level in small towns termed as Legal Services help groups. The LSHGs can identify beneficiaries who need legal aid through the Legal Services Authorities at different levels. Publicity to Legal Aid Scheme and programmes to make people aware about legal Aid Facilities. NALSA has been organizing the Legal Aid Camps through State legal Services Authorities, Taluka legal Services Committees, NGOs, etc. in the rural area and slum areas for educating the weaker sections as to their rights and for encouraging them to settle their disputes through ADR Mechanism. The people are educated/made aware of their rights, benefits and privileges guaranteed by social welfare legislations, administration programmes and measures etc.

The NALSA has been organizing meetings, seminars and workshops connected with legal Services programmes in different parts of the country. The NALSA has developed audio visual spots and publicity material to make the common man aware of the various aspects of the legal Services programmes. Documentary films have also been prepared and are being screened in the different parts of the country through Directorate of Field Publicity. Other publicity measures like, hoardings, production of short-films, skits in CD form and distribute copies to all TLSC and DLSAs Printing of publicity materials like posters, pamphlets, booklets and distributing the required quantity of such materials to all States legal Services Authorities in requisite number, advertisements in newspapers and television (both private and Government owned) etc.

Evaluation of Projects and Schemes: NALSA Directed the State legal Services Authorities to set-up Committees for evaluation of the actual benefit
received by the beneficiaries under Section 12 of this Act in respect of each project and programme, and to send copy of such reports to NALSA.

Sensitisation of judicial Officers in regard to Legal Services Schemes and Programmes\textsuperscript{212}. His Lordship Hon. Mr. Justice S.P. Bharucha, observed that Legal Services Authorities must ensure that judicial officers are duly sensitized about the work NALSA is doing and its importance for the poor and illiterate. In the Chief Justices' Conference held at New Delhi, a resolution was passed to say that in the service records of the Judicial officers, their interest in legal aid programmes should be reflected and all the High Courts should take steps for sensitizing the Judicial officers in regard to legal aid programmes and schemes. Once all the judicial officers in the country get properly sensitized in regard to the relevance and importance of legal aid schemes they shall themselves start caring for the poor, backward and weaker sections of the society who are not in a position to engage their own counsel and look after their legal causes.

National Plan of Action: Plan of Action for 2009-2010

In order to implement the Legal Aid Schemes and legal Services Programmes of NALSA in accordance with the object of the legal Services Authorities Act, 1987, NALSA comes up with a Plan of Action – In 2009, NALSA brought out its vision documents titled as ‘NALSA – A Quinquennial Vision & Strategy Document’. The five year vision envisaged in the vision document highlights the plan for the next five years in a broad manner. Based on the vision document, NALSA decided to have a National Plan of Action for every year. The National Plan is drawn up collating the needs of each part of our country, gathered from the State Legal Services Authorities. The State Legal Services Authorities project their plans as per the needs and

\textsuperscript{212} Executive Chairman, NALSA while writing from the Desk of the Executive Chairman in Jan.,99 Issue of 'Nyaya Deep' had observed that not all judicial officers in the country are duly sensitized to Legal Services Schemes and programmes and as such are unable to guide poor litigants in this regard
requirements in their respective States. The National Plan is then designed from the national perspective which can be implemented throughout the country.

National Plan of Action 2010-2011

The objectives of the National Plan of Action 2010-11 are:

- Providing free, competent, effective and comprehensive legal Services.
- Widening the network of Lok Adalats.
  Evolving schemes and strategies for persons belongings to Scheduled Castes / Scheduled Tribes, women and children.
- Reaching out to the people.
- Broad based activities, in coordination with governmental and non-governmental agencies, universities and others promoting the cause of legal Services to the poor.
- Institutionalising the ADR methods.
- Legal literacy and awareness camps.
- Strengthening and training the legal aid lawyers.
- Synergy with Judicial Academies.
- Creating a base for Para-legal volunteers. Innovation and diversification.
- Use of information Technology and the road ahead.

Funds. There was no dearth for funds for implementing the National Plan of Action. The budgetary allocations by the Union Government received by NALSA were promptly allocated to the State Authorities. There was no cry for want of fund from anywhere. Based on the above objectives, a Calendar for Activities also was prepared for the year 2010-11. The State Legal Services Authorities were asked to send monthly reports on the implementation of the Plan of Action and performance of the

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targets specified in the Calendar for Activities. The State Legal Services Authorities are implementing the Plan of Action as per the objectives and the Calendar for Activities and are sending reports to NALSA.


**Legal Aid Centre (s) in the Juvenile Justice Board** Supreme court\(^{214}\) has directed the National Legal Services Authority to put in place Legal Aid Centers attached to the Juvenile Justice Board (s) in the State capitals. In the circumstance, the State Legal Services Authority is requested to establish Legal Aid Centre (s) attached to the Juvenile Justice Board (s) in the State/Union Territory Capitals immediately. The State Legal Services Authority may direct the District Legal Services Authority of the Capital District to establish Legal Aid Centre (s) in the Juvenile Justice Board (s) working the capital city. The aforesaid DLSA may be requested to inform all children in conflict with law about the availability of free legal aid and about the list of panel lawyers displayed as above.

\(^{214}\) In the order dated 19.08.2011, Hon’ble Supreme Court of India in *Sampurna Behrua v. Union of India & Ors. W.P.(C) No.473/2005* The Principal Magistrates and the Members of the JJB may be
directed to prepare a list of young panel lawyers for such Legal Aid Centre. The panel lawyers may be selected from young and competent lawyers, preferably women lawyers, who are willing to work the entire day in a child-friendly manner in compliance with the spirit and object of the Juvenile Justice (Care and Protection of Children) Act, 2000 and Juvenile Justice Rules, 2007. When a child is produced before Board by Police, Board should call the legal aid lawyer in front of it, should introduce juvenile / parents to the lawyer, juvenile and his/her family/parents should be made to understand that it is their right to have legal aid lawyer and that they need not pay any fees to anyone for this. NALSA is very sure that under the kind patronage and guidance of Hon. The Chief Justice of India and Hon. Executive Chairman, a vibrant nationwide network of Legal Services Authorities shall be made available to the people to provide free and competent legal Services to the eligible persons.215

5.1.2. Supreme Court Legal Services Committee216: The Central Authority constitutes the Supreme Court Legal Services Committee for the purpose of

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215 *All India Legal Aid Cell on Child Rights* was Established by Delhi Legal Services Authority and Bachpan Bachao Andolan under the Aegis of National Legal Services Authority to realize the cherished Constitutional ideal of equality and justice to child *sine qua non* of creation of a Child Friendly Society where every child has access to physical, social, psychological, moral & spiritual development. Permanent Legal Aid Cell would be a PAN – INDIA activity to achieve the following objectives: To establish a Permanent Legal Aid Cell at the at Bachpan Bachao Andolan Central Office, New Delhi and also at Mukti Ashram, Ibrahimpur, Delhi; To provide legal representation to the children in need of care and protection across the country; To take, deal, pursue and/or coordinate and ensure prosecution against the persons indulging in child labour, traffic in human beings, *begar*, forced labour, child abuse, or in any form of child exploitation; To build a network of various SLSAs for rescue and rehabilitation of children in need of care and protection. To instruct the concerned State Legal Services Authority to take, deal, pursue and coordinate to ensure appropriate legal action against the offenders. To provide access to legal aid & advice to all Govt. Departments and/or bodies including State Legal Services Authorities functioning across the country; To provide legal aid and advice to all civil societies, voluntary organisations and social spirited individuals working across the country espousing the cause of child rights; To coordinate with all Govt. Bodies, Institutions, Authorities and Organisations concerning or entrusted with the responsibilities relating to child rights, To reach out the benefits flowing from various social welfare schemes to the child/children. To create awareness of child rights and schemes framed by Central and/or State Governments for the welfare and rights of children; To undertake sensitization programs, for skill enhancement of lawyers and / or paralegals; To undertake research or survey based programs to study the impact assessment and maximize befits of child welfare legislations and schemes;

216 17sec 3-A The Supreme Court Legal Services Committee shall consist of not more than nine Members. The following shall be the ex-officio. Members of the Supreme Court Legal Services Committee (i) Attorney General of India (ii) Additional Secretary in the Department of Legal Affairs, Ministry of Law, Justice and Company Affairs, Government of India or his nominee (iii) Additional
providing necessary legal Services to the needy person in the cases before the Apex Court of India. The Committee consists of: (a) a sitting judge of the Supreme Court who shall be the Chairman; and (b) such number of other Members ex-officio members.

Functions and powers of the Secretary 217 (1) The Secretary shall be the principal officer of the Committee and shall be the custodian of all assets, accounts, records and funds at the disposal of the Committee. (2) To convene meetings of the Committee with the previous approval of the Chairman and shall also attend meetings and shall be responsible for maintaining a record of the minutes of the proceedings of the meetings.

The Supreme Court Legal Services Committee exercises the following powers and functions (a) To administer and implement the legal Services programme and to act in accordance with the directions issued by the Central Authority from time to time; (b) To receive and scrutinize applications for legal Services and to decide all questions as to the grant of or withdrawal of legal Services; (c) To maintain panels of advocates on record and of senior advocates in the Supreme Court for giving the legal advice (d) To decide all matters relating to the payment of honorarium, costs, charges and expenses of legal Services to the advocates on record and to senior advocates of the Supreme Court (e) To prepare and submit returns, reports and statistical information in regard to the legal Services programme to the Central Authority Provided that the Chairman shall not directly concern any question as to grant or withdrawal of legal Services to any person. The Chairman shall have all

Secretary in the Department of Expenditure of the Ministry of Finance Government of India or his nominee and. (iv) Registrar General of the Supreme Court of India And nominated members 217 Regulation 8 of the supreme court Legal ServiceCommitteeRegulations1996 218 Regulation 5 of the supreme court Legal Service Committee Regulations 1996 e weaker sections of the people including Scheduled Castes, ScheduleTribes, Women, children, rural and urban.
the residuary powers of the Committee\textsuperscript{219}. The Chairman shall cause the meetings of the Committee convened through the Secretary at least one in a period of three months. He shall preside over the meetings of the Committee.

\subsection*{5.1.2.1. The Supreme Court Legal Services Committee: Legal Services}

A person seeking free legal aid\textsuperscript{220} through the Committee has to apply to its Secretary at Chamber No.108, R.K. Jain Lawyers Chambers Block, Supreme Court Compound, New Delhi, in the prescribed form which is available free of cost in its office or its website or can be obtained from any of the nearest Taluk/District/State/High Court Legal Services Committee. He is required to submit the requisite documents along with the application form. However, if the applicant is illiterate or is not in a position to write, the Secretary or an officer of the Committee shall record his verbal explanation and to obtain his thumb impression/signature on the record and such record will be treated as his application. The Committee shall maintain a register of applications wherein all applications for legal Services shall be entered and registered date wise and the action taken on such applications shall be noted against the entry relating to such applications. For obtaining legal advice one can call on in the office of the Committee between 10.00 A.M. to 05.00 P.M. on any working day People can get information by post or they can visit the office of the Supreme Court Legal Services Committee on any working day i.e., from Monday to Friday from 10.00 AM to 04.00 PM and on Saturday from

\textsuperscript{219} Regulation 6 of the supreme court Legal Service Committee Regulations 1996

10.00 AM to 12.00 noon On receipt of an application for legal Services, the Secretary shall first cause the eligibility of the applicant as per the provisions of the Act. If the applicant satisfied the eligibility criteria the Secretary shall proceed to examine the merit of his application. For examining the merits of the application, the Secretary may take the assistance of legal Services advocates or other advocate willing to provide free legal advice. The Secretary may also take the advice of the Legal Services Counsel-cum-Consultant employed by the Committee. In case the applicant satisfied the eligibility criteria and also has merit in his application, the Secretary shall proceed to decide the mode of legal Services. The Secretary may reject an application for the grant of legal Services in any matter if it is not found fit, for the reasons to be recorded in writing. In case of refusal for the grant of legal Services, the Secretary shall inform the applicant in writing of such refusal. The applicant whose application for grant of legal Services has been rejected may prefer an appeal before the Chairman for a decision.

A directory of its officers and employees:

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of Officers</th>
<th>Designation</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Mr. P.K. Bajaj</td>
<td>Secretary</td>
<td>011-23073970</td>
</tr>
<tr>
<td>2.</td>
<td>Legal Services Counsel-cum-</td>
<td></td>
<td>011-</td>
</tr>
</tbody>
</table>

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221 Regulation 12 of the Supreme court Legal Service Committee Regulations 1996 RULE 7 The Supreme Court Legal Services Committee Rules, 2000 [Published vide G.S.R. 582(E) on 03.07.2000

222 Income Limit: As prescribed under Section 12 of the said Act, the Committee provides free legal Services to the litigants whose annual income does not exceed Rs.50,000/-. Irrespective of the means test, legal Services may be granted – (a) in cases of great public importance; or (b) in a special case, reasons for which to be recorded in writing, is concerned otherwise deserving of legal Services.
<table>
<thead>
<tr>
<th></th>
<th>Consultant</th>
<th>Designation</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Mr. T.K. Barua</td>
<td>Superintendent</td>
<td>23381257</td>
</tr>
<tr>
<td>4</td>
<td>Mr. Brahma Singh</td>
<td>Assistant</td>
<td>011-23388313</td>
</tr>
<tr>
<td>5</td>
<td>Mr. Ashok K. Verma</td>
<td>Assistant</td>
<td>011-23388313</td>
</tr>
<tr>
<td>6</td>
<td>Mr. B.K. Sharma</td>
<td>Upper Division Clerk</td>
<td>011-23388313</td>
</tr>
<tr>
<td>7</td>
<td>Mr. I.D. Sharma</td>
<td>Upper Division Clerk</td>
<td>011-23388313</td>
</tr>
<tr>
<td>8</td>
<td>Mr. Satish Kumar</td>
<td>UDC-cum-Accounts Clerk</td>
<td>011-23388313</td>
</tr>
<tr>
<td>9</td>
<td>Ms. Madhuli Bhakuni</td>
<td>Jr. Stenographer</td>
<td>011-23388313</td>
</tr>
<tr>
<td>10</td>
<td>Mr. U.K. Bose</td>
<td>Lower Division Clerk</td>
<td>011-23388313</td>
</tr>
<tr>
<td>11</td>
<td>Mr. Harish Bhardwaj</td>
<td>Lower Division Clerk</td>
<td>011-23388313</td>
</tr>
<tr>
<td>12</td>
<td>Mr. Vijay Kumar Sharma</td>
<td>Lower Division Clerk</td>
<td>011-23388313</td>
</tr>
<tr>
<td>13</td>
<td>Mohd. Shahid Khan</td>
<td>Lower Division Clerk</td>
<td>011-23388313</td>
</tr>
<tr>
<td>14</td>
<td>Mr. Laxman Singh Rawat</td>
<td>Daftry</td>
<td>011-23388313</td>
</tr>
<tr>
<td>15</td>
<td>Mr. Shadab Alam</td>
<td>Peon</td>
<td>011-23388313</td>
</tr>
</tbody>
</table>

(xvi) the names, designations and other particulars of the Public Information Officers;

Shri T.K. Barua,
Central Public Information Officer for Supreme Court Legal Services Committee,
108, Lawyers Chambers
Supreme Court Compound,
New Delhi -110001
Ph : 011 -23388313

APPELLATE AUTHORITY
1. LEGAL AID APPLICATIONS

<table>
<thead>
<tr>
<th>No. of applications pending at the end of preceding Quarter</th>
<th>No. of applications received during the Quarter</th>
<th>No. of applications disposed of during the Quarter</th>
<th>No. of applications pending for disposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1326</td>
<td>261</td>
<td>87</td>
<td>1500</td>
</tr>
</tbody>
</table>

2. LEGAL AID BENEFICIARIES DURING THE QUARTER:

<table>
<thead>
<tr>
<th>S.C.</th>
<th>S.T.</th>
<th>In custody [S. 12(g)]</th>
<th>Women</th>
<th>Children</th>
<th>Other eligible persons including disable persons</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>01</td>
<td>119</td>
<td>53</td>
<td>Nil</td>
<td>64</td>
<td>261</td>
</tr>
</tbody>
</table>

3. SUPREME COURT MEDIATION CENTRE

Statistical information of the Supreme Court Mediation Centre for the Quarter ending 30.06.2011
<table>
<thead>
<tr>
<th>Number of cases taken up during the quarter</th>
<th>Number of cases settled by amicable settlement during the qr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>38</td>
<td>16</td>
</tr>
</tbody>
</table>

**BUDGETARY ALLOCATIONS AND EXPENDITURE INCURRED**

**FOR THE QUARTER ENDING 30.06.2011**

1. Grant/funds sanctioned by the National Legal Services Authority | Nil |
2. Approximate Expenditure incurred during the Quarter | Rs.27,67,700/- |

**Modes of Legal Services in Supreme Court**: Legal Services to be provided in any one or more of the following ways—

a) payment of court-fees, process fees and all other charges payable or incurred in connection with any legal proceedings; (b) charges for drafting, preparing and filling of any legal proceedings and representation by a legal practitioner in legal proceedings; (c) cost of obtaining and supply of certified copies of judgments, order and other documents in legal proceedings; (d) cost of preparation of paper book in legal proceedings and expenses incidental thereto.

**Legal Services not to be provided in certain cases** Legal Services shall not be given in the following cases, namely—

1. Proceedings wholly or partially in respect of -- (a) defamations; or (b) malicious prosecution, or (c) contempt of court proceedings; and (d) perjury. (2) Election Proceedings (3). Proceedings in respect of offences where the fine imposed is not more than Rs.50. (4)Proceedings in respect of

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224 Regulation 13

225 Regulation 14 Statistical information with regard to the implementation of Legal Aid Programme in the Supreme Court Legal Services Committee for the Quarter ending 30.06.2011
economic offences and offences against social laws, such as, the Protection of Civil Rights Act, 1955, and the Immoral Traffic (Prevention) Act, 1956 unless in such cases the aid is sought by the victim:

Provided that the Chairman may in an appropriate case grant legal Services even in such proceedings. Where a person seeking legal Services,-- (a) is concerned with the proceedings only in a representative or official capacity; or (b) is a formal party to the proceedings, not materially concerned in the outcome of the proceedings and his interests are not likely to be prejudiced on account of the absence of proper representation.

**Honorarium payable to Legal Services Advocate**

The legal Services advocate shall be paid such honorarium as may be fixed by the Committee. No legal Services advocate to whom any case is assigned either or legal advice or for legal Services shall receive any fee or remuneration whether in cash or in kind or any other advantage, monetary or otherwise, from the aided person or from any other person on his behalf.

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

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

**Withdrawal of legal Services:** Legal Services are revoked in the following cases:
1. When applicant is found guilty of misrepresentation, fraud or using unfair means,
2. There is a gross change in the circumstances of the case,
3. If there is any misconduct or negligence on the part of aided person,
4. Non-cooperation with assigned lawyer,
5. Misuse of the legal Services

Provided that legal Services shall not be withdrawn without giving due notice thereof to the aided person or to his legal representatives in the event of his death, to show causes as to why the legal Services should not be withdrawn. (Regulation 18)

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

**Mediation Centre:** A Mediation Centre in the Supreme Court has been functioning under the aegis of the Committee. The cases found suitable for a negotiated settlement are referred by the Supreme Court, wherein mediation is conducted by the Advocate-Mediators of the Supreme Court.

The Supreme Court passed numerous interim orders to enable concerned authorities to implement the provisions of LSA Act.\(^ {226}\) Initially the Central Government and other authorities were reluctant to implement the provisions of the

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\(^ {226}\) The Supreme Court Legal Aid Committee v. Union of India and others:1998 (5)SCC762.
Act but on the directions of the Supreme Court the Act could be enforced and implemented. In this case Supreme Court issued the following directions in the nature of mandamus:

The prisoner should be provided with free copy of judgment of the Session Court or High Court within 30 days of the pronouncement of judgment. The registry of court concerned will personally endorse the copy of such judgment to the superintendent of jail for forwarding it to the petitioner. Superintendent of jail shall explain to him in the language understood by him. The Superintendent shall inform the prisoner the availability of legal Services, Jail authority shall provide free of cost a Vakalatnama or a performs of Affidavit as required by High Courts and the Supreme Court. The jail authority shall send all records of the prisoners to the Supreme Court or High Court Committee where he wants to apply for legal aid\textsuperscript{227}.

Success rate of the legal aid cases also should be a component of the evaluation measures. To take necessary steps for ensuring commitment to the provisions in Part-IV of the Constitution of IndiaAchievementTill 31.03.2009 about 96.99 lakh people have benefited through legal aid and advice throughout the country in which about 13.83 lakh persons belonging to Scheduled Caste and 4.64 lakh people of Scheduled Tribe communities were beneficiaries. More than 10.22 lakh people were women and about 2.35 lakh people in custody were also benefited. About 7.25 lakh Lok Adalats have been held throughout the country in which more than 2.68 crore cases have been settled. In about 16.87 lakh Motor Accident Claim cases, more than Rs. 7593 crore has been awarded as compensation\textsuperscript{228}.

\section{5.1.3. STATE LEGAL SERVICES AUTHORITY}

\textsuperscript{227} http://nalsa.com site visited on 5.5.2010
\textsuperscript{228} Source: Statistical information with regard to the implementation of Legal Aid Programme in the Supreme Court Legal Services Committee for the Quarter ending 30.06.2011
The researcher discusses the rules and regulations of the AP State Legal Services Authority and the true possession of other States is explained wherever felt necessary.

States are under an obligation to provide free and competent legal services to the people and to implement the provisions of the Legal Services Authorities Act and Schemes framed formulated by the NALSA. In exercising the powers conferred under Section 28 of the Act, the States Governments framed State Legal Services Authorities Rules and established State Legal Services Authorities in their States. Under Section 29-A of the Act, the State Authorities are authorized to frame regulations for establishing the High Court Legal Services Committees for respective High Courts and also for adopting new strategies of legal aid like creating permanent Lok Adalats, launching legal awareness programmes etc. Almost all the States and Union Territories have framed rules and regulations and created State Legal Services Authorities and infrastructure in accordance with the provisions of the Act. The composition of members range from 15, (A.P) 17, (U.P.) 21(Tamilnadu)\(^229\).

5.1.3.1 A.P STATE LEGAL SERVICES AUTHORITIES.

State Authority\(^230\) shall consist of the Chief Justice of the High Court, who shall be the Patron-in-Chief; nominated by the Governor, who shall be the Executive...
Chairman, and other Members 1. Ex-officio Members, 2. Nominated Members, 3. Member Secretary Ex-officio Members of State Authorities. (a) Advocates General of the State; (b) The Principal Secretary in the Department of Finance, (c) The Secretary in the Department of Law; (d) The Secretary in the Department of Home; (e) Chairman, State Scheduled Castes and Scheduled Tribes Commission. (f) Two Chairmen of the District Authority, as may be nominated by the State Government, in consultation with the Chief Justice of the High Court. The composition of Authorities in States are different, especially in case of Ex officio members. In the state of Rajasthan State Legal Services Authorities, Uttar Pradesh State Legal Services Authorities, Kerala, Karnataka SLSA The chairman of the state bar council was included. In A.P State legal Services Authorities Rules in the composition of Ex officio members The chairman of the State Bar Council was not included. The Researcher views to render legal Services effectively chairman of the State Bar Council needs to be included in A.P State Legal Services Authorities.

Function of The State Legal Services Authorities: State Authority discharge the following functions231 (a) Give legal Services to persons who satisfy the criteria laid down under this Act; (b) Conduct [Lok Adalats including Lok Adalats for High Court cases] (c) Undertake preventive and strategic legal aid programmes; and.
(d) Perform such other functions as the State Authority may, in consultation with the 2 [Central Authority,] fix by regulations.

Member-Secretary of the State Authority, Member Secretary exercises the following The Power and Functions232

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231 Section 7(1) and (7) (a) (b) (c) of the Act (Shall come into force with such modifications as are adopted in consultation with the Central authority ( vide Section 7 (d) of the Act.
232 Sec 6 of the Act a) To give free legal Services to the eligible and weaker sections; (b) To work out modalities of the legal Services Schemes and Programs approved by the State Authority and ensure their effective monitoring and implementation(c) To exercise the powers in respect of administrative, house-keeping, finance and budget matters as head.
The Legal Services Authorities Act, 1987 came into force in the State of Andhra Pradesh with effect from 28-11-1995. The A.P. State Legal Services Authority was constituted in the year 1996. Apart from constituting the High Court Legal Services Committee for settling cases pending before the High Court, 23 District Legal Services Authorities and 108 Mandal Legal Services Committees have also been constituted in the State of Andhra Pradesh, 267 Legal Aid Counsels for the Magistrate Courts in the State are also been appointed so as to provide legal aid to the under trial prisoners in custody.

The First Annual Meet of the State Legal Services Authorities was held on 12th of September, 1988 at Vigyan Bhawan, New Delhi* which was presided over by His Lordship Hon. Dr. Justice Anand, Executive Chairman of the NALSA and Member Secretaries of the State Legal Services Authorities.

The Second Annual Meet of the State Legal Services Authorities was held at Jubilee Hall, Hyderabad on 9th October, 1999. Hon. Mr.Justice Bharucha, Executive Chairman of the NALSA presided the meet and emphasised that Counselling and Conciliation Centres should be established in all the District in the country to bring

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233 A resolution was passed in the First Annual Meet of the State Legal Services Authorities, the income ceiling for eligibility for legal aid and assistance has been enhanced to Rs.50,000/-p.a. for legal aid before the Supreme Court of India and Rs.25,000/- p.a. for Legal Aid up to High Court.
about negotiated settlement of disputes between the parties. He also emphasised the need for improving the quality of legal aid that is being given by legal aid advocates.

Special measures have been taken by this Authority for settling excise cases on the basis of the amendment brought out by the State Government to the A.P. Prohibition Act. This Authority also conducted Orientation Course to the judicial offices on 30th September 2000, at Hyderabad, as suggested by the National Legal Services Authority, to sensitise them with the provisions of Legal Services Authorities Act, 1987.

5.1.3.1.1. SCHEMES OF A.P. STATE LEGAL SERVICES AUTHORITY

The A.P. State Legal Services Authority with an intention to aim to make the Legal Services in the State to facilitate access to justice for all formulated a positive plan of Action for efficient and effective dispension of Legal Services of every needy person through the Legal Services Authority. A Policy for Access to justice for All has been evolved dealing with every aspect of legal Services and the policy is under implementation by all the Legal Services Authorities in State is under execution by the District Legal Services Authorities and Mandal Legal Services Committees in the State making maximum use of the resources and infrastructure available with the Authorities.

The objects of the Policy for Access to Justice for All234 are

1. Development of para-legal Services: Giving training by the judicial officers and Advocates to various target groups who in turn act as trainers and also training in alternative dispute resolution processes to spread of legal literacy.

2. To Spread legal awareness and literacy to every citizen that they have a right to live with human dignity, that they can enforce their rights in law, that they

234 Access To Justice For All, A.P. State Legal Services Authority, NyayaSeva Sadan –Puranhaveli,, Hyderabad p 3-20
have to perform their legal duties and obligations and that they can approach the legal Services Authorities for all permissible assistance.

3. Evolution of a permanent and continuous mechanism to be available at the offices of District Legal Services Authorities, Mandal legal Services Committees and Courts for rendering proper legal advice to the needy.

4. Legal aid to all needy citizens, particularly to prisoners and other eligible categories through competent and committed legal aid counsel and duty counsel.

5. Evolution of a uniform policy for implementation of Section 89 of the Code of Civil Procedure

6. Expansion of Lok Adalat net to every civil dispute and compoundable offence.

7. Devising the necessary ways and means to answer the minimum needs of infrastructure required for effective functioning of the Legal Services Authorities.

Establishment of Permanent Lok Adalats u/s.22 B of Legal Services Authorities Act.

The APSLSA constituted permanent Lok Adalat for public utility services in the districts in 2006 in Six districts Visakhapatnam, Karnool, Cuddapah, Khammam, Warangal, Hyderabad.

The APLSA organizes various forms of Lok Adalat

1. **GRAM LOK ADALAT** : for settlement of cases in villages to see the villages are free litigation

2. **JAIL LOK ADALAT** : for early disposal of under-trail prisoner’s cases

3. **PARIVAR LOK ADALAT** : For settlement of family disputes

4. **PARIHAR LOK ADALAT** : For settlement of compensation cases under the Railway Act, Land
<table>
<thead>
<tr>
<th>No</th>
<th>Name of the Lok Adalat</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>PRASHANATH LOK ADALAT</td>
<td>For settlement of all compoundable Criminal Cases</td>
</tr>
<tr>
<td>6</td>
<td>PARISHRAM LOK ADALAT</td>
<td>For settlement of Labour Cases</td>
</tr>
<tr>
<td>7</td>
<td>PARISHKAR LOK ADALAT</td>
<td>For settlement of all civil disputes</td>
</tr>
<tr>
<td>8</td>
<td>PRADTIDIN LOK ADALAT</td>
<td>Daily LokAdalat with Member Secretary and two others as Bench</td>
</tr>
<tr>
<td>9</td>
<td>JUVENILE LOK ADALAT</td>
<td>To give speedy relief to the Children</td>
</tr>
<tr>
<td>10</td>
<td>SANCHAR LOK ADALAT</td>
<td>For Settlement of Telephone and Postal cases</td>
</tr>
<tr>
<td>11</td>
<td>WATER LOK ADALAT</td>
<td>For settlement of cases pertaining to Hyderabad Metro Water supply and Sewerage Board.</td>
</tr>
<tr>
<td>12</td>
<td>TRANSCO LOK ADALAT</td>
<td>A permanent LokAdalat Bench is constituted at Hyderabad, by the State Authority for settlement of cases pertaining to electricity disputes</td>
</tr>
<tr>
<td>13</td>
<td>MAHILA LOK ADALAT</td>
<td>For settlement of pre-litigation disputes and pending cases of Matrimonial and Family nature, a permanent Lok Adalat bench is constituted</td>
</tr>
<tr>
<td>14</td>
<td>PENSION LOK ADALAT</td>
<td>Pension Lok Adalat bench is constituted at Hyderabad for dealing with all issues relating to the pension</td>
</tr>
</tbody>
</table>
cases of the retired State Government employees

15. SENIOR CITIZEN LOKADALAT:

Senior Citizen Lokadalat is constituted at Hyderabad for dealing with issues relating to senior Citizen.235

- Appointment of Full Time Secretaries for District Legal Services Authorities
- Celebrating Nation Legal Services Day on 9th Nov. In every year special programmes from November to 30th November were conducted by the Authority. Legal literacy campaign is organized throughout the state to create awareness on the subject of legal rights of various beneficiary groups as classified in the Act. The authorities concentrating to make the villages litigation free and conciliating the parties in respect of pre-litigation matters.
- Constitution of separate cells in all 23 Districts.
- Delivery of Legal Services by phone, post, legal counseling
- Organization of workshops and seminars
  Providing Legal Services to victims of trafficking and HIV and preparing plans for implementation of “Naya Sankalp Project.
- Rending Legal Services to Prisoners. Maintaining, Keeping Grievance boxes in the prison, establishing legal aid cells in prison. Appointment Legal Aid Counsel.
- To formulate modalities for effectuating para Legal Volunteers System.
- To give training to Legal Aid Workers in Alternative Dispute Resolution.
- To spread Legal awareness and legal literacy through organizing camps.

235 Ennadu Daily newes Paper June 16 2012 Supreme Court judge, Madan B. Lakur inaugurated Senior Citizen Lokadalat, Hyd.
• Tendering proper legal advice offices. The SLAC directed all the Law Officers in the state or civil and criminal side be available for fixed hours on all working days in their chambers for rendering free legal advice to the eligible and needy person referred to them by the concerned Legal Services Authorities (vide Memo No.5240/Courts/2005, dt.28.03.2005)

• Appointment of Legal Aid Counsel and Duty Counsel
• Evolution of uniform policy for implementation of Sec.89 of the code of Civil Procedure
• Providing infrastructure for effective functioning of Legal Services Authorities
• Rending Legal Services to the Mentally challenged people,

MODES OF DELIVERY OF LEGAL SERVICES\(^{236}\)

1. By Phone: On 8\(^{\text{th}}\) November, 2005. A Toll Free Telephone Number 1800-425-2999 was installed in the office of the A.P. State Legal Services Authorities and Services are available to the public for receiving Legal Services and Legal advice free of cost.

2. By Post: The Authorities attends to the representation received by Post from the public, renders legal aid and advice.

3. Legal Counseling: The Authority organized counseling centers at every district, and also organizing special counseling centers such as jail counseling, juvenile counseling, family counseling etc. to make the people understand about relevant enactments and the bring them to amicable settlement in all the compoundable and petty cases.

\(^{236}\) supra note35 at p12
4. **Para Legal Volunteers**: To identified and trained para legal Volunteers to act as effective coordinators between the L.S.A. and the needy and deserving citizens. The State Legal Services Authorities are identifying suitable and trustworthy NGOs through whom legal literacy campaign may be taken to tribal, backward and far-flung areas in the country. The effort is to publicise legal aid schemes so that the target group, for whom Legal Services Authorities Act has provided for free legal aid, may come to know about the same and approach the concerned legal Services functionaries) of section Sensitization of Judicial Officers in regard to legal aid schemes and programmes.

5. **Legal Aid in Magistrate Courts : Appoint of Legal Aid Counsel** to give legal assistance to the persons in the custody in the state of Andhra Pradesh in Magistrate Courts. The Scheme for providing Competent Legal Services to the prisoners has been introduced under which legal aid counsel are appointed to various Magistrate Courts in the State for rendering legal Services to the prisoners so as to defend their cases before concerned Magistrate Courts. Under the Scheme, the prisoners will be provided legal assistance for filing bail applications and to defend their cases, drafting applications for legal Services etc. The legal aid counsel so appointed will render all necessary legal assistance to the prisoners and guide them in defending their cases before the Courts. The services of legal aid counsel are available to the prisoners at free of cost.

**PUBLICITY CAMPAIGN OF LEGAL AID SCHEMES**

In order to bring awareness in the general public as to the Legal Aid Movement, several steps have been taken by the Authority giving wide publicity about the schemes and programmes by way of printing necessary literature both in English and Telugu Language and distributing the same in the same in the State of Andhra Pradesh. This Authority has also brought out Audio Casettes in the regional
language titled “Melukolupu” and “Dharmabhoomi” in the form of songs on various enactments. These cassettes have been supplied to all the District Authorities and Mandal Committees for being played at the time of Legal Literacy Camps and Lok Adalats in order to bring legal awareness among the masses. That apart, this Authority has taken steps to propagate the aims and objectives of the Legal Services and LokAdalat movements by sponsoring serials of 13 episodes on problems relating to women in All India Radio throughout the State. The APSLSA publishing in Telugu “CHATTALU - MANA - HAKULU” briefly stating the Central and State Acts enacted for the protecting of the weaker sections of the society and in general in local language in Telugu.

**Publicity through Media** A live telecast through E-TV, Panel Discussion on phone in programme giving legal advises to the public on every Saturday at 9-30AM under the Title of Nyaya Seva.

**LEGAL SERVICES DAY:** On 9-11-2001 legal Services day was observed throughout the state, so as to bring the legal Services movement to the Door Step of the common man, by organising legal literacy.

**NYAYA SEVA** :To better cater to the needs of the people and for propagation, review, report and record the events / activities from time to time in a methodical & economical way a new idea is floated. That innovative idea is a quarterly publication of the Journal “NYAYA SEVA” by the State Legal Services Authority “Let noble thoughts come to us from all sides” “Dharma Rakshati Rakshitaha” The quarterly journaly “Nyaya Seva” released on 01-12-2001 at Hyderabad by the Hon’ble Sri Justice B.N. Kirpal, Judge, Supreme court of India & Hon’ble Executive Chairman, National Legal Services Authority, New Delhi, is yet another positive step taken by this Authority to enlighten the public and the beneficiaries under the Act about the

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237 NyayaSeva the official journal of A.P.state legal Services authority vol II issue 2 &3 p10
scheme of the Act and various steps initiated by the State Authority in fulfillment of the objectives of the Act.

**WOMEN SPECIFIC PROGRAMMES OF LEGAL AID**
The A.P. State Legal Services Authority organized Special Mahila Lok Adalat on its own and also through the D.L.S.A. and M.L.S.Committees. The L.S.A. conduct seminars and workshop relating to women problems and measures to eradicate it and to protect the interest of women.

**WELFARE OF DEVADASIS:** A regional initiative is organized on 10th & 11th September, 2005 at Tirupathi Temple Town on challenges faced by the society in liberation of Devadasi from the Traditional bondage stigmas and the discrimination and significance of legal literacy and contribution of legal aid in empowerment of such vulnerable communities. Participation from the States of A.P. Tamil Nadu, Karnataka and Maharashtra have attended the Summit.

- **“NYAYA SANKLAP” Project for Prevention of Trafficking and HIV/AIDS**
  The A.P.L.S.A issued Directions to all the DLSA in the State, to the need to provide legal Services to the victims of Trafficking and HIV and to coordinate with the NGO’s working in this field identifying para legal workers, in their respective Districts and to take all necessary steps and extend help and assistance to those victims. The member Secretary, A.P.L.S.A. has participated in the workshop on April Trafficking held on 26-4-2006 at Hyderabad organized by UNICEF and Women and Child Welfare Department of Andhra Pradesh and appraised the participant NGO’s about the availability of Legal Services and appealed them to co-operate and co-ordinate with the L.S.A to fight against this social evil. The member Secretary, A.P.S.L.S.A covered a meeting with the representatives of Non-Governmental
Organisations like ANKURAM, UNICEF and Project Director, Aids Control Society, Govt. of A.P. to implement the Nyaya Sankalap Project.

**Legal Literacy Clubs**

Keeping in view the energy and talent of the students in university, colleges and the schools, the Legal Literacy Clubs/ Legal Aid Clubs are being set up for disseminating information about the legal aid programmes and to create legal awareness amongst the masses. The Members of the Legal Literacy Clubs are to identify the problems of their fellow citizens in their neighbourhood and to bring the needy and the disadvantaged persons accessible to justice. The Members of the Legal Literacy Clubs will be briefed from time to time by the District Legal Services Authorities / Mandal Legal Services Committees along with salient features of important laws and about the modus operandi of legal Services, pre-litigation settlement of disputes, lok Adalats and ADR etc. The Legal Literacy Clubs headed by NSS Programme Officers and Teachers as the case may be. Each Legal Literacy Club consists of 25 members students. The Club Members identify the persons in their neighborhood who deserve legal aid and who are in need of protecting their rights conferred by the laws. The Club Members may bring the persons in need of legal Services to the nearest Legal Services Authority/Committee. The Legal Services Authority / Committee will provide necessary legal assistance / advice as per Rules.

The Legal Services Authority / Committee evaluates work done by the Legal Literacy Clubs from time to time. The general public can avail the assistance and service of the Members of the Legal Literacy Clubs in their respective areas. The services of the Legal Literacy Clubs is to guide the public for availing legal Services

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238 w.w.w. apslsa.ap.nic.in
and to redress their grievances if any at pre-litigation stage itself or even before the Courts as may be advised. The services of Legal Literacy Clubs is at free of cost.

**Constitution or special legal assistance cell:** In the Tsunami effected District in A.P. viz. East Godavari, West Godavari, Krishna, Guntur, Prakasam and Nellore on 26-12-2004, and wide publicity is given through the media, pamphlets etc. Most of the offices of the State Legal Services Authorities are now equipped with FAX machines, computers and E-mail facilities. These modern gadgets shall surely help legal Services functionaries to act swiftly to provide legal aid and assistance to the eligible persons in a meaningful manner.

5.1.4 **HIGH COURT LEGAL SERVICES COMMITTEE:** The State Authority constitutes the High Court Legal Services Committee for every High Court, for the purpose of exercising such powers and performing such functions as may be determined by regulations made by the State Authority.

**Procedure for Applications for Legal Services:** A person seeking legal Services by the High Court Legal Services Committee, District Authority or the Taluk Committee, as the case may be, shall send an application under affidavit containing the brief facts of the case, and where the applicant is a person as stipulated in Section 12(h) of the Act, not being one covered under any other of that

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239 Regulation 8 of the A.P State Legal Services Authority Regulation1996 sec 8-A. The Committee consisting of a sitting Judge of the High Court who shall be nominated by the Patron-in-Chief as Chairman and the following eight other members to be nominated the Patron-n-Chief. (1) The President of the A.P. High Court Advocates Association; (2) One Member of the A.P. High Court Advocates' Association having not less than 15 years of standing at the bar; (3) One Member of the A.P. High Court Advocates Association having not less than years and not more than 15 years of standing at the bar. (4) One Member of the Women Lawyers Association of High Court of A.P. Having not less than 10 years standing at the Bar; (5) One serving or retired eminent Law Teacher of a University; (6) An eminent social worker engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, Women, Children and Rural Labour; (7) An eminent person in the field of a Law; and (8) A person of repute who is especially interested in the implementation of the Legal Services Schemes

240 See Regulation 10 of the A.P. State Legal Services Authority Regulation1996
Section, the affidavit shall also state the details of the properties possessed by him and his annual income from all sources.

**Scrutiny of Applications**: The applications shall be scrutinized and disposed of by the Secretaries of the High Court Committee, District Authority and by the Chairman of the Taluk committee, as the case may be, giving such directions as to allowing of such legal Services as are thought necessary; Provided that all orders passed by the Secretaries of the High Court Committee or of the District Authority rejecting legal services shall be passed after obtaining order of the respective Chairman;

Provided further that all orders of grant of legal Services by the Secretary of the High Court Committee or the District Authority shall prepare two panels of Advocates, for entrustment of the case for rendering legal Services, as follows;

1. Advocates who volunteer to render legal Services gratuitously
2. Advocates who are willing to work on payment of honorarium / on payment of the amount of fee as prescribed is the schedule or such other fee as may be fixed by the executive Chairman of the State Authority or the Chairman of the District Authority or the Taluk Committee as the case, the matters other than those specified in the schedule.

Provided that the advocate members of the State Authority, High Court Committee, District Authority or the Taluk Committee may always volunteer to render legal Services gratuitously; provided further that in choosing the panels care shall be taken to empanel Advocates of repute who are especially interested in implementation of legal Services scheme.

**Part Payment of Fees to Advocates**: In suitable cases Advocates may be paid one third of the fees at the commencement of the case or at intermediate stage.
Appointment of Duty Counsel: The High Court Committee, the District Authority and the Taluk committee shall identify retired Judicial Officers or advocates of High reputation to act as Duty Counsel, whose duties and functions are to be specified by the Executive Chairman of the State Authority.

Duty of Legal Practitioner: The legal practitioner conducting a case on behalf of a person who is receiving the services shall, as soon as the case is decided, apply for a copy of judgment and decree if any and immediately on receipt of the copies shall submit them to the body appointing him together with his detailed comments. The Taluk Committee, the District Authority or the High Court Committee, as the case may be, shall take steps to recover the expenses of the services rendered, from out of the costs if any, awarded by the court to the person concerned and received by him. Such bodies may also consider, where necessary, the feasibility of filing an appeal, revision or a Writ Petition if-1. the case has been decided against the person; 2. The case is prima facie fit taking to such remedies; 3. the aided person has applied for legal Services for taking recourse to such remedies; Committee provided that it will not be necessary to make a fresh enquiry as to eligibility under Section 12(h) of the Act, wherever applicable, unless the Taluk Committee, the District Authority or the High Court, as the case may be, is of the opinion that a change of the circumstances has taken place since the grant of the legal Services;

Modes of Legal Services and Advice: The Legal Services admissible under these Regulations shall be in all or any of the following modes, namely:

1. Legal advice by a legal practitioner on the list of legal practitioners maintained by the Taluk Committee, the District Authority and the High Court Committee, or of any voluntary organization sponsored and encouraged by the State Authority.
2. Legal Services in the form of (I) Representation of an entitled person by a legal practitioner on the list in the legal proceedings; (II) Payment to the entitled person or on his behalf- a. Of court fee b. Of process fee and expenses of witnesses; c. Of charges for preparation of paper books, including charges for Printing and translation of documents; d. Of charges for the supply of certified copies of judgment, decrees, orders and other documents; e. Of any amount on any other account in any legal proceedings;

Bar on charging remuneration by the Legal Practitioners from persons to whom Legal Services are rendered: No. legal practitioner who is rendering legal Services under these Regulations shall charge any remuneration in any form whatsoever from any person to whom legal Services are rendered.

Agreement: The Taluk committee, the District Authority or the High Court committee, as the case may be, giving legal Services, obtain from such person an agreement containing such general conditions as the Taluk Committee, or the District Authority, or the High Court Committee, as the case may be, may consider fit to impose having regard to the special facts and circumstances of the case. Provided that the agreement shall invariably contain the following condition, namely: In consideration of the legal Services received, the applicant hereby agrees to repay the same to the Taluk Committee / the District Authority / the High Court Committee, in the event of his ultimate success in the legal proceedings for which he was given the services, on realization of assets or costs either in the legal proceedings or in other connected legal proceedings yielding income more than the amount of service allowed.

Limits of Pecuniary Aid: The High Court Committee, District Authority and the Taluk committee may sanction monetary aid to the applicants as fees of advocates, to the extent as provided for in the schedule of the Regulations.
With the previous sanction of the State Authority an Advocate may be
engaged to conduct batch cases or similar class of cases at fixed consolidated fees per
day or month.

The amounts sanctioned by the High Court Committee shall be aid by the
State Authority from the State Legal Aid Fund. The amounts sanctioned by the
Taluk committee shall be paid by the District Authority from the District Legal Aid
Fund..

The Address of A.P. High Court Legal Services Committee:
Nyaya Seva Sadan, City Civil Court Complex, Puranihaveli, Hyderabad

Tele Fax Nos. : 040-23446704
Website : apslsa.ap.nic.in
Secretary (Districts & Sessions Judge) : 040-23446704, 9440621436

YEARWISE STATISTICS RELATING TO LOK ADALATS & LEGAL
LITERACY CAMPS CONDUCTED BY
THE A.P. STATE LEGAL SERVICES AUTHORITY FROM MAY, 1996 TO
AUGUST, 2011

<table>
<thead>
<tr>
<th>Particulars</th>
<th>No. of Lok Adalats</th>
<th>No. of cases settled</th>
<th>Crimina l cases settled</th>
<th>MACT cases settled</th>
<th>Amount awarded in MACT Cases (in Rs.)</th>
<th>Other cases</th>
<th>Legal Literacy Camps</th>
<th>Legal Aid Granted</th>
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<tbody>
<tr>
<td>May-96 to Dec-98</td>
<td>299 3</td>
<td>75580</td>
<td>30515</td>
<td>17358</td>
<td>1,05,31,21,207</td>
<td>27707</td>
<td>614</td>
<td>4,207</td>
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<td>01-01-1999 to 31-12-1999</td>
<td>3657</td>
<td>38185</td>
<td>19938</td>
<td>8602</td>
<td>57,23,35,723</td>
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<td>959</td>
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<td>6582</td>
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<td>97,26,47,302</td>
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<td>1153</td>
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<td>66,786</td>
<td>28,549</td>
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<td>1,06,36,61,45,8</td>
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<td>2,772</td>
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<td>86,87,36,246</td>
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<td>2,678</td>
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<td>82,888</td>
<td>40,431</td>
<td>4,350</td>
<td>95,03,01,032</td>
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<td>96,927</td>
<td>64,896</td>
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<td>88,50,62,113</td>
<td>27,251</td>
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<td>84,816</td>
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<td>44,80,23,119</td>
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<td>3,417</td>
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<td>51,52,18,825</td>
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<td>01-01-2009 to 31-12-2009</td>
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<td>57473</td>
<td>555</td>
<td>84,41,24,971</td>
<td>30308</td>
<td>3973</td>
<td>2790</td>
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</table>
Various activities undertaken by the APSLAS is excelled on all fronts. It has been working vigorously to achieve the object of providing access to justice to weaker section of the society and state is fulfilling its obligation to perform constitutional mandate access to justice effectively. Legal aid was granted to Poor and Needy Persons. Looking at the advancement and advantage of the system a number of litigants has gone up for the Lok Adalats. A whopping no. of - lok adalats were conducted up till 2011.

The above facts reveal that opportunities coupled with above initiatives created an ideal atmosphere amicable settlement of the cases. The Unique initiative of the authority the takes benefit of the system not only to the under privileged but also to the common man offering him an efficient alternative recourse.

“Justice for all' has been the greatest challenge for the country since Independence. LSA aims to reduce the pendency period and ensure that citizens get quality justice in comfort and to make justice affordable241.

High Court had given a schedule to conduct mega Lok Adalat on April 28 and 29, 2012 across the State to settle the pending cases. High Court Judge G. Chandraiah said the main concern of the mega Lok Adalat was to bring conciliation.

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between the two parties and settle their disputes in a transparent manner in the open court. He said that the legal fraternity should prevail upon the clients to settle the disputes amicably and avoid growing animosity among the parties. He said bank and insurance officials should also prefer settling the disputes at Lok Adalat. He said settlement is only possible only when parties, advocates and officials agreed to it. He underscored the need for conducting legal literacy camps regularly to popularise the concept and explain to public how the court system functions. 

As per the directions of Chief Justice Madan B Lokur, special Lok Adalats were organised in all the districts of the state, A P State Legal Services Authority Member Secretary, stated over the last two days 6.2.2012, 22,103 cases pertaining to compoundable criminal as well as simple civil disputes were disposed of by judicial officials, Anantapur district topped with settlement of 1,831 cases followed by Krishna district 1,769, Medak 1,568, Nampally criminal court (in Hyderabad) 1,515 and 1,487 cases were disposed of in Ranga Reddy district. Lokur said at City Civil Court hyd it was a good achievement and praised the collective efforts of advocates, litigants, legal Services authority officers, police and judicial officers in settling the cases. During 2011, 81,704 cases were settled by Lok Adalats across the state, Ravikumar said adding, "We are planning to conduct Lok Adalats at regular intervals in different parts of the state to bring down the pendency of cases that are running in lakhs."


Over 22,000 cases settled in special Lok Adalat in AP

Press Trust of India | Updated: February 06, 2012 11:09 IST Tweet Hyderabad: Over 22,000 cases were settled during the two-day special Lok Adalats organised across Andhra Pradesh February 06, 2012 11:08 IST Andhra Pradesh, Chief Justice, Madan B Lokur, Ranga Reddy, South
APSLSA firstly in sangareddy District setup “Mobile Court” for dealing with issues relating for the proper implementation of NREGS scheme in AP. Chef Justice of Hight court Sri. Madan B, Lakur inaugurated Legal Services Centers and said that : Out of 297 court complex, 186 LS Centers were constituted, 29 to be setup shortly and in 82 courts Governments is unable to setup LS centers, it provides information regarding Cases, Date of Adjournment, Judgment can be obtained by the parties directly without mediators help. He further stated that Court Managers will be appointed on or before April-20-2012 to provide speedy Justice and to assist in providing legal services.

**Legal aid to vulnerable sections assured**

SLSA is mandated to protect the constitutional rights of all the citizens of AP and especially those from vulnerable communities and women in particular., The State Legal Services Authority (SLSA) HYDERABAD has assured the vulnerable communities that timely legal aid will be given to them, Speaking at an interactive programme jointly organised by the SLSA and Centre for Advocacy and Research, Hyderabad on Saturday, K. Narasimha Chari, Administrative Officer of SLSA suggested that representatives of vulnerable populations can train themselves as paralegal volunteers to work for the cause of their communities in association with SLSA. He also said that citizens from these communities can approach SLSA in Hyderabad or District Legal Services Authorities for grievance redressal.

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‘Legal Literacy Clubs': Legal literacy clubs were formed in states in various educational institutions across the district and awareness camps were being conducted to the members of the clubs.²⁴⁷

Law and Courts Minister Erasu Pratap Reddy informed the State Legislative Assembly on Tuesday Over 11 lakh cases are pending in different courts, including the Andhra Pradesh High Court, in the State.²⁴⁸ that as many as 1,98,214 cases were pending in the State High Court as on December 31, 2011. Similarly, the total pendency of cases in the subordinate courts is 9,45,737. The minister said for speedy disposal of cases, 108 FastTrackCourts have been established as per the funds provided by the Central Government for a period of 10 years, up to March 31, 2011, and thereafter by the State Government.

Law and Courts Minister said that the State Government has established new courts in the State in the cadre of District Courts.

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**The Format of Application for Legal Services**

Registration Number: ___________________________

1. Name :  
2. Permanent Address : 

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3. Contact Address with Phone . no if any, e-mail ID, if any.

4. Whether the applicant belongs to the category of persons mentioned in Section-12 of the Act.

5. Monthly income of the applicant

6. Whether affidavit /proof has been produced in support of income /eligibility u/s 12 of the Act.

7. Nature of Legal Aid or advise required which is covered by the activities of the Organisation.

8. A brief statement of the case, if Court based legal services is required.

9. Legal Awareness/Legal Aid Programme was given any Press coverage? If So, attach Photo copies of the press Clippings. (if the press coverage is in vernacular or local language, Please attach English translation thereof)

10. Photo Copies of the Audited Accounts of the Organisation for the last Three Years

Date

Place

Signature of the applicant

5.1.5 DISTRICT LEGAL SERVICES AUTHORITY

The State Government shall, constitute a body to be called the District Legal Services Authority for every District in the State. District Authority consists of the District

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249 see 9 of the Act :The Number, Experience and qualifications of Members of the District Authority under clause (b) of Sub-section (2) of section 9:- (i) The District Authority shall not have
Judge who shall be its Chairman; and (b) Such number of other nominated members.
The District Authority is created by all the states to provide legal Services in each
district. It is the highest body in the district for rendering legal Services to the needy
persons. The composition of the District Authority in different States is varying,
however, State of Andhra Pradesh the District Authority shall have not more than
eight members.

SECRETARY TO DISTRICT LEGAL SERVICES AUTORITY
The Secretary of the District Authority shall act, exercise and perform the duties of
the Secretary of the District Legal Services Authority\textsuperscript{250} in addition to the duties to
be discharged by him as judicial officer. For such discharge of his additional duties
he shall be paid an honorarium per month that may be revised from time to time by

more than EIGHT members. (ii) The following shall be ex-officio members of the District
Authority:- (a) District Magistrate; (b) Superintendent of Police; (c) Chief Judicial magistrate;
and (d) District Government Pledger;iii)

\textsuperscript{250} Sec 10 of the Act 43 sub. byAct N 59 Of 1994 w.e.f29 – 1o 1999.

Functions of District Authority (1) It shall be the duty of every District Authority to perform such of
the functions of the State Authority in the District as may be delegated to it from time to
time by the State Authority.(2) Without prejudice to the generality of the functions referred
to in sub-section (1), the District Authority may perform all or any of the following
functions, namely: -\textsuperscript{43}[(a) Co-ordinate the activities of the Taluk Legal Services
Committee and other Legal Services in the District]; (b) Organise Lok Adalats within the
District; and (c) Perform such other functions as the State Authority may fix by regulations.
Conduct legal literacy camps in different parts of the District with a view to transmitting
knowledge about the legal aid schemes conducted in the State or with a view to spreading
consciousness about tribal and rural population, women, children, disabled, handicapped and
the weaker sections of the society; (3) Conduct legal aid clinics in different parts of the
District in collaboration with Law Colleges. Universities and other social services
organisations; (4) Supervise, direct and guide the working of the Taluk Committee in the
District. (5) Call for from the Taluk Committees in the District such periodical reports,
returns and other statistics or information as it may think fit, or as are required by the State
Authority; (6) Prepare, consolidate and submit such reports, returns and other statistics or
information in respect of District Authorities, as the State Authority may call for; (7)
Receive applications for legal Services and ensure that every applications is promptly
processed and dispose of 8) Consider the cases brought it for legal Services including pre-
litigation matters and decide as to what extent legal Services can be made available to the
applicant; (9) Persuade the parties to appear before it and make efforts to bring about a just
settlement between them and if necessary also refuse the legal Services, if in its opinion the
conciliation has failed due to any fault on the part of the applicant. (10) Encourage and
promote conciliation and settlement in all legal proceedings, including pre-litigation matters.
(11) Take proceedings for recovery of costs awarded to a person to whom legal Services are
rendered; (12) May review the cases where legal Services are refused by the Taluk Committee, on application;
the State Authority in consultation with the State Government. In the discharge of its functions and additional functions under this Act, the District Authority shall act in coordination with other agencies and be subject to directions given by the Central Authority.

5.1.5.1 SCHEMES OF DISTRICT LEGAL SERVICES AUTHORITY

The Honourable High Court of A.P and the A.P.S.L.A.C have posted judicial officers of the rank of senior civil judge as full time secretaries for the DLSA. The Secretaries conduct their offices at District Head Quarters at Nyaya Seva Sadan situated in District Court premises perform their duties and functions to achieve the objectives of the Act. Under the direct supervision and control of Chairman DLSA and the Secretary shall also act as Nodal Officer in the district for implementation of Legal Services Activities.

In order to promote legal Services activities, Secretary convey meetings, organize seminars and workshops and also interactive sessions for legal awareness with different cross sections of the society.

APPOINTMENT OF LEGAL AID COUNSEL AND DUTY COUNSEL:

1. The Secretaries of DLSA with the approval of the Chairman appoints legal aid counsel on the basis of merit and seniority to provide legal aid to all needy citizens, particularly to prisoners. To provide legal aid to under trial prisoners, in remand hour, the secretaries provide legal and services through the legal aid counsel. They shall submit monthly report to the DLSA, giving particulars of remand .and other eligible categories ( S 12) Secretaries may request the senior most advocates to appear in a case free of cost whenever the nature of the case free of cost whenever the nature of the case demands. The duty of secretaries is to regulate monitor the performance of

251 Sec11 of the Act
services of Legal Aid Counsel and report to the A.P.State Legal Services Authority once in every quarter.

2. Duty Counsel: Authorities prepares the panel of Advocates, willing to take up legal aid cases. They will assign the brief of the legal Aid beneficiaries to the duty counsel. Secretaries interact with legal and beneficiaries periodically and enquire about the progress of the case and difficulties facing in conducting the cases.

   Special programmes for women: The Secretaries, under the supervisor of Chairman, DLSA conducts special programmes for women
   1. National Legal Aid Week for Women 1st March 8th March
   2. National Legal Literacy Week for Women – 8th March to 15th March
   3. Benefit of Mother’s Breast Feeding Children in the first week of August every year.

**Legal Aid Cell for Women** The DLSA constituted Legal Aid Cell for effective implementation of the protection of women from Domestic Violence Act, providing legal aid to the victims and to provide assistance with the protection officers and service provider in implementation of the Act.

5.1.6 **Taluka Legal Services Committee**

   The creation of Taluka Committee is not mandatory to State and District Authorities. It is left upon the discretion of the State Authority to constitute Taluka Committee or not. India lives in villages, therefore, the committees at Taluka level
may be more effective. A.P. State Authority have created Taluka Committee to provide legal Services to rural masses of our country at grass-root level.

**Functions of Taluka Legal Services Committee** - The Taluka Legal Services Committee may perform all or any of the following functions, namely: - (a) Coordinate the activities of legal Services in the taluka; (b) Organise Lok Adalats within the taluka; and (c) Perform such other functions as the District Authority may assign to it, and also additional functions.

The object of the Act and the functioning of the Authorities created under the Act can be more effective, purposeful and meaningful, provided the Authorities entrusted with the responsibility of implementing the programme under the Act are highly committed to the objects of the Act working coherently, cohesively and harmoniously with other officials.

**ELIGIBILITY FOR LEGAL SERVICES:** The Vital Part of this Act, is Chapter XII Sec12 and 13. Aim to fulfill the purpose of the Act, that is to guarantees that the opportunities for securing justice are not denied to any citizen by reason of economic or other disability. These provisions provide free legal Services to those enlisted under sec 12. Persons avail legal Services subject to the Mean’s test and Prima facie case test, income limit is prescribed as means test. The Act, 1987 provides the income limit was Rs.9000 and Rs.12,000 for the cases in other than Supreme court and the cases in Supreme court respectively. By (Amendment) Act1994 the income limit has been enhanced up to Rs. 25000 and 50,000 respectively. Recently the income limit has been raised to Rs. 1,00,000 for the cases filing in HC of AP, in other than Supreme Court. The another criteria to obtain free legal Services is prima

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252 11A. of the Act Taluk Legal Services Committee: The State Authority may constitute a Committee, to be called the Taluk Legal Services Committee, for each taluka or manual or for group of talukas or manuals. (2) The Committee shall consist of - (a) The Senior Civil Judge who shall be the ex officio Chairman; and such number of officers and other employees for the efficient discharge of its functions.

Andhra Pradesh Mandal Legal Services Committee:- Rule 13 of the Andhra Pradesh Legal Services Authority Rules 1995, deals with the composition of Mandal Legal Services committee. The Mandal Legal Services Committee shall have not more than five members. The ex-officio members of the Mandal Legal Services Committee:- Sub-Divisional Officer; Sub-Divisional Police Officer;

253 See sec 11B of the Act
facie case test. Authorities before offering legal Services should satisfy that prime facie exist to prosecute or to defend.

Every person who has to file or defend a case shall be entitled to legal Services under this Act if that person is-(a) a member of a Scheduled Caste or Scheduled Tribe* (b) a victim of trafficking in human beings or beggar as referred to in Article 23 of the Constitution; (c) a woman or a child

254 Section 12 deals with the persons entitled to avail free legal services
255 Article 366 of the Constitution of India defines under Art.366 (24) “Schedule Caste” means such castes, races, or tribes or parts of or groups within such castes, races, or tribes as or deemed under Art.341 to be Scheduled Caste for the purpose of this constitution.* Art.366(25) : Scheduled Tribe means such tribes, or tribal communities or parts of or groups within such tribes, or tribal communities as or deemed under Art.342 to be Scheduled Tribe for the purpose of this constitution.
256 Article 23 of the Constitution prohibits traffic in human being and beggar and other similar forms of forced labour. The second part of this Article declares that any contravention of the provision shall be an offence punishable in accordance with law. Clause (2) however permits the State to impose compulsory services for public purposes provided that in making so it shall not make any discrimination on grounds only of religion, trace, caste or class or any of them. “Traffic in human beings” means selling and buying men and women like goods and includes immoral traffic in women and children for immoral” or other purposes.
257 Definition of Woman; sec 10 of IPC the word man denotes a male human being of any age; . the word woman denotes a female human being of any age. A girl of six years was held to be a woman respectively under this section,
258 Definition of “Child” in India Child was defined in various enactment as follows In India, the Census of India defines persons below the age of 14 as children. While making use of standard demographic data, social scientists include female children in the age group of 15 to 19 years in the category of the girl child. Most of the government programs on children are targeted to the age group below 14 years. The Constitution of India, Art. 23 in accordance with the Constitution, no child below the age of 14 years shall be employed to work in any factory or mine of a child has tended to vary depending upon the purpose. A few illustrations from the law in India are given below. Indian Penal Code, 1860, Sec.82, 375 (sixth clause) Nothing is an offence, which is done by a child under Indian Penal Code under the age of seven years. The age of criminal responsibility is raised to 12 years if the child is found to have not attained the ability of understanding the nature and consequences of his act. Attainment of 16 years of age for girl is necessary for giving sexual consent, this is not less than 15 years if she is married. The Juvenile Justice Act, 2000, Sec.2(1) A Juvenile is a child who has not completed the age of 18 years. The law also defines “child in need of care and protection (CNCP)” to mean and include “working children”. The Person with Disabilities (Equal opportunities, protection of rights and
(d) a mentally ill or otherwise disabled person;
(e) a person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
(f) an industrial workman; of

full participation) Act, 1995 (No. 1.1996) Sec. 2 (i) defines disability: blindness, leprosy cured, hearing impairment, locomotors disability, mental retardation, mental illness

*Child Marriage Restraint Act, 1929. Sec 2 (a) A “Child” means a person who if a male has not reached 21 years of age and, if a female has not reached 18 years of age. Apprenticeship Act, 1961, Sec 3 A person is qualified to be engaged as an apprentice only if he is not less than 14 years of age. The Factories Act, 1948, Section 2 (a), 97-71 A “Child” below 14 years of age is not allowed to work in any factory. An adolescent between 15 and 18 years can be employed in a factory only if he obtain a certificate of fitness from an authorized medical doctor. Child (Prohibition and Regulation) Act, 1986, Sec 2(ii) A “Child” means a person who has not completed his fourteenth year of age. The Children (Pledging of Labour), Act, 1933 Sec 2 A “Child” means a person who is under the age of fifteen years. Beedi and Cigar Workers (Conditions of Employment) Act, 1966, Sec 2(b) & 2(q). A “Child” means a person who has not completed 14 years of age Young person means a person who has completed 14 years of age but has not completed 18 years of age. The Mines Act, 1952, S.45 A Person below 18 years of age is not allowed to work in any mine or part thereof. The Plantation Labour Act, 1951-Sec 2(c) “Child” means a person who has not completed his 14 years. Adolescent means a person who has completed his 14 years but has not completed his 18 years. Young person means a person who is either child or an adolescent.

259 (d) a person with disability as defined in clause(i) of Section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995"

the persons with disabilities (equal opportunities, protection of rights and full participation) act, 1995 (no. 1 of 1996) which received the assent of the president on 1st January, 1995 has amended section 12(d) of the legal services authorities act, 1987,. section 74 of the said act, which has amended clause (i) of section 12 of the legal services authorities act, is to the following effect:- "(d) a person with disability as defined in clause(i) of section 2 of the persons with disabilities (equal opportunities, protection

of rights and full participation) act, 1995". 74. amendment of act 39 of 1987. - in section 12 of the legal services authorities act, 1987, for clause (d), the following clause shall be substituted, namely:-

clause (i) of section 2 of the persons with disabilities (equal opportunities, protection of rights and full participation) act, 1995, defines 'disability' as under:- (i) 'disability' means -- (i) blindness; (ii) low vision; (iii) leprosy-cured; (iv) hearing impairment; (v) locomotor disability; (vi) mental retardation; (vii) mental illness

260 Section 2 (s) of the Industrial Disputes Act, 1947 defines Workman as follows “Workman” means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purpose of any proceeding under this Act, in relation
(g) in custody, including custody in a protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention) Act, 1956, (104 of 1956) or in a juvenile home within the meaning of clause (j) of section 2 of the Juvenile Justice Act, 1986, (53 of 1986) or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987 (14 of 1987); or

(h) At the time of passing the Act legal aid could be available to the person who was in receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court. And less than rupees twelve thousand

to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute. “Workman” does not include any such person-(i) who is subject to the Air Force Act, 1950, or the Army Act, 1950, or the Navy Act, 1957; or (ii) Who is employed in the police service or as an officer or other employee of a prison; or (iii) Who is employed mainly in a managerial or administrative capacity; or (iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercise, either by the nature of the duties attached to the office or by reason of the power vested in hi, function mainly of a managerial nature. According Section 2 (1) (n) of the The Workmen’s Compensation Act, 1923 workman means any person who is: (i) a railway servant as defined in Clause (34) of Section 2 of the Railways Act 1989 except those who are permanently employed in any administration district or sub-divisional office of a railway. Out of this class also if a person is employed in any capacity as is specified in Schedule II he will be a workman. (i) Any person who is – (a) a master, seaman or other member of the crew of a ship; (b) a captain or other member of the crew of an aircraft; (c) a person recruited as driver, helper, mechanic, cleaner or in any other capacity in connection with a motor vehicle, (d) a person recruited for work abroad by a company, and who is employed outside India in any such capacity as is specified in Schedule II and the ship, aircraft or motor vehicle, company, as the case may be, is registered in India, or; (ii) Any person who is employed in any such capacity as is specified in Schedule II, whether the contract of employment was made before or after the passing of this Act and whether such contract is express or implied, or oral or writing. (b) where the workman is dead any reference to a workman shall include his dependents as defined in this Act. The following are not workman: (i) Any person working in the capacity of a member of the Armed Forces of the Union of India.

Section (2) (g) of the Trade Unions Act 1926 contains two parts of the definition Trade dispute and Workman the later part of Section (2) (g) defines workmen as follows “Workmen” means all persons employed in Trade or Industry whether or not in the employment of the employer with whom the trade dispute arises.

261 The immoral Traffic (Prevention) Act, 1956.Sec. 2 (g) “Protective home” means an institution, by whatever name called being an institution established or licensed as such under section 2 (i) in which person, who are in needy care and protection, may be kept under this act and where appropriate technically qualified persons, equipment and other facilities have been provided but does not include (i) a shelter, where under trials may be kept in pursuance of this Act (ii) a Corrective institution
or such other higher amount as may be prescribed by the Central government, if the case is before the Supreme Court. Now the ceiling of income has been raised to Rs. 25,000 if case is before court up to the level of High Court and Rs 50,000 if the Case is before the Supreme Court of India. Now Any Citizen of India whose income from all sources does not exceed { Rs. 1,00,000/- (Rupees One Lakh only) } or such higher amount as may be notified by the State Government from time to time, be entitled to legal Services, if the case is before a Court, other than the Supreme Court.

Legal Services Authorities after examining the eligibility criteria of an applicant and the existence of a prima facie case in his favour provide him counsel at State expense[^262^], pay the required Court Fee in the matter and bear all incidental expenses in connection with the case. The person to whom legal aid is provided is not called upon to spend anything on the litigation once it is supported by a Legal Services Authority. An affidavit made by a person as to his income may be regarded as sufficient for making him eligible to the entitlement of legal Services under this Act unless the concerned Authority has reason to disbelieve such affidavit.


**TABLE – A1**

TABLE – A2
TABLE: A1

Gives a summary of the progress made in providing free Legal Aid And Advice to the weaker section of the community in India. The information received from NALSA shows that in 2009 the highest number of beneficiaries has been in the state of Tamil Nadu where 911,913 persons were provided free legal aid. The other two states immediately following are state of Maharasra (669,676) and UP.

The Statistical Information reveals the Implementation of schemes by the state of Tamil Nadu is satisfactory. Similarly in Maharashtra and Uttar Pradesh state legal services authorities vigorously implementing the object of schemes.

**TABLE: A2**

The information received from NALSA shows that in 2010 the highest number of beneficiaries has been in the state of Uttar Pradesh were 4,592,577 persons were provided free legal aid. The other two states immediately following are state Tamil Nadu where 2,036,417 and Madhya Pradesh were 1,333,756 of The Statistical Information reveals the Implementation of schemes by the state of Uttar Pradesh is satisfactory. Similarly in Tamil Nadu and Madhya Pradesh State legal services authorities vigorously implementing the object of schemes

The information received from NALSA shows In Andhra Pradesh, the total numbers of Beneficiares are 55,668 as on 31.3.2009 and the total numbers of Beneficiaries increased were to 58416. This indicate that APSLSA is effectively implementing the Act, 1987.

**FINANCE, ACCOUNTS AND AUDIT**

The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Central Authority, by way of grants, such sums of money as the Central Government for being utilised for the purposes of this Act.

The Central Authority shall establish a fund to be called the National Legal Aid Fund and there shall be credited thereto- (a) All sums of money given as grants by

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263 Sec 14. Grants by the Central Government

264 Sec 15. National Legal Aid Fund
the Central Government under section 14; (b) Any grants or donations that may be made to the Central Authority by any other person for the purposes of this Act; (c) Any amount received by the Central Authority under the orders of any court or from any other source.

The National Legal Aid Fund shall be applied for meeting (a) The cost of legal Services provided under this Act including grants made to State Authorities; (b) The cost of legal Services provided by the Supreme Court Legal Services Committee; (c) Any other expenses which are required to be met by the Central Authority.

A State Authority shall establish a fund to be called the State Legal Aid Fund and there shall be credited thereto-(a) All sums of money paid to it or any grants made by the Central Authority for the purposes of this Act; (b) Any grants or donations that may be made to the State Authority by the State Government or by any person for the purposes of this Act; (c) Any other amount received by the State Authority under the orders of any court or from any other source.

A State Legal Aid Fund shall be applied for meeting-The cost of functions referred to in section 7; (b) The cost of legal Services provided by the High Court Legal Services Committees; (c) Any other expenses which are required to be met by the State Authority.

Every District Authority shall establish a fund to be called the District Legal Aid Fund and there shall be credited thereto-(a) All sums of money paid or any grants made by the State Authority to the District Authority for the purposes of this Act; (b) Any grants or donations that may be made to the District Authority by any person, with the prior approval of the State Authority, for

265 sec 16. State Legal Aid Fund:-
266 Subs. by Act 59 of 1994, see. 12.

267 17. District Legal Aid Fund
the purposes of this Act.]268 (c) Any other amount received by the District Authority under the orders of any court or from any other source. A District Legal Aid Fund shall be applied for meeting - (a) The cost of functions referred to in section 10 [269]and 11 B];(b) Any other expenses which are required to be met by the District Authority.

18. **Accounts and audit.** - The Authorities, shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the income and expenditure account and the balance-sheet in such form and in such manner as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

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

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the auditing of the accounts of an Authority under this Act shall have the same rights and privileges and Authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the auditing of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authorities under this Act (4) The accounts of the Authorities, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually by the Authorities to the Central Government or the State Governments as the case may be. 1[(5) The Central Government shall cause the accounts and the audit report received by it under

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269 Ins. by Act 59 of 1994, sec. 13. -
sub-section (4) to be laid, as soon as may be after they are received, before each House of Parliament.(6) The State Government shall cause the accounts and the audit report received by it under sub-section (4) to be laid, as soon as may be after they are received, before the State Legislature.]

5.1.6. Alternative Dispute Resolution: Techniques Legal Services Authorities:

As a part of the Preventive Strategic Legal Aid Programme the Legal Services Authorities are adopting various techniques of ADR to prevent litigation at an initial stage. The Researcher analyze the techniques adopted by the Legal Services Authorities such as Mediation, Conciliation, Negotiation and Counseling. It is noteworthy that Counseling Centers are established by the Govt Departments i.e. Women and Child Welfare Dept, Commission to give advise to Women to solve women problems, in cases where problems were not solved for those issues legal assistance to be provided.

In India the judiciary is the third vital organ which has withstood many challenges in the present scenario to retain its integrity. But with the mounting of pressure with cases of civil, criminal, industrial and others, areas workload of judiciary has been increased leaps and bound and it has now reached a stage of unmanageable magnitude and the cases remain undecided for years together for one reason or the other. The Malimath Committee which is also known as the Arrears Committee, undertook a comprehensive review of the working of the Court system, particularly, all aspects of arrears and Law's delay and made various useful recommendations for reducing litigation and making justice readily accessible to the people at the minimum cost of time and money\textsuperscript{270}.

\textsuperscript{270} Dr N.V.parangapee :Law Relating To Arbitration And Conciliation p310 Report of the Malimath Committee (1989-90). The Committee was headed by Hon'ble Mr. Justice V.S. Malimath, the two other members being Hon'ble Mr. Justice P.D. Deasai and Hon'ble Dr. Justice A.S. Anand
The Indian judicial system has developed a variety of techniques to combat the problem of delay in delivering justice and to reduce backlog of courts. The main causes for delay in disposal of the cases is the increase in the institution of cases. Though increase in the institution of cases is a healthy sign of a vibrant democracy in as much as more and more people are becoming aware of their legal rights and go to the courts for enforcement or their rights or for redressal of their grievances – be it against the State, society or an individual, but at the same time it must engage the attention of each one of us to find out ways and means for resolution of disputes as quickly as possible. In this scenario, with limited resources and judge strength, it has become imperative to resort to the alternative disputes redressal mechanism for settlement of disputes between the parties at an early date.

The need of the hour is to develop new techniques to make the dispute resolution mechanism optimum in quality and quantity. One such method is adjudication through Alternative Dispute Resolution. ADR or “Alternative Dispute Resolution” is an attempt to devise a machinery which should be capable of providing an alternative to the conventional methods of resolving disputes. An alternative means the privilege of choosing one of two things or courses offered at one’s choice. It does not mean the choice of an alternative court but something which is an alternative to court procedures or something which can operate as court annexed procedure.

A method of dispute resolution would be considered as a real alternative only if it can dispense with the adjudicatory process, even if it is not wholly a consensual process. It may be worked by a neutral third person who may bridge the gap between the parties by bringing them together through a process of conciliation, mediation or negotiations. ADR is today being increasingly acknowledged in the field of law as well as in the commercial sector. The very reasons for origin of ADR are the
tiresome processes of litigation, costs and inadequacy of the court system. ADR emerged as a powerful weapon for resolution of disputes at domestic as well as international level. It is developing as a separate and independent branch of legal discipline.

The Legal Services Authorities Act 1987, should be seen as a Harbinger of a new era of dispute resolution system. On the advent of this Legislation, there is a paradigm shift in the entire dispute resolution mechanism from archaic, rig morale and antiquated to modern, dynamic and activist system. It triggers the speedy pace of disposal of cases, a sine qua non of any system of jurisprudence. The Act stands out the most significant in terms of its reach, complexity and potential for shaping the future litigation in the country by adopting the technique of mediation.

**MEDIATION** Mediation is the most popular technique which is being employed in resolving the disputes and is a part of legal aid. Mediation is a process by which disputing parties seek the intervention and assistance of a neutral third party to act as a mediator and to reduce their differences. He is a facilitator, who helps the parties to reach a negotiated settlement. Mediation, as a method of dispute resolution is no new phenomenon, rather one that has for long existed in our tradition. In most of the cases the disputants desire for an amicable solution. Mediation has been employed by various tribes of our country by way of a village council, usually consisting of certain village elders. Today, mediation is perhaps the fastest growing form of alternative dispute resolution. In the process of mediation, the mediator or the impartial neutral, plays an important role and the success of mediation depends upon his ability and experience\(^ {271}\). He should have (use) his skill and ability

\(^{271}\) H.R Khanna, Indian judicial system P 244

According to Henry Brown and Arthur Marriott the mediator should possess the following qualities:

- **Understanding:** The ability to understand with sensitivity the issues, often complex and the concerned and aspirations of the parties, explicit and implicit.
- **Judgment:** A sound judgment, a judicious and rational approach and shrewd commonsense.
to perceive and articulate the grievance, the cause of conflict and the issue at stake. The Mediator has an active but a limited role. He is a facilitating intermediary who has no authority to make any binding decisions, as he is not a judge, but who adopts various procedures, techniques and skills to help the parties to resolve their dispute and arrive at negotiated agreement without adjudication or to impose an award.

Mediation is conducted on a confidential basis and without prejudice to the legal rights and remedies of the parties. Mediation process passes through several stages\textsuperscript{272} With all these qualities, mediation process implement the values underlying in our constitution. It is a part of a programme of empowerment of the poor which again is part of the plenary legal aid ideology. It is the poor who need the services of the mediator the most. They lack the resources to vindicate their rights in court or with public authorities. Mediation has its own advantages. It saves precious time, energy and money of parties apart from saving then from the harassment and hassles of a prolonged litigation. Informality: No court rules or legal precedents are involved in mediation. There are not fixed solution in mediation. Parties can look for developing creative solutions to resolve matters and the solutions rest with the parties

| Intuition: An ability to sense information without any rationalization, obtained through a perceptiveness to verbal and other signals received. |
| Creativity: A creative and inventive response to the problems of the case, generating options and encouraging the parties to explore ideas. |
| Trustworthiness: Integrity coupled with a sense that trust can be reposed in the mediator. |
| Empathy: An ability to relate to the parties in a sympathetic way and to reflect an awareness of and respect for their concerns. |
| Constructiveness: A practical turn of mind that sees positive possibilities and can motivate the parties to deal constructively with settlement options. |
| Flexibility: An ability to cope with change, with unusual situations, ideas and solutions and with rapidly varying circumstances. |
| Independence: This includes an ability to work autonomously, without support or feedback, and to maintain a neutral and independent stand”. Support or feedback, and to maintain a neutral and independent stand”. These qualities of the mediator holds good even today. |

Having these qualities, the mediator is successful in resolving the disputes amicably

\textsuperscript{272} The process of mediation can be easily divided into ten stages as given follows: Stage-1: Selection of Mediation / conciliation Centre; Stage-2: Execution of Contract in mediation/ conciliation, Stage-3: Furnishing of information and correspondence Stage-4: Meeting of parties; Stage-5: Familiarising mediator with facts about dispute; Stage-6: Gathering information, Stage-7: Facilitating Negotiation; Stage-8: A stage if Impasse; Stage-9: Termination of mediation or achieving agreement and Stage-10: Post-termination stage.
themselves. The mediator does not impose a decision upon the parties. **Privacy & Confidentiality:** The mediation conference takes place in private setting such as a mediation room at DLSA Office. Mediation is not a matter of public record. Its confidentiality is maintained.

**Mediation in family disputes:**

There is a growing feeling among the Legal experts, sociologists and psychiatrists that the user of ADR method mediation must be encouraged in family disputes. In the process of mediation in family dispute the mediator should provides word of appreciation to the parties but should not provide a word of promise. He should develop rapport with both the parties to the dispute. At the same time he should educate and enlighten about the consequences of the situation. Mediation should maintain confidentiality of the matter in family dispute. In case of family dispute resolution through mediation, the mediator or conciliator has to follow a three tire system viz. pre-marital, mediation in the process of adjudication and post adjudicatory counseling.

**CONCILIATION** The another technique of ADR is Conciliation .Conciliation means “The settling of disputes without litigation”.Conciliation is the act of bringing into harmony; harmonizing reconcilement. It is the adjustment and settlement of a dispute in a friendly un antagonistic manner. It is a voluntary non-binding technique utilizing an impartial third party to assist in settling disputes between parties which may, by agreement, become binding on the parties. Conciliation is statutorily regulated by the Arbitration & Conciliation Act, 1996 but not defined by that statute.

273 Dr. Avatar Singh Law of Arbitration and conciliation Act, Part-iii , 61-82 of the Law of Arbitration and conciliation Act,1996 The law relating to conciliation has been codified for the first time in India on the pattern of UNCITRAL, conciliation Rules. Part III Sec 61 -82 of the Arbitration and conciliation Act, 1996 deals with conciliation. Conciliation is the most popular technique adopted in resolving the disputes. An independent chapter on “conciliation.” has been added in the Indian arbitration and conciliation Act, 1996.
Sec 67(1) of the act however, impliedly defines conciliation as the assistance rendered by a conciliator to the parties to a dispute, in an independent and impartial manner; in their attempt to reach an amicable settlement of their dispute.

Conciliation is a procedure mutually agreed by parties and recourse to this procedure can be had by entering into an agreement for seeking an amicable settlement of dispute by conciliation and if a party sends an invitation to conciliate and the other party accepts it. Any party competent to contract can seek for conciliation. The parties may belong to the same or different nationalities. Normally, there will be one conciliator but the parties have freedom to agree that there should be two or three conciliators. The parties may appoint or seek the help of suitable institution or person. The Conciliator assists the parties in an independent and impartial manner in their attempt to reach an amicable settlement of their dispute. He calls upon the parties to present a written summary of their respective cases together with any relevant documents. There is no set formula for conducting conciliation. The conciliator should adopt a flexible approach to the procedure. He holds private meetings with each party separately. There may be several rounds of such separate meeting to bring the parties closer to an agreement. There may be joint sessions to address specific matters. The conciliator and the parties keep confidential all matters relating to conciliation proceedings. He should take positive action to help the parties reconcile their interests and concerns and try to find an acceptable compromise. If the conciliation succeeds, the conciliator can draw an award and if needed report to the Court.

In India, conciliation received statutory recognition in the Code of Civil Procedure, 1908, the Industrial Disputes Act, 1947\textsuperscript{274} (Section 12), the Hindu

\textsuperscript{274} The legislative mandate contained in various legislations in India directly encourages mediation and Conciliation as means of resolving disputes. The Industrial Disputes Act, 1947 (ID Act) is the earliest modern legislation to directly encourage mediation and conciliation as a means of resolving
Marriage Act, 1955 (Section 23)\textsuperscript{275}. The Family Courts Act, 1984 Due to the absence of well-structured procedure backed by statutory sanctions, conciliation could not get the popularity.

The Family Courts Act, 1984 is intended to “promote conciliation in, and secure speedy settlement of disputes relating to marriage and family affairs and for matters connected therewith”. In all such cases, the primary objective is to preserve the institution of marriage and to promote the welfare of children through settlement of disputes by conciliation and counseling. This statute recognizes the matrimonial disputes can and should be amicably resolved through conciliation and mediation.

COUNSELING:

Counselling is an assistance or advice. The preventive Legal Aid strategy emphasizes, to constitute "Counseling Centre" to avoid litigation at the initial stage itself. It is natural, parties, litigants complain under certain stress or emotional disturbances, if properly advised by counselors they may lead a happy social life. NALSA Constituted, Counseling Centre to advise parties, similarly counseling centers were also set up at police station and at women and child welfare departments, national commission for women etc. The object of the judiciary and government departments is to prevent litigations. In modern times these centers are

\textsuperscript{275} The Hindu Marriage Act, 1955 (HM Act) provides, inter alia, for restitution of conjugal rights, judicial separation and divorce. 63 Section 23(2) Hindu marriage Act... in any matrimonial prosecution, before proceeding to grant any relief, it shall be the duty of the court in first instance, consistently with the nature and circumstances of the case, to make every endeavor to bring about reconciliation of both the parties(except to the ground specified in clause II to VII sec 13). However, before granting any relief under the HM Act, the Court is duty bound to make every endeavour to bring about reconciliation between the parties. The court is entitled to take the assistance of a third party to bring about reconciliation.
trying at best level to settle some disputes amicably. Family counseling centers tries to resolve family disputes with help of Advocate, Psychologist, Social Workers. Counseling has been practiced in one or other since the evolution of mankind. in every field which requires dealing with people, counseling is essential “Counseling” is a dyadic relationship between two persons, counselor who is offering help and counselee to when such help is given it may be formal

5.8 Lok Adalat

As an Alternative Dispute Mechanism, the unique Indian institution called Lok Adalat has received statutory status under the Legal Services Authorities Act. The primary concern of jurists and legal luminaries today is to speed up the judicial process. The concept of Lok Adalats is the system which has deep roots in Indian legal history and its close allegiance to the culture and perception of justice in Indian ethos. During the tenure of ancient reputed Indian Kings, there used to be a system known as “Dharma Ghanta” (Bell). The person seeking justice used to ring

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276 P. Subba Rao, Essential Of Human Resource And Industrial Relations, p 320-321. characteristics of counseling: Counseling is an exchange of ideas and feelings between two people. It may be performed by both professionals and non-professionals. The general objectives of various counseling functions. are: 1. Advice: One of the important functions of counseling is offering advice to the counselee. The counselor has to understand the problem of the counselee completely, before offering advice and suggesting a course of action. 2. Reassurance: In order to give courage to face a problem confidently, counseling provides employees with reassurance. Normally reassurance is not acceptable to the counselee, however, it is useful in some situations. 3. Communication Counseling will improve both upward and download communication abilities of the counselees. RELEASE OF EMOTIONAL TENSION Releasing emotional tension is an important function of counseling. people feel emotional release from their frustration after counseling. Release of tension may not solve the entire problem, but run over mental blocks to the solution. Reorientation is not just emotional release or clear thinking, but it involves a change in the counselee’s psychic self through a change in the basic goals and values. Formal counseling is a planned and systematic way of offering help by expect counselors. informal counseling is concerned with day to day relationship of the persons where help is readily offered without any formal plan. counseling seeks to improve parties mental health. people comfortable about themselves and about other people and able to meet the demands of life when they are good in mental health. The counseling relates to marital problems, problems with children, financial difficulties, work-related issues or general psychiatric problems. Non Directive Counseling: It is the process of skillfully listening encouraging a counselee to explain troublesome Problems, understand then and determine appropriate solutions. The free expression that is encouraged in the non-directive approach tends to reduce tensions and frustrations.

277 w.w.w. legal Services india .com http://www.allahabadhighcourt.in/event/roleoflokadalats.html
278 Abraham Lincoln has observed: “Discourage litigation. Persuade your neighbours to compromise wherever you can. Point out to them how the nominal winner is often a real loser - in fees, expenses, and waste of time. As a peacemaker, the lawyer has a superior opportunity of being a goodman. There will still be business enough.”
the bell, and the clang communicated to the King that somebody is craving for justice. The king used to immediately hold court, enquire and render justice. King’s Justice System had easy access and had a twin advantage of free & speedy justice for all subjects. Experience has shown that it is one of the very efficient and important ADRs and most suited to the Indian environment, culture and societal interests. The introduction of LokAdalats added a New chapter to the justice dispensation system of this country and succeeded in providing a supplementary forum to the victims for satisfactory settlement of their disputes. This system is based on Gandhian principles. It is an Indian contribution to the world jurisprudence of ADR. LokAdalat(people’s courts), established by the government, settles dispute by adopting the principles of justice, equity and fair play, which are the guiding factors for decisions based on compromises to be arrived at before such Adalats.

The Committee for implementing Legal Aid Schemes (CILAS) constituted by the Ministry of Law and Justice, Government of India in 1980 recommended the establishment of Lok Adalat. The evolution of this movement was a part of the strategy to relieve heavy burden on the Courts with pending cases and to give relief to the litigants who were in a queue to get justice. The first Lok Adalat was held on March 14, 1982 at Junagarh in Gujarat the land of Mahatma Gandhi. Since April 1985, under the initiative of former Chief Justice of India, Shri. P. N. Bhagwati, Lok Adalats have been exclusively organized for settlement of motor third party claims. since then number of Lok Adalats have been organized throughout the Country through this forum to the satisfaction of the claimants. Consequently, it has assumed great importance and attained a statutory reorganisation under the Legal Services Authorities Act, 1987, and was first, held at Chennai in 1986. In the case of Lok Adalat however, the criteria for eligibility for legal aid are not applicable for the good reason that it should be available in all cases irrespective of income of the parties its object being speedier justice at less expense to all parties to litigation,
actual and potential. The Act. 1987 makes provisions in relation to the establishment, power and functions etc, of Lok Adalats. Lok Adalats are organized to promote justice on a basis of equal opportunity and not to deny the justice to any citizen by reason of economic or other disabilities.

One such commendable step, in the judicial reform process, is the concept of Lok Adalats. The expression Lok Adalat comprises two words, namely, ‘Lok’ and ‘Adalat’. The word “Lok” has been profusely used in political contents and made use of by political parties as a part of their appellations. It is heartening to note that Indian jurisprudential thought has, in recent times, adored a respectable place to the word by accorded christening the forum for judicial determination envisaged and elaborated under Legal Services Authority as Lok Adalat. In Lok Adalat the “Lok “ content i.e. the public opinion aspect and the “Adalat” content i.e. the accurate and through deliberation aspect have to be judiciously blended and balanced, especially in view of the fact that the decisions of Lok Adalat have been made non-appealable. This system is more based on morality and honesty the real pillars of our traditional society. However, Lok Adalat is not a court of law in its truest and accepted norm and connotation. The mission of Lok Adalat is mainly two fold, Firstly, it is to provide to people a quires, easy accessible, non-technical, sympathetic and homely forum for resolution of their disputes and secondly, to tackle the menace and monstrosity of what is known as "docket explosion" - an unmanageable upsurge in the number of pending cases before regular courts. In simple terms, this refers to a forum for settlement of disputes, employing ADR techniques, such as Negotiation, Conciliation, Mediation etc. It is a forum which ensures easier access to justice for

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279 Chapter VI of the Legal Services Authorities Act 1987 deals with the Lok Adalats (Sec 19 to 22).
the poor. It enables speedy disposal of cases through settlement between parties, supervised by a body of legally competent personalities.

**Organization Functions and Jurisdiction of Lok Adalats:** Legal Services Authorities\(^\text{281}\) should organize Lok Adalats. Lok Adalats can take cognizance of matters involving not only those persons who are entitled to avail free legal Services but of all other persons also, be they women, men, or children and even institutions. A Lok Adalat has the jurisdiction to settle, by way of effecting compromise between the parties, any matter which may be pending before any court, as well as matters at pre-litigative stage i.e. disputes which have not yet been formally instituted in any Court of Law.\(^\text{282}\). However, criminal offences which are non-compoundable under any law are beyond the ambit of the Lok Adalat.\(^\text{283}\)

The Lok Adalat is presided over by a sitting or retired judicial officer as the chairman, with two other members, usually a lawyer and a social worker, it evokes instant acceptability and credibility. Therefore, the members of Lok Adalat should have judicial independence in discharge of his duties. Supreme Court of India in the case of Subhash Sharma v. Union of India and Supreme Court Advocates-on-record v. Union of India.\(^\text{283}\)

Highlighting the importance of Lok Adalats, observed that no doubt that dispensation of justice by Lok Adalats would be less expensive, less technical, less formal, cheap and relatively quick and it is this sort of justice which a common man looks for. But it is equally true that the quality and efficiency of Lok Adalat depends

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\(^{281}\) *Sec 19 of a LSA Act*" LokAdalat "is defined "as a forum where voluntary effort aimed at bringing about settlement of disputes between the parties is made through conciliatory and pervasive efforts. 1) The Secretary of the High Court Committee or the District Authority or the Chairman of the Taluk Committee, as the case may be, shall convene and organise Lok Adalats at regular intervals; A Person shall not be qualified to be included in the Bench of Lok Adalat unless he is:-(a) an eminent social worker who is engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, Women, children, Rural And Urban Labour;or (b) a lawyer of standing ; or (c) a person of repute who is specially interested in the implementation of the Legal Services Scheme and programming.

\(^{282}\) Sec 19(5)(I)

\(^{283}\) Supreme Court Advocates-on-record v. Union of India. AIR1991SC631.
largely upon the standards of its members and this is not possible unless they inculcate a spirit of dedication to the cause of justice and for community service.

Section 19(5) of the LSAA clearly lays down the parameters beyond which the Lok Adalat cannot traverse. Any transgression of this limit would render the award made by Lok Adalat invalid and its proceedings will be deemed null and void. In State of Karnataka V. Gurunath 284 the High Court of Karnataka held that where the charge sheet by police invoked Section 326, I.P.C. (i.e. an offence which is non-compoundable), but the statements and medical certificates only make out a charge under Section 323 or Section 324, I.P.C. (i.e. compoundable offence), the reference to Lok Adalat would not be barred under Proviso to Section 19(5) of the LSAA. The Court clarified that if the authority is satisfied that the parties have willingly compromised the dispute, the LSA provides for a closure of the proceedings and that ‘laudable objective’ shall not be frustrated merely on technical grounds that the charge-sheet may mention a section that is not compoundable.

Cognizance of cases by Lok Adalat : The matters which can be taken up by the Lok Adalat for disposal are Section 20 of the LSA (i) Where the parties to a dispute agree; or (ii) One of the parties makes an application to the Court for referring the case to the Lok Adalat for settlement and if such Court is prima facie satisfied that there are chances of such settlement or the Court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat it also provides (section 20(2)) another mode of reference of "disputes & in matters" 285 before Lok

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285 The legal Services Authorities Act, 1987 lays down (vide sec - 20( 1)): Reference of Cases Cases can be referred for consideration of Lok Adalat as under:-1. By consent of both the parties to the disputes. 2. One of the parties makes an application for reference. 3. Where the Court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat. 4. Compromise settlement shall be guided by the principles of justice, equity, fair play and other legal principles. 5. Where no compromise has been arrived at through conciliation, the matter shall be returned to the concerned court for disposal in accordance with Law.
Adalat by enabling district legal Services authorities to refer such matters when any party to the dispute or matter desires in matters for its settlement through Lok Adalat. It is not fully clear from perusal of section 20(2) whether the district authority in competent only to refer a pre-litigation dispute on matter or can also refer a pending case in a court of law. It should be authorized to refer to Lok Adalat even the cases pending before courts. A reference to Lok Adalat by the Civil Court without hearing the parties would not be valid in the eyes of law and, therefore, Lok Adalat would derive no jurisdiction to take cognizance of the case under Section 20(3) of L.S.A.A. Thus parties being heard in the matter which the Civil Court wants to refer to the Lok Adalat is a condition precedent for reference by the Civil Court and non-compliance thereof would render the reference invalid and Lok Adalat would have no jurisdiction to settle the case.

Commissioner of Karnataka State Public Instruction (Education), Bangalore v Nirupadi Virbhadrappa Shiva Simpi 286 in the matter before the Lok Adalat, the Government Pleader had expressed his inability to enter into a compromise but the Lok Adalat still proceeded further with the matter and decided the case on merits which it could not do because of lack of jurisdiction to decide the case on merits when one of the parties was unwillingly to enter into a compromise. It was, therefore, held that the Lok Adalat’s award deserved to be quashed being in contravention of the principles of justice, equity and fair play and the matter was referred back to the Civil Court to be proceeded from the stage at which was sent to the Lok Adalat The idea of holiday Lok Adalat on permanent basis is already taking practical shape. Where the application for reference is by one of the parties only, the court shall not refer the matter except after giving the parties a reasonable opportunity of hearing on the matter. The court can also make an independent reference if it is satisfied that the case is an appropriate one for reference. In such cases also, the parties must be given a

286 State Public Instruction (Education), Bangalore v Nirupadi Virbhadrappa Shiva Simpi, 2001 AIR (Kar) 504
reasonable opportunity of being heard. Where the Lok Adalat fails is its efforts to bring about a compromise or settlement, it has to return the matter to the court from which it can by reference so that the court may dispose it off in accordance with the law. Where the case was pending before the court so that the court fee had already been paid and then it was resolved through the Lok Adalat, the court fee could be refunded to the party in the manner provided under the court fees Act, 1870.

**Powers of Lok Adalats.** – The Lok Adalat shall, have powers of civil court. Sub -sec 3 of section 22 provides that all proceedings before a Lok Adalat shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (45 of 1860) and every Lok Adalat shall be deemed to be a civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

Section 22 (1) (a) of the LSAA vests in the Lok Adalat the power to summon witnesses. But the Supreme Court in Hochtief Gammon v. Industrial Tribunal, Bhubaneshwar, has held that a tribunal though vested with the several powers of a Civil Court, the power to add a party is not expressly vested in it and, therefore, such

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287 72 (i) Necessary certificate for refund of Court Fee will be issued by the Court which referred the case to the Lok Adalat to the person who is entitled for which refund of Court Fee. (ii) On production of such certificate, the District Collector or the competent Revenue Authority shall refund the amount of Court Fee in the manner provided in the Andhra Pradesh Court Fees and Suit Valuation Act., 1956

288 Code of Civil Procedure, 1908 (5 of 1908) (a) The summoning and enforcing the attendance of any witness and examining him on oath; (b) The discovery and production of any document; (c) The reception of evidence on affidavits; (d) The requisitioning of any public record or document or copy of such record or document from any court or office; and (e) Such other matters as may be prescribed.

289 Section 193, IPC provides for punishment for giving false evidence or fabricating false evidence in any stage of a judicial proceeding. Section 219 I.P.C. provides that a public servant in judicial proceeding corruptly making report etc. shall be punished with imprisonment of either description for a term which may extend to seven years or with fine or with both. Section 228, IPC makes intentional insult or interruption to public servant sitting in judicial proceeding a punishable offence.

290 Hochtief Gammon v. Industrial Tribunal, Bhubaneshwar, AIR 1964 SC 1746.
power cannot be exercised by it by implication as incidental to its power to summon and adjudication.

**Functioning of the Lok Adalats:** District Legal Services Authorities shall inform the State Authority about the proposal to organise the Lok Adalat well before the date on which the Lok Adalat is proposed to be organised and furnish the following information to the State Authority.

The Authorities, shall assign specific cases to each Bench of the Lok Adalat. The Authorities, as the case may be, 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 (Provided that they shall convene a Lok Adalat as soon as about 30 cases referred or otherwise are available for being taken up of the Lok Aalat.) Authorities shall inform every litigant whose case is referred to the Lok Adalat, well in time so as to afford him an opportunity to prepare himself for the Lok Adalat.

a. The place and the date on which the Lok Adalat is proposed to be organised;
b. whether some of the organizations referred to in Regulations 29 (2) have agreed to associate themselves with the Lok Adalat;
c. categories and nature of case, viz. Pending cases or prelitigation disputes or both proposed to be placed before the Lok Adalat;
d. number of cases proposed to be brought before the Lok Adalat;
e. any other information relevant to the convening and organizing of the Lok Adalat.

Necessary help from publicity media like press, Radio and television can be taken in giving publicity of the proposed Lok Adalat. Non political and voluntary services institutions may partake in organising Lok Adalat by arranging free distribution of food packets to the public gathered at the Lok Adalat. Every Bench of
the Lok Adalat shall make sincere efforts to bring about a conciliatory settlement in every case put before it without bringing about any kind of coercion, threat or undue influence, allurement or mis-representation. Lok Adalats are having a statutory foundation it is easy to visualize a constitutional foundation for LokAdalat specially in criminal matters. It is now well settled that speedy trial is the essential component of the fundamental rights of life and liberty.

The days to conduct LokAdalats are fixed a month in advance on Saturdays or Sundays only or holidays and given wide publicity. The students and social workers who participate get letters of appreciation and commutation charges. Senior Judicial officers inaugurate Lok Adalats before three members of the Bar, Local officers and general public. conciliators" is the name given by statute to members of Lok Adalat who are drawn from retired judicial officers, social workers and advocates.

In civil cases, compound ability is no problem. In criminal cases, lok Adalat has jurisdiction in compoundable offences as enumerated under the code of criminal procedure.\(^{291}\).

**Disputes to be settled in the Lok Adalats:**

- Motor accident compensation claim cases: Motor Vehicle accident cases where the injured or the dependants of the person deceased in the accident have applied for a compensation.
- Land Acquisition cases where the applications have been made to the government claiming compensation.

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\(^{291}\) [http://www.legalserviceindia.com/articles/article+1e.htm](http://www.legalserviceindia.com/articles/article+1e.htm)

See ,Section 320 of IPC list the offences which are punishable under IPC they might be compounded by the persons(first two columns of the tables) and the offences which are compoundable only with the permission of the court (third column of the table).
- Cases for or against local bodies such as Town Municipality, The Panchayat, The Electricity Board and the like.
- Cases involving commercial banks unpaid loan cases
- Matrimonial or Maintenance cases. (excluding divorce)
- Criminal cases which are compoundable as per law.
- Cases pending in the Labour Courts.
- Cases before Workmen’s Compensation Commissioner.
- Cases pertaining to consumer grievances
- Partition Claims, Damage Cases, Land Patta Case

**Finality of Award made by LokAdalat:** Every award of Lok Adalat is fictionally deemed as decree of court. Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute and no appeal shall lie to any court against the award. The awards passed by the Lok Adalats in respect of pending cases shall be executable by the courts in which those matters were pending prior to the passing by the Lok Adalats. Provided that the awards passed by the Lok Adalats in respect of the matters at prelitigative stage shall be executable through the Court of District Judges of the District in Which the Lok Adalats is held.

**Award to be Categorical and Lucid:** Every Award of the Lok Adalat shall be categorical and lucid and shall be written in the language used in the local courts. The Award may be drawn up in English or in the Regional languages. The parties to the dispute shall be required to affix their signatures or, as the case may be, thumb impression on the Award of the Lok Adalat. **Compilation of Results:** At the conclusion of the session of the Lok Adalat the Secretary of the High Court

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292 s. 21 P.T.Thomas v. Thomas Job AIR 2004Ker 47(50)
Committee or the District shall compile the results for submission to the State Authority.

In the case of Moni Mathai v. Federal Bank Ltd.293, award for recovery of loan was passed on compromise by the Lok Adalat. But no notices were issued to the petitioners, borrower and the co-obligants to put forward their case. It was held that the award passed in blatant violation of all these statutory provisions was liable to be quashed and set aside as there was gross violation of the principles of natural justice.

The Lok Adalat has no jurisdiction to adjudicate upon rights of parties unless there was a compromise or settlement between them. Thus the Lok Adalat could only pass a consent decree but has no jurisdiction to decide the case on merits, if the parties are not agreed upon a compromise or settlement. As such, the finality clause under Section 21 of the LSAA does not bar the High Court from exercising its constitutional power under Article 226 of the Constitution.

The High Court of Madhya Pradesh in Punjab National Bank v. Laxmichand Rai reiterated that no appeal shall be maintainable against an award made by the Lok Adalat. The Permanent Lok Adalat may transit any award made by it to a Civil Court having local jurisdiction and such Civil Court shall execute the order as if it were a decree made by that Court. This is indeed a welcome step which would enable the Lok Adalats to go beyond arranging settlement of dispute and exercise the power of deciding the dispute on merit under the Act. They have to decide the case according to their general notions or justice and fair play.

293 Moni Mathai v. Federal Bank Ltd AIR 2003 Ker 164
In State of Punjab and others V Phulan Rani another, the Supreme Court has ruled that Lok Adalat has to dispose of matters by way of compromise or settlement. If no compromise or settlement could be arrived at, no order could be made by the Lok Adalat. It was further opined that a “compromise” is always bilateral which means mutual adjustment, hence settlement is nothing but termination of legal proceedings by mutual consent, the court further observed that, ‘compromise’ implies an element of accommodation on each side and it is improper to describe it as total surrender. If the compromise is not arrived at, the Lok Adalat will not pass an order. The court held that Lok Adalat had no jurisdiction to pass the award as regards guardianship of minor children, the award passed by Lok Adalat is non-est in eye of Law null and void.

Section _89 of Civil Procedure code : The amendments made to the Code of Civil Procedure seek to institutionalize the ADR techniques in the Indian Judicial system. By the said amendments, a new Section 89 has been introduced in the Code of Civil Procedure, which provides that, in any dispute before it, if the court finds that there exist elements of a settlement which may be acceptable to the parties, the court should formulate the terms of settlement and give them to the parties for their observations and after receiving the observation of the parties, the court may re-formulate the terms of a possible settlement and refer the same for either arbitration, conciliation, judicial settlement including settlement through Lok Adalat or mediation. Where a dispute has been referred to Lok Adalat, in accordance with the provisions of sub-section (1) of section 20 of the Legal Services Authorities Act,

294 State of Punjab and others V Phulan Rani another; 2004,SCC-55,
295 State of Punjab and others V. Mohinderjit Kaur; 2005, SCC -74
1987 (39 of 1987); all other provision of that Act shall apply in respect of the dispute so referred to the Lok Adalat.\(^{298}\)

Where a dispute has been referred for judicial settlement, the Court shall refer the same to a suitable institution or person and such institution or personal shall be deemed to be a Lok Adalat and all the provisions of the Legal Services Authorities Act, 1987 (39 of 1987) shall apply as if the dispute were referred to a Lok Adalat under the provisions of the Act. Order 14, Rule 6 states\(^{299}\) that questions of fact or law or agreement may be stated in form of issues and Rule 7 states that Court if satisfied that agreement was executed in good faith, may pronounce judgment. The court shall proceed to record and try the issue and state its finding or decision thereon in the same manner as if the issue had been framed by the Court, and shall, upon the finding or decision on such issue, pronounce judgment according to the terms of the agreement; and, upon the judgment so pronounced, a decree shall follow\(^{300}\).

Order 31-A, Rule 3 states that the duty of Court is to make efforts for settlement of any disputes of civil nature by way of reconciliation. Rule 3(2) of Order 31-A urges that if in any suit or proceedings, at any stage, it appears to the civil court that there is reasonable possibility of a settlement between the parties, the court may adjourn such proceedings for a reasonable length of period as it thinks proper to enable parties to make attempt to effect such an amicable settlement. Order X, Rule 1A, 1B and 1C of CPC\(^{301}\) enable settlement of

\(^{298}\) Sec.89 (2) (b) C.P.C.
\(^{299}\) Order 14, Rule 6 and Rule 7
\(^{300}\) D.K Misra, Award of LokAdalat Equivalent to A DecreeNyaya Deep. Vol V111 Issue 3 july2007P103.
\(^{301}\) Rule 1A provides on the option of parties, the court is required to fix the date of appearance before such form or authority as may be opted by the parties. Rule 1B provides for appearance of the parties before such form or authority for conciliation of the suit; and Rule 1C provides for reference of the matter back to the court and for appearance of the
disputes by arbitration, conciliation and through Lok Adalat for speedy disposal of civil cases.

The Lok adalat will pass the award with the consent of the parties. Therefore, there is no need either to reconsider or review the matter again and again, as the award passed by the Lok Adalat shall be final. Even as under Section 96(3), CPC’ no appeal shall lie from a decree passed by the Court with the consent of parties’. The award of the Lok Adalat is an order by the Lok Adalat with the consent of the parties, and it shall be deemed to be a decree of the Civil Court, therefore an appeal shall not lie from the award of the Lok Adalat as under Section 93 (3), CPC.

**Benefits of Lok Adalat**
The benefits that litigants derive through the Lok Adalats are many.

Firstly, there is no court fee and even if the case is already filed in the regular court, the fee paid will be refunded if the dispute is settled at the Lok Adalat. Secondly, there is no strict application of the procedural laws and the Evidence Act while assessing the merits of the claim by the Lok Adalat. The parties to the disputes though represented by their advocate can interact with the Lok Adalat judge directly and explain their stand in the dispute and the reasons therefore, which is not possible in a regular court of law. Order 23 Rule 3 of civil procedure code provides for compromise of suit – where it is proved to the satisfaction of the court that a suit has been adjusted wholly or in part by any lawful agreement or compromise, written and signed by the parties, the court after satisfying itself about the settlement, can convert the settlement into a judgment decree. Thirdly, disputes can be brought before the Lok Adalat directly instead of going to a regular court first and then to the Lok Adalat.

parties before the court in case of failure of the conciliating form or authority AIR 2003 Sc 189.
Fourthly, the decision of the Lok Adalat is binding on the parties to the dispute and its order is capable of execution through legal process. No appeal lies against the order of the Lok Adalat whereas in the regular law courts there is always a scope to appeal to the higher forum on the decision of the trial court, which causes delay in the settlement of the dispute finally. The reason being that in a regular court, decision is that of the court but in Lok Adalat it is mutual settlement and hence no case for appeal will arise. In every respect the scheme of Lok Adalat is a boon to the litigant public, where they can get their disputes settled fast and free of cost. Fifthly, it is the only institutionalized mechanism of dispute resolution in which the parties do not have to bear any expenses. Last but not the least, faster and inexpensive remedy with legal status.

**Judicial approach.**

During the last few years Lok Adalat has been found to be a successful tool of alternate dispute resolution in India. It is most popular and effective because of its innovative nature and inexpensive style, the system received wide acceptance not only from the litigants, but from the public and legal functionaries in general. In India, Lok Adalat has been functioning continuously and permanently in every district centre. In taluk centers also sittings of Lok Adalats have been held successfully. Several thousands of pending cases and disputes which had not reached law courts have been settled through Lok Adalats. The system of LokAdalat, which is an innovative mechanism for alternate dispute resolution, has proved effective for resolving disputes in a spirit of conciliation outside the courts\(^\text{302}\).

Highlighting the significance of Lok Adalat movement which has far reaching ramifications Delhi High Court has given a landmark decision in Abdul Hasan and

National Legal Services Authority v Delhi Vidyut Board and others\textsuperscript{303} The scholarly observations of His Lordship Mr. Justice Anil Dev Singh deserve special commendations and are worthy of note. It should also steer the conscience of all, as there is an increasing need to make Lok Adalat movement a permanent feature. The petitioner filed a writ petition before Delhi High Court for restoration of electricity at his premises, which was disconnected by the Delhi Vidyut Board (DVB) on account of non-payment of Bill. Inter alia, the grievances of the citizens were not only confined to the DVB but also directed against the State agencies like DDA, Municipal Corporation, MTNL, GIC and other bodies, Court notices were directed to be issued to NALSA and Delhi State Legal Services Authority. His lordship Hon'ble Mr. Justice Anil Dev Singh passed the order giving directions for setting up of permanent Lok Adalats.

However, the major drawback in the existing scheme of organization of the Lok Adalats under Chapter VI of the said Act is that the system of Lok Adalats is mainly based on compromise or settlement between the parties. The major defect of the mechanism of Lok Adalat is that it cannot take a decision, if one of the parties, is not willing for a settlement, though the case involves an element of settlement. The adamant attitude shown by one among the parties will render the entire process futile. Even if all the members of the Lok Adalat are of the opinion that the case is a fit one for settlement, under the present set-up, they cannot take a decision unless all the parties consent. If the parties do not arrive at any compromise or settlement, the case is either returned to the court of law of the parties are advised to seek remedy in a court of law. This causes unnecessary delay in the dispensation of justice. If Lok Adalats are given power to decide the cases on merits in case parties fails to arrive at any compromise or settlement, the problem can be tackled to a great extent.

\textsuperscript{303} Abdul Hasan and National Legal Services Authority v Delhi Vidyut Board and others A.I.R1999 Delhi 88
Further, the cases which arise in relation to public utility services such as Mahanagar Telephone Nigam Limited, Delhi, Viodyut Board, etc. need to be settled urgently so that people get justice without delay even at pre-litigation stage and thus most of the petty cases which ought not to go in the regular courts would be settled at the pre-litigation stage itself which would result in reducing the workload of the regular courts to a great extent. In order to strengthen the system of Lok Adalat and to make participatory justice more effective the parliament of India made amendment in the legal Services Authorities Act, 1987, to be known as the Legal Services Authorities (Amendment) Act, 2002. The then Hon'ble Chief Justice Dr A.S. Anand airing him views stated thus:

"There will be no harm if Legal Services Authorities Act is suitably amended to provide that in case, in a matter before it, the Judges of the Lok Adalats are satisfied that one of the parties is unreasonably opposing a reasonable settlement and has no valid defence whatsoever against the claim of the opposite party, they may pass an award on the basis of the materials before them without the consent of one or more parties. It may also be provided that against such awards, there would be one appeal to the court to which the appeal would have gone if the matter had been decided by a court.... This course, I think, would give relief to a very large number of litigants coming to Lok Adalats at pre-litigative stage as well as in pending matters."

The Supreme Court in the case of Supreme Court Legal Aid Committee v. Union of India, has observed that it is in the interest of the citizens of India that permanent Lok Adalats are established and held continuous and it Would be a step forward in the direction of making justice accessible to the people.

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The aim of the Act is to encourage pre-litigation settlement and to establish permanent Lok Adalats specially for settling disputes in public utility services.

The salient features of the amendment are as follows:

1. To provide for the establishment of Permanent Lok Adalats which shall consist of a Chairman who is or has been a district judge or additional district judge or has held judicial officer higher in rank than that of the district judge and two other persons having adequate experience in public utility services;

2. The Permanent Lok Adalat shall exercise jurisdiction in respect of one or more public utility services such as transport services of passengers or goods by air, road and water, postal, telegraph or telephone services, supply of power, light or water to the public by any establishment, public conservancy or sanitation, service in hospitals or dispensaries and insurance services;

3. The pecuniary jurisdiction of the Permanent Lok Adalat shall be up to rupees ten lakhs. However, the Central Government may increase the said pecuniary jurisdiction from time to time. It shall have not jurisdiction in respect of any matter relating to an offence not compoundable under any law

4. It also provides that before the dispute is brought before any court, any party to the dispute any make an applicant to the Permanent Lok Adalat for settlement of the dispute.

5. Where it appears to the Permanent Lok Adalat that there exists elements of a settlement, which may be acceptable to the parties, it shall formulate the terms of a possible settlement and submit them to the parties for their observations and in case the parties reach an agreement. The permanent Lok Adalat shall pass an award in terms thereof. In case parties to the dispute fail to reach an agreement, the Permanent Lok Adalat shall decide the dispute on merits

6. Every award made by the Permanent Lok Adalat shall be final and binding on all the parties thereto and shall be by a majority of the persons constituting the Permanent Lok Adalat
Establishment of Permanent Lok Adalat for Public Utility Services\textsuperscript{305}

New Section, 22A has been added in the principal Act which provides that for the purpose of Chapter VIA and for the purposes of Sections 22 and 23 of the principal Act, unless the context otherwise requires, Permanent Lok Adalat should be understood as a permanent Lok Adalat established under sub-section (1) of Section 22B.\textsuperscript{306}

**Jurisdiction, powers of Authorities:**

Any party If there is a dispute with respect to PUS,\textsuperscript{307} can, before bringing it to a court of law for adjudication, make an application to PLA for the settlement of that dispute. The party making such application need not be a party who raises a claim against a public utility service. If a claim is made by one against a public utility service, the establishment carrying out the public utility service can also raise that dispute before PLA to resolve it. The only limitation is that PLA shall not have jurisdiction to consider a dispute relating to an offence not compoundable under any law or any matter where the value of the property in dispute exceeds Rs 10 lakhs. But the Central Government can, by an appropriate notification, increase this limit.

\textsuperscript{305} Meaning of Public Utility Service. The definition of Public Utility Service is given under Section 22A, which mean any –transport service for the carriage of passengers or goods by air, good or water; or postal, telegraph or telephone service; or supply of power, light or water to the public by any establishment; or system of public conservancy or sanitation; or system in hospital or dispensary; or insurance service and includes any service which the Central Government or the State Government, as the case may be, may, in the public interest, by notification, declare to be a public utility service for the purpose of this Chapter.

PLA has to be established by the National Legal Services Authority or the State Legal Services Authorities. It shall have three members; the Chairman, who is or has been a District Judge or an Additional District Judge or has held a judicial office higher in rank than that of a District Judge and two other members having adequate experience in public utility service. Such persons shall be appointed by the State or the Central Authority, as the case may be, upon nomination by the respective Governments. But at the same time, such nomination shall be on the recommendation of the Central or the State Authority.

\textsuperscript{306} Section 22-B envisages establishment of "Permanent LokAdalats (PLA)" at different places for considering the cases in respect of Public Utility Services (PUS).

\textsuperscript{307} Section 22-C(1), cognizance off cases of PLA.
Section 22C (2) says that after an application is made under sub-section (1) to the Permanent Lok Adalat, no party to that application shall invoke jurisdiction of any court in the same dispute. Section 22-C(3) provides that when an application is filed raising a dispute, the parties shall be directed to file written statements with appropriate proof, including documents and other evidence. Copies of documents produced and statements made by the parties shall be given to each other. Thereafter PLA shall conduct conciliation proceedings between the parties to bring about an amicable settlement to the dispute.

It is the primary duty of PLA as per Section 22-C(4), While conducting such conciliation proceedings, it is incumbent on the members of PLA to assist the parties to reach an amicable settlement. The parties are also obliged to cooperate in good faith with PLA. If PLA is of the opinion that "there exist elements of settlement in such proceedings, which may be acceptable to the parties", it shall formulate the terms of possible settlement, communicate its observations to the parties and if the parties agree, the settlement shall be signed and an award shall be passed in terms of such settlement and copies of the award shall be furnished to the parties.\(^{308}\) It is also provided in sub-section (8) that in cases where there exist elements of settlement, but the parties fails to reach at an agreement, "the Permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute". "For the purpose of holding any determination" the Permanent Lok Adalat shall have the same powers as are vested in a civil court. PLA can specify its own procedure for deciding the dispute coming before it and the proceedings shall be deemed to be judicial proceedings.

Section 22E of the amended Act provides that every award of the Permanent Lok Adalat under this Act made either on merit or in terms of a settlement

\(^{308}\) See Section 22-C(7).
agreement shall be final and binding on all the parties thereto and on persons claiming under them. Every award of the Permanent Lok Adalat under this Act shall be deemed to be a decree of a civil court.

Every award made by the Permanent Lok Adalat under this Act shall be final and shall not be called in question in any original suit, application or executing proceedings. The Permanent Lok Adalat may transmit any award made by it to a civil court having local jurisdiction and such civil court shall execute the order if it were a decree made by the court.309. This will, certainly, prove to be very effective, litigant-friendly and less-expensive mechanism to resolve certain serious disputes. As PUS are rendered mainly by corporate bodies, this virtually will be a forum for ordinary men and women to ventilate their grievances against such corporate bodies. In the changing economic scenario of the country where insurance, communication and other services are thrown open to corporate giants, it is all the more necessary to provide for cost-effective and delay-free tools for resolution of disputes. PLA is a structured clubbing conciliatory mode with certain features of arbitration to arrive at decisions under given circumstances.

**Lok Adalats for under-trial prisoners**: Criminal Courts to hold appropriate number of sittings inside jails in respect of certain cases involving undertrial prisoners. Since Lok Adalats have now assumed the role of an effective forum for speedy dispensation of justice, it would be more appropriate if periodical sittings of Lok

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309 *Award passed on merits by the Permanent Lok adalat shall contain:*- Names of Chairman and other Members with designations. Date of Award. Permanent Lok Adalat case number

Full description of the parties. Names of Advocates shall be mentioned if parties represented by Advocates.

Award shall contain a concise statement of the Case, the points for determination, the decision thereon and the reasons for such decision. Relief granted be mentioned specifically in the operative portion of Award.

The party agreeable for settlement shall sign the award Chairman and Members shall sign the Award.

A list of exhibits filed and witness examined shall be annexed to the award.

*Award passed in terms of settlement agreement by the Permanent Lok adalat shall contain:* - Names of Chairman and Members. Date of Award. Permanent Lok Adalat case number.

Full description of the parties. Names of Advocates shall be mentioned if parties represented through Advocates.

Settlement terms be mentioned clearly without any ambiguity. Chairman and other Members shall sign on the Award.

Terms of settlement signed by the parties shall be appended to the Award. Names of Advocates be mentioned if parties represented through Advocates.

Settlement terms be mentioned clearly without any ambiguity. Chairman and other Members shall sign on the Award.

Parties to the dispute shall sign on the Award.
Adalat are organised inside jails so as to motivate them to avail the benefit of compromise or settlement and get rid of incarceration. In fact, this opportunity may be extended to other prisoners as well so that they may also avail the chance of early release from the jail.

**Lok Adalat for Resolving Industrial Disputes**: As a remedial measure to tide over the backlog of industrial disputes that are pending in various Industrial Tribunals and Labour Courts. Central Government Industrial Tribunals at eight places where nearly 400 cases have been settled. The Punjab Haryana High Court has observed that the Act has been enacted as an ADR for resolving the disputes in a spirit of conciliation outside court. The court further observes that the PLA are not alternative courts but against inaction or wrongful action of authorities dealing with P.U.S. in day to day life.

Ritha Kumari Sahu V Shyam Sundar Sahu. The court held the jurisdiction of PLA is confined only to PUS. Matrimonial disputes being not a PUS. The PLA has no jurisdiction to entertain and dispose of such dispute by passing order of mutual divorce. There is a legal obligation on the part of lawyers to participate in the Lok Adalat proceedings. It is also a moral obligation. Lawyers are officers of Lok Adalats as completely as they are officers of the regular courts. Lawyers are expected by the society to demonstrate enough commitment to offer their expertise for the achievement and advancement of the noble mission of Lok Adalat.

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310 Union Territory of Chandigarh V. Permanent Lok Adalat AIR 2001 NOC 497  
311 Bharat Sanchar Nigam Ltd. V. The State of Jharkand, A.I.R. 2009 (NOC) (806)  
312 AIR 2007 259, Cal
TABLE – B1

TABLE – B2

Table: B1

An analysis of the figures shows in the table B-1 reveals that the highest number of Lok Adalats were organised in Tamil Nadu 236,011 up to 31-3-2010. The state immediately following is Andhra Pradesh 133,958. The Statistical Information reveals that the state of Tamil Nadu and Andhra Pradesh Legal Services authorities are fulfilling the third object of Legal Services Authorities Act Organizing Lok Adalat to bring about an amicable settlement.

Table: B2

An analysis of the figures shows in the table B-2 reveals that the highest number of Lok Adalats were conducted in Tamil Nadu up to March 31-3-2011 are 241,417. The other two states immediately following is Andhra Pradesh 148,462 and Gujarat 106,815. The Statistical Information reveals that the state of Tamil Nadu and Andhra Pradesh Legal Services authorities are fulfilling the third object of Legal Services Authorities Act Organizing Lok Adalat to bring about amicable settlement.

Achievements of Lok Adalat
Lok Adalat has a positive contributory role in the administration of justice. It supplements the efforts and work of the courts, to clear the back logs and Area of contribution chosen for the purpose specially concerns and helps the common man, the poor, backward and the needy-most sections of the society. Many states have shown enthusiasm for this versatile phenomenon of informal justice with easy finality and community orientation. Gujarat has set a record in this experiment;. Similarly, Andhra Pradesh has produced results in conciliation. Tamil Nadu also is doing good work and is a model in many respects.

The drive behind the Lok Adalats is the roused consciousness of the community to prevent disruption of local unity and to secure substantial equity and social justice, in a mood of human solidarity. The philosophy of autonomy and accountability for statutory authorities with democratic composition and social initiative must be accepted by the state. Such a postulate calls for the categorical imperative that free legal Services in its wider sweep of semantics is the guaranteed right of every Indian and not the largess condescendingly extended by Government. The jurisprudence of judicature walks a different street paved with right, not grace. Lok Adalats have been very successful as a Dispute Management Institution in settlement of motor accident claim cases, matrimonial/family disputes, labour disputes, disputes relating to public services such as telephone, electricity, bank recovery cases and so on.

The system has received laurels from the parties involved in particular and the public and the legal functionaries, in general. It also helps in emergence of jurisprudence of peace in the larger interest of justice and wider sections of society. Its process is voluntary and works on the principle that both parties to the disputes are willing to sort out their disputes by amicable solutions. Through this mechanism, disputes can be settled in a simpler, quicker and cost-effective way at all the three stages i.e. pre-litigation, pending-litigation and post-litigation.
Lok Adalats play a very important role to advance and strengthen “equal access to justice”, the heart of the Constitution of India, a reality. This Indian contribution to world ADR jurisprudence needs to be taken full advantage of. Maximum number of Lok Adalat need to be organized to achieve the Gandhian Principle of Gram Swaraj and “access to justice for all”.

The Members and staff of Authorities, Committees and Lok Adalats are deemed to be public servants: No suit, prosecution or other legal proceeding shall lie against Authorities for anything which is in good faith done or intended to be done under the provisions of this Act or any rule or regulation made there under. The Central Government, and the State Government is empowered to make rules. to carry out the provisions of this Act. The Central Authority and the State Authority may, by notification, make regulations for the purposes of giving effect to the provisions of this Act. Every rule made under this Act by the Central Government and every regulation made by the Central Authority there under shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that

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313 According to sec 23 of the Act Subs. for sections 23 and 24 by Act 59 of 1994, sec. 17. The members including Member-Secretary or, as the case may be, Secretary of the Central Authority, the State Authorities, the District Authorities, the Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees and officers and other employees of such Authorities, Committees and the members of the Lok Adalats shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

314 sec 24. Protection of action taken in good faith

315 Sec 24&25 These rules are to be made by The Central Government in consultation with the Chief Justice of India. - The State Government in consultation with the Chief Justice of the High Court. These rules relate to number, experience and qualifications of other members of the Central Authority Member-Secretary of the Central Authority employees, officers, other persons of the Lok Adalats, and also state authority

316 Sec 29. Power of Central Authority and State Authority to make regulations. - (Sec 29A)

317 See 30. Provides Rules
the rule or regulation should not be made, the rule or regulation shall thereafter have
effect only in such modified form or be of no effect, as the case may be; so, however,
that any such modification or annulment shall be without prejudice to the validity of
anything previously done under that rule or regulation.

Similarly, every rule made under this Act by a State Government and every
regulation made by a State Authority there under shall be laid, as soon as may be
after it is made, before the State Legislature.

5.1.9  LEGAL AID AND NAYA PANCHAYATS

In the scheme of legal aid, the institution of Nyaya Panchayat is considered as
one of the most important oldest institution in our country. The restructuring of the
judicial system at the grass roots level should also form part of an effective legal
Services programme. Legal Services, in its wider sweep, must include every form of
legal assistance which brings justice nearer to people particularly to the rural people.

Nyaya Panchayat Historical perspective; References regarding Nyaya Panchayat
are abundantly found in ancient literature and history. In the Smritis, there are
references to institution being names ‘kula (guild) sreni, and ‘puga’. The Kula was
the lowest tier composed of Kinsmen for arbitration in small matters. Sreni was
(middle tier), dispensing justice to the members of same occupational groups like
traders, artisans, including persons of different castes pursuing similar occupations
living in same village, and the Puga (the highest tier) was a court having jurisdiction
over members of different castes and occupations living the same village These
institutions were connected with the administration of justice in villages and they are

318 “The Sub- Judge shall also act as guide, friend and philosopher to the ignorant villagers by acquainting them with the
laws of the state.” Mahatma Ghandhi

referred as judicial tribunals in Yajnavalkya Smriti. The institution of Nyaya Panchayat is the outcome of the social and economic conditions of our rural structure. In the rural judicial system, persons of integrity and honesty always dominated the scene. These panchayats did not spring up due to some authority of the ruler but due to conflict in village life which necessitated the birth of such an institution. Ketkar is of the opinion that the word ‘Madhyamashi’ in the Vedic literature signifies that the institution of Panchayat must have been in existence during the Vedic period.

During the British period, the village courts have been established under the Village Court Act of 1888 in place of the traditional panchayats. The Britishers with an intent to decentralisation of justice appointed a commission. The Royal Commission on Decentralisation in 1909 also suggested that the Village Panchayats might be entrusted with summary jurisdiction in petty civil and criminal cases arising within the village. For the first time, the Bombay Panchayat Act of 1933 gave judicial powers to the panchayats for settling petty civil and criminal cases through a Village Bench consisting of elected members of the panchayat and outsiders.

Post-Independence Period The Nayaya Panchayats were revived after the Balwantrai Mehta Committee report in late 50s. This committee recommended that the District or SubDivisional Magistrate should select persons out of a panel of names suggested by the Village Panchayats and that the jurisdiction of a Nyaya Panchayat may be a group of villages which may be wider in cover than Gram Sevak’s Circle. In the light of the recommendations of this committee, attempts were made by some states to pass separate legislation for establishing Nyaya Panchayats with wider jurisdiction comprising a group of villages\(^{320}\). The Gram Nyayalaya as a different court was proposed by the 114th Law Commission\(^ {321}\) way back in 1986.

\(^{320}\) H.R. Khanna: Indian Judicial System

\(^{321}\) http://www.deccanherald.com/content/26866/centre-issue-gram-nyayalaya-notification.html
Gram Nyayalayas Act, 2008

The Gram Nyaylaya is the latest in the reforms of the Indian Judiciary. The Gram Nyaylaya seems to be combination of the objectives of several special courts in contrast to the regular emphasis on the adversarial trial. The Gram Nyayalaya may inspire confidence in the village community, it is imperative that a legally trained mind preside over the body. And to avoid a purely technical legalistic approach, two other persons who are village level workers and who are educated and socially oriented should be inducted. Equality and justice are indisputably two key facets of the idea of a modern, democratic and constitution-adhering India. The principles of equality and justice are realised by the State apparatus through the business of administration of justice with the passage of the Gram Nyayalayas Act, 2008.

SALIENT FEATURES

The Act provides for the establishment of Gram Nyayalayas at the grass root level. The avowed Objective is to provide access to justice to the citizens at their door steps and to ensure that opportunities for securing justice are not denied to any citizen by reason of social, economic or other disabilities. Applicable to the whole of India except the State of Jammu and Kashmir, the State of Nagaland, the State of Arunachal Pradesh, the State of Sikkim and to the tribal areas. Gram Nyayalayas are aimed at providing inexpensive justice to people in rural areas at their doorsteps.


Under the Act, it is the responsibility of the respective State Governments to establish in consultation with its High Court, Gram Nyayalayas at the panchayat level and Panchayat at intermediate level or a group of contiguous Panchayats at intermediate level in a district or where there is no Panchayat at intermediate level in any State, for a group of contiguous Panchayats; and define their jurisdiction. Generally the headquarters of every Gram Nyayalaya shall be located at the headquarters of the intermediate Panchayat in which the Gram Nyayalaya is established and these nyayalayas would be presided by an officer called Nyayadhikari*, who would also be appointed by the State Government in consultation with the High Court.

The Gram Nyayalaya shall be a "Mobile Court" and shall exercise the powers of both Criminal and Civil Courts. The "Nyayadhikari shall periodically visit the villages falling under his jurisdiction and conduct trial or proceedings at any place which he considers is in close proximity to the place where the parties ordinarily reside or where the whole or part of the cause of action had arisen." The State Government has been mandated to "extend all facilities to the Gram Nyayalaya including the provision of vehicles for holding mobile court by the Nyayadhikari while conducting trial or proceedings outside its headquarters."

Jurisdiction Powers and Authority of Gram Nyayalaya

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324 sec 3 of the Act
325 sec 4 of the Act
326 Sec5 The only qualification prescribed for being a Nyayadhikari is that "he is eligible to be appointed as a Judicial Magistrate of the first class" sec 6(2) state govt while appointing Nyayadhikari, due representation be given to the members of the S.C, S,T, Women and such other classes or committees.

327 Sec 9, & Sec 9(2) of the Act
The *Gram Nyayalaya* shall try criminal cases, civil suits, claims or disputes which are specified in the First Schedule and the Second Schedule to the Act\(^{328}\); The Central Government as well as the State Governments have been given power to amend the First Schedule and the Second Schedule of the Act\(^ {329}\), as per their respective legislative competence. Gram Nyayalays may take cognizance of and offence on a complaint or police report and shall try all offences listed in the First Schedule to the Act.\(^ {330}\) These include offences under the Indian Penal Code, 1860, relating to criminal conspiracy, being paid to take part in unlawful assembly or unarmed riot, and knowingly furnishing false information to public servants, as well as offences under other central Acts. Gram Nyayalayas shall also try all offences under central acts where the maximum punishment is imprisonment up to one year (with or without a fine), is only a fine, or is a compoundable offence. The Second Schedule lists civil suits that shall fall under the purview of Gram Nyayalayas. These includes suits related to land, water, property, wages etc.,

The *Gram Nyayalaya* shall exercise the powers of a Civil Court\(^ {331}\) with certain modifications and shall follow the special procedure as provided in the Act. The judgment and order passed by the *Gram Nyayalaya* shall be deemed to be a decree and to avoid delay in its execution, the *Gram Nyayalaya* shall follow summary procedure for its execution. The *Gram Nyayalaya* shall not be bound by the rules of evidence provided in the Indian Evidence Act, 1872 but shall be guided by the principles of natural justice and subject to any rule made by the High Court;

### Procedure and Appeals

\(^ {328}\) Sec 11 of the Act  
\(^ {329}\) Sec 14 of the Act  
\(^ {330}\) Sec 12 of the Act  
\(^ {331}\) The *Gram Nyayalaya* will have power to (a) enforce the attendance of any person and examine him on oath (b) compel the production of documents and material objects (c) issue commissions for the examination of witnesses or if the witness is unable to appear before it on account of physical incapacity; and(d) do such other things as may be prescribed.
The proceedings shall be in one of official languages of the state other than English as far as practicable. The Gram Nyayalayas shall process a case within 90 days from its institution and pronounce its judgment within one week from the last date of hearing. The parties may argue their own case or engage a lawyer or authorize another person to represent them. In civil disputes the Gram Nyayalayas shall not be bound by the procedure in code of Civil Procedure, 1908. The District Judge, in consultation with the District Magistrate, shall prepare a panel of people who can act as Conciliators, these shall be social workers at the village level with the required qualifications prescribed by the High court.

The state Government shall appoint one or more advocates in a Gram Nyayalaya to try to such disputes. The **State Legal Services Authority** shall prepare a panel of advocates, and at least two shall be assigned to each Gram Nyayalayas so that their services may be provided by the Government to the accused unable to engage an advocate.

The **Gram Nyayalaya** shall follow summary procedure in criminal trial. The concept of 'plea bargaining' has also been extended to the **Gram Nyayalayas**. Almost similar measures have been provided for determination of civil disputes. Appeals from the decisions of the **Gram Nyayalayas** shall lie to the District and Sessions Court which is supposed to dispose of the appeal within six months. No further appeal from the District and Sessions Court is provided, leading to the culmination of the dispute. It has also been entrusted to the **Gram Nyayalaya** to make attempts "to assist, persuade and conciliate the parties in arriving at a settlement". In this regard the Act also provides that District Court, in consultation with the District Magistrate, shall prepare a panel consisting of the names of social workers at the village level.

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332 Sec 21(3) of the Act.
having integrity for appointment as Conciliators who possess such qualifications and experience such that conciliatory attempts can be made in these proceedings.

The Centre's plan to set up 5000 'Gram Nyayalayas' across the country to bring justice delivery system to the common man's doorsteps has not found favour with the state governments. More than a year after the Gram Nyayalaya Act was notified; only four states have established such rural courts, Madhya Pradesh has set up 45 Gram Nyayalayas, Maharashtra nine, Orissa one and Rajasthan. High Chief Justice Madan B. Lokur said that AP Government is planning to set up 'Gram Nyayalayas' to bring justice to rural people.

Law and Courts Minister Erasu Pratap Reddy informed the State Legislative Assembly on Tuesday that there is a proposal to establish 139 Gram Nyayalayas, as recommended by the High Court at places identified in various districts with the object of taking justice to the door steps of litigant public, to dispose of petty disputes and provide peace and tranquility in the villages without following the cumbersome procedure in procedural laws. The minister said. “As and when the proposal from the High Court is received for creation of new courts, the government is taking steps for establishment of new courts in order to render speedy justice to the litigant public and also for expeditious disposal of cases, where the pendency demands for establishment of additional courts,"

5.2 Legal Aid Under Other Enactments

333. http://www.prsindia.org/uploads/media/1224668109/1224668109_The_Gram_Nyayalayas_Bill_2008.pdf Prime Minister Manmohan Singh and UPA chairperson Sonia Gandhi had strongly pitched for setting up of these courts to provide affordable justice to the vast majority living in villages
334. Sakshi Feb 27 2012
To ensure social justice and to implement Rule of Law State enacted various legislations to protect civil, Human rights of weaker sections, consumers, mentally ill persons and also constituted Commission to create awareness as to legislations for the benefit of people of India.

5.2.1 The Advocates Act 1961

The object of the Advocates Act 1961, is to amend and consolidate the Law relating to Legal practitioners and to provide for the Constitution of Bar Council and All India Bar. One of the function of the State Bar Councils is to provide legal aid to the poor and to organize legal aid camps. In this regard a State Bar Council may constitute a fund for giving legal aid or advice in accordance with the Rules made in this behalf. In this regard a State Bar Council may receive grant or donations for all or any of the purposes. Such donations, gifts a benefactions so received will have to be credited to the appropriate funds / constituted under 6(2) of the 1961.

The BCI provides Legal Aid to the poor. For the purpose of giving Legal Aid or advice the BCI Constitute one or more funds in accordance with the rules. In this regard a Bar Council of India may receive grant or donations for all or any all are any of the purposes of for providing legal aid.

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336 Sec 2 (m) "State Bar Council" means a bar Council constituted under Sec. 3; Section 6 of the Advocates Act, 1961 functions of the State Bar Councils. www.barcouncilofindia.org . sec 6 (1) (eee) to organize legal aid to the poor in the prescribed manner
337 Sec 6 (2)(b) State Bar Council may constitute one or more funds in the prescribed manner for the purpose of - giving legal aid or advice in accordance with the rules made in this behalf. 6(3) A State Bar Council may receive any grants, donations, gifts or benefactions for all or any of the purposes specified in sub-section (2) which shall be credited to the appropriate fund or funds constituted under that sub-section.
338 Sec 2 (e) "Bar Council of India" means the Bar Council constituted under Sec.4 for the territories to which this Act extends; Sec 7. Deals with the Function of Bar Council of IndiaSec 7(1) (ib) to organize legal aid to the poor in the prescribed manner; added by Act 60 of 1973, w.e.f. 31-1-74.
339 Sec 7 (2)(b)w.e.f. 31-1-74, (b) The Bar Council of India may constitute one or more funds in the prescribed manner for the purpose of - giving legal aid or advice in accordance with the rules made in this behalf;
Sec 7(3) The Bar council of India may receive any grants, donations, gifts or benefactions for all or any of the purposes specified in sub-section (2) which shall be credited to the appropriate fund or funds constituted under that sub-section.
The Act 1961 was amended by inserting Section 9–A, so as to constitute legal aid committees in each Bar Council. A Bar Council may constitute one or more legal aid committees consisting of members, not exceeding nine but not less than five. Bar Council prescribes the qualifications, the method of selection and term of office of the member of a legal aid committee. State Government and Govt. of India have constituted from time to time consisting of eminent jurists for submitting reports recommending schemes for rendering legal aid services to the poor, needy and weaker sections of the society in India.

**The Bar Council of India Rules**

Rule 46 states that every advocate shall in the practice in need of the profession of law bear in mind that any one genuinely in need of a lawyer is entitled to legal assistance even though he cannot pay for it fully or adequately and that within the limits of an Advocate’s economic condition, free legal assistance to the indigent and oppressed is one of the highest obligation an advocate owes to the society.

**5.2.2 The consumer protection Act, 1986.**

The Act is a Socio-Economic Legislation aims to protect the economic interest of the consumer against defective goods and deficient services. The Act was substantially amended in 1991, 1993 and 2002. The first category consumer defending section 2 (1) (d) means any persons who buys goods for consideration and includes user of goods. The second category includes the hirer or user of services for consideration. Consumer does not include a person who obtains such goods for resale or for any commercial purpose. To provide simple, speedy and inexpensive redressal of consumer grievances, the Act envisages a three – tier quasi judicial machinery at the district, state and national levels. The redressal mechanism in the district is

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340 Sec 9 A has been inserted by virtue of the Act 60 of 1973, w.e.f. 31-1-74
341 Rule 46 of Bar Council of India Rules Chapter II of part VI of the Bar Council of India Rules
district consumer redressal Forum\textsuperscript{342}. At state level state commission \textsuperscript{343} and at national level national commission \textsuperscript{344}.

Parties to file a complaint Consumer, any recognized consumer association when there are numerous consumers one or more consumer central or state government if finds defect in quantity, quality, purity or standards of goods or deficiency in rendering services like Banking, medical, transport, finance, house construction \textsuperscript{345} can make complaint.

**Procedure to file a complaint**\textsuperscript{346}. The Act provides for informal procedure to file complaint. To **give maximum benefit to people**, no court fee is required to be paid to these formus and there is not even a need to engage a lawyer to present the case. The complainant or his Authorized agent can present the complaint in person. The complaint can also be sent by post to the appropriate Forum/commission. It should be addressed to the President of the Forum/commission. The complaint should contain the following information (a) alleged defect in goods or deficiency in services. (b) Name, description and address of the company. (c) The name description and address of the opposite party or parties. (d) The facts relating to complaint including the nature of the defect or deficiency, place and time. (e) Documents such as copies of the invoice, receipt, warranty card (F) the relief which the complainant claims. It should be signed by the complainant or the authorized agent, the compliant can be filed before forums and commissions. Within two years from the date of which the cause of action arose. Redressal mechanism may condone

\textsuperscript{342} jurisdiction to entertain complaints where the value of goods services and the compensation if any claimed, under this Act does not exceed Rupees 20,00,000.
\textsuperscript{343} State consumer redressal commission original jurisdiction does not exceed Rs 20,00,000 to 1,00,00,000. It here appeals from district fora
\textsuperscript{344} National Consumer Redressal Commission is above Rs 1,00,00,000 it here appeals from state commissions
\textsuperscript{345} Ins by Act 50 of 1983, w.e.f 18.6 1983
\textsuperscript{346} Section 12 of the consumer protection Act of 1986
the delay subject to satisfactory reasons for the delay. Four copies of the complaint should be filed.

**Reliefs available to Consumer**: If the District Forum satisfies any defect in goods or deficiency of services grants relief of any of the following:

- **Goods:**
  - a) Removal of defects from the goods,
  - b) Replacement of goods with new goods of similar description,
  - c) Return of the Price of the goods or the charge for the services rendered,
  - d) Payment of compensation for any loss or injury suffered by the consumer.

- **Services:**
  - e) discontinuance of the unfair or restrictive trade practice,
  - f) Not to offer hazardous goods for sale,
  - g) Not to withdraw the hazardous goods being offered for sale,
  - h) to cease manufacture of hazardous goods and to desist from offering services which are hazardous in nature,
  - i) to pay sum, when the loss or injury is suffered by large number of consumers,
  - j) to issue corrective advertisement to neutralize the effect of misleading advertisement at the cost of the opposite party responsible for issuing such misleading advertisement.

**Time frame for decisions of consumer court:** The complaint should be disposed of within 3 months from the date of the notice received by the opposite party where complaint does not require analysis or testing of the commodities and within 5 months if it requires analysis or testing of commodities. Any person aggrieved by an order of District Forum may prefer an appeal within 30 days from the date of order (Subject to deposit of the order. Subject to deposit of 50% of the amount) to the State Commission against the State Commission order. Parties can prefer an appear to National Commission within 30 days. Finally any person aggrieved by the National Commissioner order may prefer an appear to Supreme Court.

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347 Sec.14 of the Consumer Protection Act (District Forum) Section 18, State Commission, Section 22 read with Rules of Consumers Protection Rules, National Commission:
**Consumer Protection Councils:** Government constitute consumer protective council consisting of chairman and other members (Members of Voluntary Organisations as working groups) to create legal awareness to consumers regarding provisions of act and his rights. The consumer has to be informed of his a. Right to Safety : b.Right to Information about quality of Purity, so as to consumer protection against unfair trade practices c. Right to choose: Right to access to goods and services at competitive prices d. Right to be heard at appropriate forums: e. Right to consumer education.

5.2.3 **FAMILY COURT ACT, 1984 (14th September 1984.)**

The Family Courts Act, 1984 is intended to “promote conciliation in, and secure speedy settlement of disputes relating to marriage and family affairs and for matters connected therewith”. In all such cases, the primary objective is to preserve the institution of marriage and to promote the welfare of children through settlement of disputes by conciliation and counseling. For the first time, the law provides for judges to take the assistance of professional, counselors, medical experts and NGOs. In a radical departure, parties are not entitled to take, as of right, the assistance of lawyers. This statute recognizes the matrimonial disputes can and should be amicably resolved through conciliation and mediation. Due to increase in the incidence of matrimonial disputes and increasing pendency of the cases in the civil and criminal courts, judges, women organizations and non-governmental social groups have requested the government to pass a special legislation.  

Family Court will have sole jurisdiction in respect of A suit or proceeding between the parties to a marriage for a decree of nullity, Restitution

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348 The Central (Sec.6) Consumer Protection Council & State * Section 7 of Consumer Protection Council.  
Conjugal Rights, Judicial Separation and Divorce or as to the matrimonial status of any Person., the property, Custody and financial support to children, Maintenance of Wife / Wives, Children and Parents.\textsuperscript{350} Explanation to Section 7 states all family proceedings in other courts shall stand transformed to family court. Women will be given preference. Under Section 4, which prescribes the qualification of the judge,\textsuperscript{351} it is provided that every endeavour should be made to ensure that persons committed to the need to protect and preserve the institution of marriage and to promote the welfare of the children and qualified by reason of their experience and expertise to promote the settlement of disputes by conciliation and counseling are selected. It also expressly provided that preference shall be given to women. Section 5 provides for the association by the Family court, of persons, institutions or organizations engaged in Social Welfare.

The proceedings are held “in camera”, the rules of the procedure to be adopted in the family court is flexible, pleadings to stay away from the traditional adversary approaching, pre-trial process should be lay down, to adopt dignified means for parties to reconcile their difference and to reach amicable settlement without the need of trial. Parties to be given free advice and steps to be taken to protect the interest of the children and issues to be decided quickly.

The Act provides for the appointment of the lawyer to be an exception and not the rule.\textsuperscript{352} The Bombay High Court as expressed the view that Section 13 does not bar the presence of the advocate and whenever necessary the court should freely make available the services of the advocate. Leela V Mahadeva

\textsuperscript{350} Sec 7 The Family Courts Act,\textsuperscript{351} The Qualifications for the appointment as judge of the Family Court. (a) At least 7 years experience as a Judicial Officer. (b) As Advocate of High Court having 10 less than 7 years standing (c) Must be member of Tribunal etc. (d) Retirement age is 62 years

\textsuperscript{352} Section 13 of the Act favours dispensation of the service of the lawyer. proviso to Section 13 provides that the family court may seek the assistance of legal expert as amicus curiae in the interest of the justice
family court system is depending on the support of the well organised services available to the parties at reconciliation. The court functions with the assistance of services like family counseling and reconciliation service, legal aid service and enforcement service.\textsuperscript{353}

5.2.4 The Juvenile Justice (Care and Protection of Children) Act, 2000

The Act is the primary legal framework for juvenile justice in India. The Act provides for a special approach towards the prevention and treatment of juvenile delinquency and provides a framework for the protection, treatment and rehabilitation of children in the purview of the juvenile justice system. The Object of the Act is to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under this enactment.

While provisions relating to the Juveniles in conflict with law\textsuperscript{354} are very important from jurisprudence point of view, this Act becomes very crucial for Children in Need of Care and Protection,\textsuperscript{355} as they are very large in number. Section

\begin{itemize}
\item \textsuperscript{353}Leela V Mahadeva AIR 1991 (Bombay 108)(Section-6) Appointment of counsellors, officers, and other persons who may be required to render assistance to the family court.
\item \textsuperscript{354}"juvenile in conflict with law" means a juvenile who is alleged to have committed an offence;\textsuperscript{354}
\item \textsuperscript{355}d. "child in need of care and protection" means a child - who is found without any home or settled place or abode and without any ostensible means of subsistence, ii. who resides with a person (whether a guardian of the child or not) and such person- a. has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out, or b. has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person, iii. who is mentally or physically challenged or ill children or children suffering from terminal diseases or incurable diseases having no one to support or look after, iv. who has a parent or
29 of the Act provides District (Administrative unit in India) level quasi-judicial body "Child Welfare Committee". Consist of five members. One of the members is designated as Chairperson. At least one of the members shall be woman. The Committee shall have the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of the 'Children in Need of Care and Protection' as well as to provide for their basic needs and protection of human rights.

The Act specifically provides N.G.O’s for establishment and maintenance of children homes.. Human Rights Organisations filed a writ petition alleging that juvenile under trial prisoners were kept in Kanpur Jail, instead of being send to children homes and they are being sexually exploited by the adult prisoners. Accepting the petition the court ordered for detention of child under the age of 16 in children homes instead of jail for the welfare of the children.

Measures for welfare of child in need care and protection

guardian and such parent or guardian is unfit or incapacitated to exercise control over the child, v. who does not have parent and no one is willing to take care of or whose parents have abandoned him or who is missing and run away child and whose parents cannot be found after reasonable injury, vi. who is being or is likely to be grossly abused, tortured or exploited for the purpose of sexual abuse or illegal acts, vii. who is found vulnerable and is likely to be inducted into drug abuse or trafficking, viii. who is being or is likely to be abused for unconscionable gains, ix. who is victim of any armed conflict, civil commotion or natural calamity;

356 e. "children's home" means an institution established by a State Government or by voluntary organisation and certified by that Government under section 34; o. "observation home" means a home established by a State Government or by a voluntary organisation and certified by that State Government under section 8 as an observation home for the juvenile in conflict with law, for the reception of child in need of care and protection during the pendency of any inquiry and subsequently for their care, treatment, education, training, development and rehabilitation. v. "special home" means an institution established by a State Government or by a voluntary organisation and certified by that Government under section 9; "juvenile" or "child" means a person who has not completed eighteenth year of age; Munna & Others etc.etc. V. State of U.P and Others etc.etc. AIR 1982 SCC 806.
Any child line, or registered voluntary organisation, recognised agency by State Govt. may produce any child in the need of care and protection before a child welfare committee. (Sec.21 Cl(1). The act also specifies to adopt child friendly approach by the authorities in the adjudication and to dispose matters in the best interest of child.

**Specific rights of children who are accused of having committed offences:**

Every child alleged to have infringed the penal law, shall have the following guarantees:

i) To be presumed innocent until proven guilty by law

ii) Right to innocence: The child’s right to innocence and presumption of innocence up to the age of seven years (or up to the age of twelve years, as under) be respected throughout the process from the initial contact to after care.

iii) Right to be informed: To be informed promptly and directly of the charges against him or her, and if appropriate through his or her parents or legal guardian

iv) **Right to legal aid:** To have legal or other appropriate assistance in the preparation or presentation of his or her defense

v) **Right to speedy procedure and trial:** To have the matter determined without delay by a competent, independent and impartial authority.

**Right to free legal aid and legal representative:** Every child shall have the right to free legal aid and legal representation in all proceedings before competent authorities.

**Right to counseling:** All children under the Act have the right to counseling by a qualified Social Worker. She/he shall be enabled to apply for free counseling where such aid is available and to communicate regularly with advisors. Privacy and confidentiality shall be ensured for such communications.

5.2.5 **THE MENTAL HEALTH ACT, 1987**

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357 the Juvenile Justice (Care and Protection of Children) Rules 2001
The Mental Health act, 1987, was enacted to consolidate and amend the law relating to the treatment and care of mentally ill persons. It provides for Legal aid to mentally ill person at State expense in certain cases. Where a mentally ill person is not represented by a legal practitioner in any proceeding under this Act before a District Court or a Magistrate and it appears to the District Court or Magistrate that such person has not sufficient means to engage a legal practitioner, the District Court or Magistrate shall assign a legal practitioner to represent him at the expense of the State. Where a mentally ill person having sufficient means to engage a legal practitioner is not represented by a legal practitioner in any proceeding under this Act before a District Court or a Magistrate and it appears to the District Court or Magistrate, having regard to all the circumstances of the case, that such person ought to be represented by a legal practitioner, the District Court or Magistrate may assign a legal practitioner to represent him and direct the state to bear the expenses with respect thereto and recover the same from out of the property of such person. The High Court may, with the previous approval of the State Government, make rules providing for legal aid.

5.2.6 NATIONAL COMMISSION FOR WOMEN, ACT, 1990 (Act No:20 of 1990).

The National Commission for Women was set up as statutory body under the National Commission for Women Act 1990 in January 1992. An Act to constitute a National Commission for Women and to provide for matters connected there with or incidental thereto. The National Commission comprises of a chairman, nominated by

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358 The Mental Health Act, 1987 (NO. 14 OF 1987) (22ND May,1987) Section: 91: Provides for Legal aid to mentally ill person at State expense in certain cases
359 See 91Clxiv andclxvi The Mental Health Act, 1987
the Central Government, a member secretary, who is an expert in the field of management, organizational structure of a member who is an officer of the Union or the all India services and five other members.\textsuperscript{360} The commission has endeavored to uplift the status of women in the society and tackle the issues of speedy justice, child marriage, awareness of women etc. The commission carries on various functions\textsuperscript{361}, such as to investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws, present to the Central Government, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguard, make in such reports recommendations for the effective implementation of those safeguards for the improving the conditions of women by the Union or any state, review, from time to time, the existing provisions of the Constitution and other laws affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislators take up cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities, look into complaints and take suo moto notice of matters relating to deprivation of womens rights, non-implementation of laws enacted to provide protection to women and also to achieve the objective of equally and development, non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women, and take up the issue arising out of such matters with appropriate authorities, call for special studies or investigations into specific problems of situations arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal, undertake promotional and educational research so as to suggest ways of ensuring due representation of women in all spheres and identify factors responsible for impeding their advancement, such as, lack of

\textsuperscript{360} sec 3 of The National Commission for Women Act.

\textsuperscript{361} Sec 10 The National Commission for Women Act.
access to housing and basic services, inadequate support services and technologies for reducing drudgery and occupational health hazards and for increasing their productivity participate and advice on the planning process of socio-economic development of women, inspect a remand home, jail etc. and evaluate the progress of the development of women under the Union and any State.

The commission while carrying out the above stated investigations can exercise the powers of a civil court in summoning and enforcing attendance of a witness or receiving evidence on affidavit or requiring discovery and inspection of a document.

The main task of the Commission shall be to study and monitor all matters relating to the constitutional and legal safeguards provided for women, to review the existing legislations and suggest amendments, wherever necessary, It will also look into the complaints and take suo moto notice of the cases involving deprivation of the rights of women in order to provide support, legal or otherwise, to helpless women. The Commission shall monitor the proper implementation of all the legislations made to protect the rights of women so as to enable them to achieve equality in all spheres of life and equal participation in the development of the nation. The National Commission for Women Bill, 1990 was passed by both the Houses of Parliament and it received the assent of the President on 30th August, 1990. It came into force on 31st January, 1992 as The National Commission for Women Act.

The National Commission for Women is located at 4, Deen Dayal Upadhayaya Marg, New Delhi-1 10 002. The Complaints and Counseling Cell of the commission processes all the complaints relating to domestic violence, harassment, dowry, torture, desertion, bigamy, rape, refusal to register FIR ,
cruelty by husband, deprivation, gender discrimination and sexual harassment at work place, which may be received either orally, written or suo moto.

Paribarik Mahila Lok Adalats.

The National Commission for Women evolved the concept of Paribarik Mahila Lok Adalat(PMLA). Marital disputes and other family disputes may be settled or compromised in the PMLA. Apart from pending cases, the dispute can also be resolved at the pre-litigation stage and the parties can avail themselves of the opportunity to resolve their disputes without aid of any lawyer. They do not need to incur any expenditure. In the year 1995 the first PMLA was organized and PMLAs have been organized throughout the country. 3 PMLAs have been organized by the State Women Commission in collaboration with the National Women Commission and the State Legal Services Authority. Paribarik Mahila Lok Adalat is the alternative forum where redressal will be available to the destitute wives or other family members within the shortest span of time. For making the PMLA more effective necessary amendments are to be made in the Legal Services Authorities Act. We demand speedy remedy to all disputes, specially the family disputes and if more and more PMLAs are organized, a new arena of delivering justice to the weaker section will be established.

5.2.7 The Protection of Civil Rights Act, 1955

The Object of the Act is to prescribe punishment for the preaching and practice of Untouchability for the enforcement of any disability arising there from Art 17 of the Constitution of India. The Act contains 17 sections. The Act protects Civil Rights of any person, no one can be prevented to on the ground of untouchability from Religious disability i.e. from entering any place of Public Worship, from Worshipping or offering prayers, social disability i.e. to access to any

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362 Article 17 of the constitution of India specifies that untouchability is abolished and its practice in any form is forbidden.
shop, public, restaurant, hotel or place of public entertainm\textsuperscript{363}nt the use of or access to any river, stream, spinning, well tank and refusal to admit to hospitals. Duty is imposed on the State Government to take measures for ensuring that the rights accruing from the abolition of "Untouchability" or made available by the concerned persons may include the provision of adequate facilities including Legal Aid\textsuperscript{364} to the person subjected to any disability arising out of "Untouchability" to enable them to avail themselves of such rights.

\textbf{5.2.8 The Protection of Human Rights Act, 1993}

Human Rights are these minimal rights which every individual must have against the state or public authorities by virtue of his being a “Member of the human family, irrespective of any other consideration. The preamble of the Act speaks that the object of the Act is to provide for the Constitution of a National Human Rights Commission, State Human Rights Commission in States and Human Rights Courts for better protection of human rights and for matters connected therewith or incidental thereto.

\section*{NATIONAL HUMAN RIGHTS COMMISSION}

The National Human Rights Commission has endeavored to give a positive meaning and content to the objectives set out in the Protection of Human Rights Act, 1993 for better protection of human rights\textsuperscript{365}. The Commission effectively aims to create awareness, sensitizing public authorities for promoting and protecting

\textsuperscript{363} The Protection of Civil Rights Act, 1955 Sec 2(a)"civil rights” means any right accruing to a person by reason of the abolition of the Untouchability by Art 17 of the Constitution.

\textsuperscript{364} Section 15-A(2)(i), Duty is imposed on the State Government to take measures for ensuring that the rights accruing from the abolition of "Untouchability" or made available by the concerned persons may include the provision of adequate facilities including Legal Aid to the person subjected to any disability arising out of "Untouchability" to enable them to avail themselves of such rights.

\textsuperscript{365} Margari Rajender “The Protection Human Rights Act and Relating Laws” Law Book Agency, Hyderabad, 1999 p.21. Sec 2(d)”Human Rights “ means the rights relating to life, liberty. Equality and dignity of the individual guaranteed by the constitution or embodied in the International Convention and enforceable by courts in India
human rights in the country. Consistent with its mandate, the Commission has been taking up issues of human rights violation that are of significance, either suo-motu, or when brought to its notice by the civil society, the media, concerned citizens or expert advisers. The primary focus of the Commission has been on strengthening and extension of human rights to all sections of the society. The vulnerable groups and weaker sections of the society, particularly, are guarded by the Commission against violation of human rights.

The Commission's purview covers the entire range of civil and political as well as economic, social and cultural rights. The issues emerging from terrorism and insurgency, custodial death, rape and torture, reform of the police, prison conditions, and other institutions such as juvenile homes, mental hospitals and shelters for women, along with the issues of health care and exploitation of children and their education have assumed special focus and attention. Basic needs such as drinking water, food and nutrition, and equity and justice to the less privileged, namely the Scheduled Castes and Scheduled Tribes and the prevention of atrocities perpetrated against them also form a part of Commission's work. Rights of the disabled, access to public services by disabled, displacement of population and especially of tribal’s by mega projects, food scarcity and allegation of death by starvation, rights of the child, rights of women subjected to violence, sexual, harassment and discrimination, and rights of minorities, have been the focus of the Commission's action on numerous occasions.

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366 Sec 14 of the Act.
5.2.9 THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

In India feminine glory was at its peak in the Vedic era, after which it has suffered a downfall. Women have been the victim of the violence and exploitation by the male dominated the society all over the world. In India women have been socially, economically, physically and psychologically and sexually exploited from time in memorial. Before the adoption of the Constitution of India, the concept of the equality of Male and Female were almost unknown. Even though the possession of women as undergone remarkable change during the last century, her condition in home as not been changed much.

The phenomenon of domestic violence is deep rooted in our social and personal life. Among all types of violence against women domestic violence is the most serious one because it happens silently. It is one of the leading causes of injuries inflicted on the female India. Even though the victim of domestic violence can either be a women or men it is considered mainly as a problem of women. In most of the country Police, Prosecutors, and Judges often dismiss domestic violence as a private matter. The attitude of the law enforcement officials reflects the attitude of the General Community that domestic violence is not a serious crime but a private problem. This Act is to reform and develop the status of women and to fulfill the commitments towards gender justice and various abuses against them which, later on, opened the flood gates for feminist movements all over the world. The phenomenon of Domestic Violence by the husband and his relatives etc. has been widely prevalent but has remained largely invisible in the public domain, keeping in view the right guaranteed under Art 14, 15, 21 of the Constitution of India. Intended to protect the woman from domestic violence, the Act was enacted.

Domestic violence is undoubtedly a human rights issue and serious deterrent to development. The Vienna Accord of 1994 and the Beijing Declaration and the
Platform for Action (1995) have acknowledged this. The United Nations Committee on Convention or Elimination of All Forms of Discrimination Against Women (CEDAW) in its General Recommendation No. XII (1989) as recommended that State parties should act to protect women against violence any kind especially that occurring within the family. The phenomenon of domestic violence is widely prevalent but has remained largely invisible in the public domain. Presently, where a woman is subjected to cruelty by her husband or his relatives, it is an offence under section 498A of the Indian Penal Code. The civil law does not however address this phenomenon in its entirety. In order to provide a remedy in the civil law for the protection of women from being victims of domestic violence and to prevent the domestic violence in the society the Protection of Women from Domestic Violence Bill was introduced in the Parliament. It is, therefore, proposed to enact a law keeping in view the rights guaranteed under articles 14, 15 and 21 of the Constitution to provide for a remedy under the civil law which is intended to protect the woman from being victims of domestic violence and to prevent the occurrence of domestic violence in the society. The Act Protection of Women from Domestic Violence Act, 2005 was enacted.  

The Act provides for more effective Protection of the rights of women guaranteed under the constitution who are victims of violence of any kind occurring within the family.

The salient features of the Protection of Women from Domestic Violence Act, 2005 are as follows:

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The Protection of Women from Domestic Violence Bill, 2005 having been passed by the Lok Sabha on 24th August, 2005 and by the Rajya Sabha on 29th August, 2005 received the assent of the President of India on 13th September, 2005; and came on the Statute Book as The Protection of Women From Domestic Violence Act, 2005 (43 of 2005). Protection of Women from Domestic Violence Act, 2005", brought in force with effect from 26th October 2006.
The idea of "Domestic Violence Act" seems to have stemmed from the feminist legal theory that regards men as the source of women's problems, causing domestic violence. 368

The very nomenclature indicates that the Domestic Violence Act is not restricted to violence perpetrated against a woman by her husband or in-laws. It includes under its protective umbrella every woman living in a domestic relationship as member of a family with the person indulging in violence who in this case must

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368 Section 3 of the Domestic Violence Act defines "domestic violence " to include "any act, omission or commission or conduct" of the man in question in relation to the aggrieved woman in case it attracts any of the following four clauses: (a) harms or injuries or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or (b) harasses, harms, injuries or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry other property or valuable security, or (c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or (d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person. Explanation I.-For the purposes of this or section,-(i) "physical abuse" means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;(ii) "sexual abuse" includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman ;(iii) "verbal and emotional abuse" includes-(a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and(b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested.(iv) "economic abuse" includes-(a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance(b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and(c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.
invariably be of the male gender. The expression "domestic relationship", sine-qua-non for a woman to qualify as the aggrieved person, has been defined by Section 2(f) in very wide terms so as to include not only those living together under the same roof on account of the marital relation (e.g. a wife living with husband and his relatives) but also persons related by consanguinity (that is to say a sister living with her brothers, a woman living in a family with other male relations of her husband including his father, brother etc.) as indeed, and what has been perceived as radical in certain quarters, a relationship between two persons who are living together as a family in a shared household even though they are not connected to each other by blood or marital relation. To put it simply and adopting the modem-day lingo, women involved in "live-in relationship" or bigamy or adulterous connection are also covered as beneficiaries.

The primary duty of the police officers, or the protection officer, service providers or the Magistrate, in the event of a domestic event, on receiving a complaint, otherwise present at the place of an incident of domestic violence shall inform the aggrieved woman of her the provisions of the act, right to make an application for obtaining a relief by way of a protection order, an order for monetary relief, a custody order, a residence order, a compensation order or more than one such order under this Act and of her right to free legal Services under the Legal Services Authorities Act, 1987.369

Duties of police officers, service providers and Magistrate.-A police officer, Protection Officer, service provider or Magistrate who has received a complaint of domestic violence or is otherwise present at the place of an incident of domestic violence or when the incident of domestic violence is reported to him, shall inform the aggrieved person-(a) of her right to make an application for obtaining a relief by way of a protection order, an order for monetary relief, a custody order, a residence order, a compensation order or more than one such order under this Act;(b) of the availability of services of service providers;(c) of the availability of services of the Protection Officers;(d) of her right to free legal Services under the Legal Services Authorities Act, 1987 (39 of 1987);(e) of her right
Protection Officers is the key person under this act to protect women from domestic violence. He has to make Domestic Incidence Report and submit it to the Magistrate. He can assist for claiming relief for issuance of a protection order, provide legal aid or counselling, shelter homes and medical facilities and execution of orders.

**Duties and functions of Protection Officers**. It shall be the duty of the Protection Officer- to assist the Magistrate in the discharge of his functions under this Act; to make a domestic incident report to the Magistrate, in such form and in such manner as may be prescribed, upon receipt of a complaint of domestic violence and forward copies thereof to the police officer in charge of the police station within the local limits of whose jurisdiction domestic violence is alleged to have been committed and to the service providers in that area; to make an application in such form and in such manner as may be prescribed to the Magistrate, if the aggrieved person so desires, claiming relief for issuance of a protection order; to ensure that the aggrieved person is provided legal aid under the Legal Services Authorities Act, 1987 (39 of 1987) and make available free of cost the prescribed form in which a complaint is to be made; to maintain a list of all service providers providing legal aid or counselling, shelter homes and medical facilities in a local area within the jurisdiction of the Magistrate; to make available a safe shelter home, if the aggrieved person so requires and forward a copy of his report of having lodged the aggrieved person in a shelter home to the police station and the Magistrate having jurisdiction in the area where the shelter home is situated; to get the aggrieved person medically examined, if she has sustained bodily injuries and forward a copy of the medical report to the police station and the Magistrate having jurisdiction in the area where the domestic violence is alleged to have been taken place; to ensure that the order for to file a complaint under section 498A of the Indian Penal Code (45 of 1860), wherever relevant:
monetary relief under section 20 is complied with and executed, in accordance with the procedure prescribed under the Code of Criminal Procedure, 1973 (2 of 1974); to perform such other duties as may be prescribed.

One of the most important features of the Act is the woman’s right to secure housing. The Act provides for the woman’s right to reside in the matrimonial or shared household, whether or not she has any title or rights in the household. This right is secured by a residence order, which is passed by the Magistrate. These residence orders cannot be passed against anyone who is a woman. The other relief envisaged under the Act is that of the power of the court to pass protection orders that prevent the abuser from aiding or committing an act of domestic violence or any other specified act, entering a workplace or any other place frequented by the abused, attempting to communicate with the abused, isolating any assets used by both the parties and causing violence to the abused, her relatives and others who provide her assistance from the domestic violence. The draft Act provides for appointment of Protection Officers and NGOs to provide assistance to the woman for medical examination, legal aid, safe shelter, etc. The Act provides for breach of protection order or interim protection order by the respondent as a cognizable and non-bailable offence punishable with imprisonment for a term which may extend to one year or with fine which may extend to twenty thousand rupees or with both. Similarly, non-compliance or discharge of duties by the Protection Officer is also sought to be made an offence under the Act with similar punishment.

Service Provider The domestic violence Act provides for “Service Provider”\(^\text{370}\) in the form of a Registered Voluntary Organisation who shall have to

\(^{370}\) http://www.vakilno1.com/bareacts/domestic-violence/s5.htm#sec10. Service providers.- (1) Subject to such rules as may be made in this behalf, any voluntary association registered under the Societies Registration Act, 1860 (21 of 1860) or a company registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force with the
power to Record where the domestic violence took place, Get aggrieved person to be medically examined and forwarded copy of the medical report to the protection officer and Ensure that aggrieved person is provided shelter in a shelter home. For the first time a great departure is made under this Act enabling women to fight out for her rights being in the house of her husband or the person with whom she has been residing. She can be of any relationship with the respondent of the nature of marriage or adoption. Therefore, for the first time civil relief is vested with Magistrate doing criminal work. Even under section 125 of Cr.P.C. which governs the maintenance aspect, is primarily intended to provide expeditious monetary relief to prevent the wife, children of parents being driven to penury become destitute. In fact the aspect of maintenance is integral part of Hindu adoption and Maintenance act and other related enactments.

Sec 14. Counselling.- The Act take its Que from the present approach of the law to Seek amicable settlement of disputes. In pursuance of it, the Act, permits the Magistrate to direct the parties to undergo “Counselling “ in the hands of experts in the field. The women and child welfare department maintain the counseling centers when the domestic event is reported to the protection officer, at the first stage he directs the aggrieved women to undergo counselling. The Magistrate may, at any stage of the proceedings under this Act, direct the respondent or the aggrieved person, either singly or jointly, to undergo counselling with any member of a service provider who possess such qualifications and experience in counselling as may be prescribed. Where the Magistrate has issued any direction under sub-section (1), he shall fix the next date of hearing of the case within a period not exceeding two months all measures to reach out amicable settlement.

| objective of protecting the rights and interests of women by any lawful means including providing of legal aid, medical, financial or other assistance shall register itself with the State Government as a service provider for the purposes of this Act. http://www.vakilno1.com/bareacts/domestic-violence/s5.htm |
The Act has been designed to create certain civil rights, some declaratory (for example, the right to protection against domestic violence) and some substantive (for example, the right to maintenance, right to compensation on account of the domestic violence, right to reside in a shared household, right to custody of children, right to medical expenses etc.).\textsuperscript{371}

5.2.10 THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT 1989

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is an Act to prevent the Commission of Offences of atrocities\textsuperscript{372} against the members of the Scheduled Castes and Scheduled Tribes and to provide for Special Courts for the trial of such offences and rehabilitation of the victims of the such offences and/or matters connected therewith or incidental thereto. By exercising inherent powers courts are empowered to compound offences under Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Act contains 25 sections. The State Government on the recommendation of the District

\textsuperscript{371} Sec 31. Penalty for breach of protection order by respondent.- (1) A breach of protection order, or of an interim protection order, by the respondent shall be an offence under this Act and shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both.

\textsuperscript{372} Sec 2(a) "atrocities" means an offence punishable under section 3.

(c) "Scheduled Castes and Scheduled Tribes" shall have the meanings assigned to them respectively under clause (24) and clause (25) of article 366 of the Constitution; (d) "Special Court" means a Court of Session specified as a Special Court in section 14;

Sec 3. Punishments for offences of atrocities (1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,

(i) forces a member of a Scheduled Caste or a Scheduled Tribe to drink or eat any inedible or obnoxious substance;

(ii) acts with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighbourhood;

\textsuperscript{372} Sec 21. Duty of Government to ensure effective implementation of the Act (1) Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for the
Magistrate, appoint eminent senior advocates to conduct cases, and to provide provision for adequate facilities, including legal aid\textsuperscript{373} to the person subjected to atrocities to enable them to avail themselves of justice. Every victim of atrocity shall be paid traveling allowance, daily allowance, maintenance expenses by the District Magistrate to attend to place of investigation or hearing of trial of an offence under the Act. \textbf{The Persons with Disabilities (Equal opportunities, Protection of Rights and full participation) Act, 1995.}

India enacted Persons with Disabilities (Equal opportunities, Protection of Rights and full participation) Act, 1995 giving effect to the proclamation on the Full Participation and Equality of people with disabilities in the Asian and Pacific Region which was adopted in the Asian and Pacific Decade of Disabled Person 1993-2002 convened by the Economical and social commission for Asia and Pacific Region held at Beijing on 1\textsuperscript{st} to 5\textsuperscript{th} December, 1992.

This Act provides for education, employment and vocational training reservation in identifies posts, research and man power development, establishment of homes for persons with severe disabilities, etc. Multifarious nitty-gritty makes this Act a legal benchmark. This Act enhanced the dignity of the disabled by protecting the rights.

\textbf{Right to Legal Aid}

\textsuperscript{2}In particular, and without prejudice to the generality of the foregoing provisions, such measures may include,-(i) the provision for adequate facilities, including legal aid, to the persons subjected to enable them to avail themselves of justice;(ii) the provision for travelling and maintenance expenses to witnesses, including the victims of atrocities, during investigation and trial of offence under this Act;(iii) the provision for the economic and social rehabilitation of the victims of the atrocities;
According to Declaration on the Rights of Disabled Persons\textsuperscript{374} Disabled persons shall be able to avail themselves of qualified legal aid when such aid proves indispensable for the protection of their persons and property. If judicial proceedings are instituted against them, the legal procedure applied shall take their physical and mental condition fully into account. Section 318 of Criminal Procedure Code provides the guidelines for the court to deal the aspect where PWDs who cannot understand court proceedings. The High Court of Bombay pointed out that when it is alleged in any criminal proceedings that an accused is deaf and dumb, the court may proceed with the enquiry or trial, but it should first enquire into the antecedents of the accused and should also make an endeavor to find out as to how his friends and close relatives are accustomed to communicate with him in ordinary affairs and record its own conclusion if necessary by taking evidence. “Similarly Court must take evidence of dumb and deaf witnesses with assistance of experts or a person familiar with his mode of conveying ideals to others.

5.3. Legal Aid in Governmental Agencies

The Governmental Agencies like Law Commission, The Ministry of Law and Justice, Social Welfare Department, Tribal Welfare Department, Women & Child Welfare Department are entrusted to provide Legal Aid to Weaker Section of the Society.

5.3.1 LAW COMMISSION OF INDIA

The Law Commission of India is a non-statutory body constituted by the Government from time to time. The Commission was originally constituted in 1955 and is reconstituted every three years. The Law Commission of India took up legal education reform in its 184th Report. Noting that legal education is fundamental

\textsuperscript{374} The Declaration on the Rights of Disabled Persons, adopted by the General Assembly on 9 December 1975, encouraged national and international protection of the rights of the disabled. 3\textsuperscript{rd} Sunday of every March is observed as World disabled day
to the judicial system, the Commission suggested that clinical legal education should be made compulsory and opined that clinical legal education will be an excellent supplement to the legal aid system. **The 18th Law Commission has been reconstituted with effect from September 1, 2006 for a period of three years ending August 31, 2009.** The terms of reference of the 184th Law Commission, inter alia, include review/repeal of obsolete laws, laws which affect the poor and carry out post-audit for socio-economic legislation, to harness law and legal process in the service of the poor, judicial administration. It also includes to examine the existing laws in the light of Directive Principles of State Policy and to suggest ways of improvement and reforms and also to suggest such legislation as might be necessary to implement the Directive Principles and to attain the objective set out in the Preamble to the Constitution. The Law Commission of India took up legal education reform in its 184th Report. Noting that legal education is fundamental to the judicial system, the Commission suggested that clinical legal education should be made compulsory and opined that clinical legal education will be an excellent supplement to the legal aid system.66

Under the Chairmanship Dr. Justice AR. Lakshmanan The 18th Law Commission on the 5th day of August, 2009 suggested Reforms in The Judiciary in its 230 report. The Gram Nyayalayas Bill has been enacted to set up more trial courts at the intermediate Panchayat level. The welcome feature is that the procedures have been kept simple and flexible so that cases can be heard and disposed of within six months. It is also envisaged that these courts will be mobile, to achieve the goal of bringing justice to people’s doorsteps. Training and orientation of the judiciary, especially in frontier areas of knowledge, like bio-genetics, IPR and cyber laws, need attention. The Constitutional promise of securing to all its citizens, justice, social, economic and political, as promised in the Preamble of the Constitution, cannot be realized, unless the three organs of the State i.e. legislature, executive and judiciary,
join together to find ways and means for providing the Indian poor, equal access to its justice system. However, committee vied that not an inch of change can be brought about if the advocates do not work in accordance with the responsibility that is cast upon them by the Constitution. Every lawyer is vested with the responsibility to foster the rule of law and dominance of the Constitution. The Committee Suggested for Speedy Justice, Reduction in costs of litigation, Systematic running of the courts, Faith in the judicial system.

5.3.2 MINISTRY OF LAW AND JUSTICE (VIDHI AUR NYAYA MANTRALAYA)

Ministry of Law and Justice is the oldest limb of the Government of India dating back to 1833.

The Ministry of Law and Justice consists of three Departments.

Department of Legal Affairs (Vidhi Karya Vibhag)
Legislative Department (Vidhayee Vibhag)
Department of Justice (Nyaya Vibhag)

The Department of Legal Affairs has a two tier setup, namely, the Main Secretariat at New Delhi and the Branch Secretariats at Mumbai, Kolkata, Chennai and Bangalore. The nature of duties discharged can be broadly classified into two areas – Advice work and Litigation work. Department of Legal Affairs performs various functions as per the Government of India (Allocation of Business) Rules, 1961. To promote Justice, i.e. f) Indian Legal Services, h) Law Commissions and n) Legal Aid to the poor.*The Department Administers The Legal Services Authority Act, 1987.375

375 http://lawmin.nic.in/legalcon.htm

LEGAL AID TO POOR Article 39A of the Constitution of India provides for free legal aid to the poor and weaker sections of the society and ensures justice for all. Articles 14 and 22(1) of the Constitution also make it obligatory for
5.3.3 SOCIAL WELFARE DEPARTMENT

The Social Welfare Department was set up with an aim to cater the needs of the welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes of the State. Under this department, various schemes are being implemented for educational development, economic development and social assistance.

The schemes, which are being run, are based on different patterns. In fact majority to the schemes are being funded out of state allocations. Some schemes are funded on a 50:50 basis by the State and Central Govt. and some are based on 100% Central sponsorship. Welfare Department has planned the schemes as per the local requirement and local problems.

Welfare Department is headed by the Secretary, Welfare.

- At the headquarter level, he is assisted by Joint Secretary/Deputy Secretaries/Under Secretaries.
- At the divisional level, the office of the Deputy Director, Welfare is working. The office is located in the Commissionaire of the division. He is responsible for the monitoring of the schemes.
- At the district level, the office of the District Welfare Officer is functioning. The office is located in the Collectorate building of the District.

the State to ensure equality before law and a legal system, which promotes justice on the basis of equal opportunity to all. In 1987, the Legal Services Authorities Act was enacted by the Parliament, which came into force on 9th November, 1995 to establish a nationwide uniform network for providing free and competent legal Services to the weaker sections of the society on the basis of equal opportunity. The National Legal Services Authority (NALSA) has been constituted under the Legal Services Authorities Act, 1987 to monitor and evaluate implementation of legal aid programme and to lay down policies and principles for making legal Services available under the Act. In every State, a State Legal Services Authority and in every High Court, a High Court Legal Services Committee has been constituted. District Legal Services Authorities and Taluka Legal Services Committees have been constituted in the Districts and most of the Talukas in order to give effect to the policies and directions of the NALSA and to provide free legal Services to the people and conduct Lok Adalats in the States. Supreme Court Legal Services Committee has been constituted to administer and implement the legal Services programme in so far as it relates to the Supreme Court of India. National Legal Services Authority The Lok Adalat has been given statutory 1987. Authorities/Committees on usual pattern i.e. under section 19 of the Legal Services Authorities Act, 1987 and also for matters at pre-litigative stage, under the guidance of NALSA, status under the Legal Services civil court and is final and binding on all parties and no appeal lies against thereto before any court. Lok Adalats are being organized by the Legal Services Authorities Act, Under this Act, an award made by a Lok Adalat is deemed to be a decree of a court. NALSA issues guidelines for the State Legal Services Authorities to implement the Legal Aid Programmes and schemes throughout the country. Primarily, the State Legal Services Authorities, District Legal Services Authorities, Taluka Legal Services Committees, etc. have been assigned the task of discharging the following two main functions on regular basis: (i) To provide Free Legal Services to the eligible persons; and (ii) To organize Lok Adalats for pending in the court of law or at pre-litigation stage are settled/compromised amicably.
Welfare Officer is the officer who executes most of the schemes of the Welfare Department.

- At Sub-divisional level, the sub-divisional Welfare Officers are placed as per sanctioned posts.
- At the block level, Block Welfare Officers are posted to carry out the works of Welfare Department. Block Welfare Officers are stationed in Block Development Officer's office at the block head quarter.

  - Scheduled Caste Welfare
  - Legal aid for court cases
  - Scheduled Tribe Welfare
  - Legal aid for court cases
  - Other Backward Classes Welfare

### 5.3.4 THE INTERNATIONAL CENTRE FOR ALTERNATIVE DISPUTE RESOLUTION (ICADR)

The International Centre for Alternative Dispute Resolution (ICADR) was registered under the Societies Act, 1860 on 31st May, 1995. It is an autonomous organization working under the aegis of the Ministry of Law and Justice, Government of India with its headquarters at New Delhi and Regional Centers at Hyderabad and Bangalore. It has been established to promote, popularize and propagate alternative dispute resolution methods to facilitate earlier resolution of disputes and to reduce the burden of arrears in Courts.

The International Centre is intended to spread ADR concept effectively throughout the country. The main objectives of the Centre are:

- to propagate, promote and popularize the settlement of domestic and international disputes by different modes of ADR:
- to provide facilities and administrative and other support services for holding conciliation, mediation, mini-trials and arbitration proceedings;
- to promote reform in the system of settlement of disputes and its healthy development suitable to the social, economic and other needs of the community;
- to appoint conciliators, mediators, arbitrators etc. when so requested by the parties;
- to undertake teaching in ADR and related matters and to award diplomas, certificates and other academic or professional distinction;
- to develop infrastructure for education, research and training in the field of ADR;
- to impart training in ADR and related matters and to arrange for fellowships, scholarships, stipends and prizes.

The Alternative Disputes Resolution mechanism is intended to cover negotiation, mediation, conciliation and arbitration. The ICADR is a unique Centre in this country which makes a provision for prompting, teaching and research in the field of ADR and also for offering ADR services to parties not only in India but also to parties all over the world. The ADR is intended to cover almost all disputes, including commercial, civil, labour and family disputes in which parties are entitled to conclude a settlement and to be settled by ADR procedure. (Ibid).

Should the technique of conciliation through mediation fail to materialize, resort should be had to the process of arbitration under the Arbitration and Conciliation Act, 1996. This Act is largely based on UNCITRAL Model Law and Rules. The UN propagated Model Law has many unique features over the conventional arbitration procedures. It minimizes the role of the courts. It assures to the parties a maximum amount of autonomy of getting their matter arbitrated the way
they like. They may even authorize the arbitral tribunal to resolve their differences not necessarily on the basis of applicable laws, and rather on the basis of justice, equity and good conscience.

Even when the parties take resort to arbitration proceedings, they should be encouraged to make maximum use of the provisions of Section 30 of the Arbitration and Conciliation Act, 1996. This section enables the arbitral tribunal to use, with the agreement of the parties, mediation, conciliation or other procedures to bring about an agreed settlement. Further, the parties should be made aware of Section 28 of the same Act. This section enables the parties to ask the arbitral tribunal to decide their dispute ex acquo et bono or as amiable compsiteur. This enables the arbitrators to decide matters according to what they feel is the just and good solution. The advantage of this kind of procedure is that it becomes less litigious and also less adverse. It dispenses with the typical legalities approach in which there is generally a head-on confrontation. The counsels of the parties then start playing their more meaningful role as negotiators and mediators.

5.3.5Tribal welfare department

Tribal welfare department Hyderabad, June 29: For the first time, a team of pro-tribal advocates will provide free legal aid to tribal’s regarding the land distribution programme and other issues. The free legal aid service will be provided in seven integrated tribal development areas (ITDA) in the state as recommended by the Koneru Ranga Rao land committee.

According to the principal secretary to the Government, tribal welfare department, Mr A.K Tigidi, “Legal cells will be created with a panel of advocates who have pro-tribal perspectives. The advocates will provide free legal support to
tribal’s and also assist special deputy Thasildars or any other officers who are taking up cases on behalf of the tribal’s.”

The cells will be constituted at Elwinpeta (for Srikakulam and Vizianagaram districts), Paderu (Visakhapatnam), Rampachodavaram (East Godavari), KR Puram (West Godavari), Eturunagaram (Warangal), Bhadrachallam (Khammam) and Utnoor (Adilabad). Each legal cells will have two para-legal’s, one advocate with establishment and library costing Rs 24.50 lakh per annum. The government has decided to pay Rs 4,000 per month to para legals, and Rs 15,000 per month to advocates besides appearance and other administrative expenses.

Each cell will have a panel of five to six advocates who have about 10 years experience and one senior advocate with 20 years experience. The scheme is aimed at ensuring implementation of land distribution programmes for tribals.

5.3.6 Women Child Welfare Department

Project Director, Women & Child Welfare Development, Acts as a Protection Officer and discharge functions as defined under Section 5 of the Domestic Violence Act*. Woman victim will be assisted by Police Officers, Service Provider,. They firstly find out the relationship of complaint with the Respondents and whether she has legal right to claim. victim has to fill the domestic incident report under section 9(b) and 37(2)(c) of the Protection of Women from Domestic Violence Act, 2005. (43 of 2005) specify types of violence physical, sexual, economic. If it is physical violence, the officer call for proof Doctor’s Certificate or any other prescription, proof of marriage, list of stridhana in case of Dowry harassment. The Report should specify the relief the party claims for

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376 Section 9(2) envisages that Protection Officers shall as far as possible be women and shall posses such qualifications and experience as may be prescribed.
Section 8 of Domestic Violence Act.
protection order, residence, maintenance, custody, compensation etc. The complaint, will be given assistance like counseling, police assistance, shelter home, medical facilities and legal Aid. The Protection Officer refers the DIR to I Class judicial Magistrate within 3 days of its receiving. The court issues Notice to the parties.

Under, the Act duty is cast Protection Officer to serve the Notice to party. She can delegate the duty to Area I.C.D.S, C.D.P.O. Finally, the P.O. has to see for proper implementation of Reliefs granted by Court. If the order is for payment of compensation, the duty is to make proper assessment of property of respondent. To discharge its function, the P.O. will take assistance of voluntary association, by notifying “Service Provides”, confers power to them to serve notices. Lastly the P.O. has to see for the Execution of the Order of the Govt. for its verify the matter to S.P. for arrest warrant. The Protection Officer submits monthly report of P.I.R. noted to Director Chairman of Women.

WOMEN DEVELOPMENT CHILD WELFARE & DISABLED WELFARE (PROGS) DEPT

The Department aims to prevent Trafficking ,to rescue children and provides Rehabilitation of Women Subjected to Trafficking . Trafficking is a multi-dimensional problem encompassing a whole range of economical social and cultural issues, which are varied and highly complex. Most of the victims have been trafficked with promises of jobs, better career prospects and marriage. Some are inducted forcibly through abduction Poverty and Deprivation. Secondary status accorded to women in society prejudice against the girl child weakening of the family structure changing public attitudes towards sex and morality the caste structure, urbanization and migration are other factors, which have contributed to the commercial sexual exploitation of women and children. Apart from trafficking certain traditional forms of prostitution are prevalent e.g Jogins, Marthammas,
Dommaras Basavis. Trafficking and commercial sexual exploitation of women and children have resulted not only in violation of rights but also in very adverse physical, psychological and moral consequences for the victims which are serious, life-long and also the threatening. About 60-70% victims suffer from more than one disease including sexually transmitted diseases such as HIV/AIDS.

5.4 CONCLUSION

The original constitution did not contain any right or remedy to receive state aid by the indigenous citizens. State administration of justice intrinsically, aims none in the country suffers injustice on account of poverty, ignorance and some other disability. By 42nd Amendment to the constitution in 1976, not an enforceable legal right to a citizen but a directive addressed to the state under 39 A to ensure equal access to justice the government enacted Legal Services Authorities Act. Free legal aid has become aviable fashion. The act is administered through National, State, District and Taluka LSA authorities and committees. NALSA formulated various schemes, regulations plan of action to render free and competent legal Services. Under NALSA (free and competent legal Services) regulation 2010. Every legal Services institution shall have a front office manned by professional lawyers with assistance of PLV’s. For amicable settlement and to decide pending matters at a pre-litigative stage the permanent Lok Adalat scheme was framed. To protect liberty of under trial prisoners the legal aid counsel scheme and other special schemes for mentally disabled for protection of human rights, separate legal cells for unorganized sectors, victims of disasters, sensitization of lawyers and judicial officers MPCL scheme were formulated in 2010. To protect the rights of child the role of LSA is noteworthy. Legal aid centers were attached to the juvenile justice Boards in all states to inform legal aid lawyers facilitating the juvenile in appeal cases.
APSLSA formulated rules and regulations to implement schemes of central authority. It renders legal Services through various modes by phone, video, post counseling’s etc. To inculcate Human Rights Education among the student’s legal literacy clubs were constituted at DLSA. The Act enlisted under Section 12(h) eligible persons for free legal Services. Legal Services includes payment of court fee process fee and all other charges payable are incurred in connection with any legal proceeding LSA provides for preventive and strategic legal aid programmes include promoting of legal literacy, setting up of LAC in universities and law collages training to the paralegals and holding awareness camps the innovative part of the Act is Lok Adalat organized by LSA and PLA to settle the cases in public utility services. To render justice to the door steps of the rural people gramanyayalays were constituted.