



The 2018 International Forum on Legal Aid

Expanding the Horizons of Legal Aid

NATIONAL REPORT- INDIA

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POPULATION

- ❖ According to the census reports of Indian Census 2011, the population of India is 1,210,854,977 (1.3 billion as on 2018) with 623, 724, 248 males and 586,469, 174 females. Source: Office of the Registrar General & Census Commissioner, India Ministry of Home Affairs, Government of India
<http://www.censusindia.gov.in/>

GROSS DOMESTIC PRODUCTIVITY (GDP)

- ❖ According to the Central Statistics Office, Government of India, GDP at 2011-12 prices in the fourth quarter (Quarter4) of financial year 2017-18 registered growth rate of 7.7 per cent. Source: Central Statistics Office, Government of India
[http://www.mospi.gov.in/sites/default/files/press_release/nad PR 31may18.pdf](http://www.mospi.gov.in/sites/default/files/press_release/nad_PR_31may18.pdf)

Poverty Line

- ❖ **POVERTY LINE:** For 2011-12, for rural areas the national poverty line using the Tendulkar methodology is estimated at Rs. 816 per capita per month and Rs. 1,000 per capita per month in urban areas. Note that these poverty lines would vary from State to State because of inter-state price differentials.
- ❖ Source: 1. Reserve Bank of India Data: <https://rbi.org.in/scripts/PublicationsView.aspx?Id=17937>
- ❖ Source 2. Page 2: Planning Commission Report at http://planningcommission.nic.in/news/pre_pov2307.pdf

Total No. of Practicing Lawyers in the Country

- ❖ 1.3 million Lawyers in India in 2011, with the profession growing by an average of around 4 per cent per year. [Source: Right to Information filed: <https://www.legallyindia.com/201302183448/Barr-Bench-Litigation/rti-reveals-number-of-lawyers-india>]

- ❖ **DIRECTIVE PRINCIPLES OF STATE POLICY:** Article 39A of the Constitution of India mandates equal justice and free legal aid to all.
- ❖ **FUNDAMENTAL RIGHTS** enshrined under Articles 14 and 21 & 22(1) of the Constitution also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on the basis of equal opportunity to all.
- ❖ **SPECIAL LEGISLATION FOR LEGAL AID:** The Legal Services Authority Act, 1987 has been enacted to constitute Legal Service Authorities at different levels 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 organise Lok Adalats (People's Courts) to secure that the operation of the legal system promotes justice.

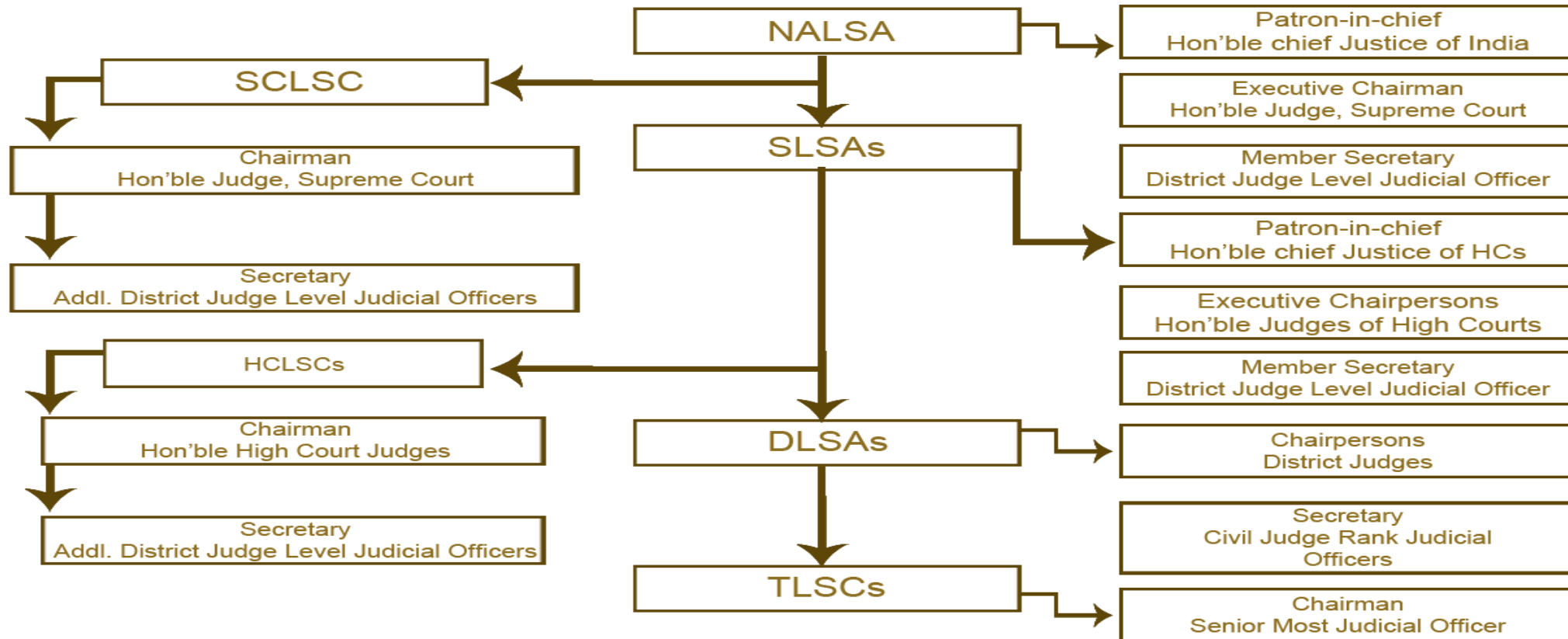
The sections of the society as enlisted under Section 12 of the Legal Services Authorities Act are entitled for free legal services, they are:

- (a) A member of socially backward class;
- (b) A victim of trafficking in human beings or beggar ;
- (c) A woman or a child;
- (d) A mentally ill or otherwise disabled person;
- (e) A person under undeserved want such as being a victim of a mass disaster, ethnic violence, natural disaster;
- (f) An industrial workman;
- (g) In custody, including custody in a protective home or in a juvenile home or in a psychiatric hospitals etc.
- (h) In receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.

LEGAL AID ORGANISATIONAL STRUCTURE- NALSA



ORGANOGRAM OF LEGAL SERVICES AUTHORITIES/COMMITTEES



Name of Legal Aid Organization	Date of Establishment	Total No. of Applications Approved in the Past Year
<ul style="list-style-type: none">❖ National Legal Services Authority (NALSA)❖ Official Website: http://nalsa.gov.in	9 November 1995	<ul style="list-style-type: none">❖ No. of persons benefited between April 2017 to March 2018: 8,22,856 (0.82 Million).❖ Since inception till 30.06.2017 total no. of 1, 58, 88,621 (10.5 Million) persons have been benefitted from various schemes under NALSA.❖ Source: Official data of NALSA https://nalsa.gov.in/sites/default/files/document/Legal_Service_Beneficiaries,April_2017_to_March_2018.pdf

**Name of Legal Aid
Organization**

**Date of
Establishment**

**Total No. of Applications
Approved in the Past Year**

❖ Supreme Court of India Legal Aid Committee (SCLSC)

1 January 1996

❖ SCLSC has provided legal aid to 23, 919 eligible litigants as on 30.06.2017.

❖ Supreme Court Middle Income Group Legal Aid Society (for citizens whose gross income is not exceeding ₹ 60,000/- p.m. or ₹ 7, 50,000/-.) Official website: <https://www.sci.gov.in/legal-aid>]

❖ Source: Official data of NALSA [https://nalsa.gov.in/sites/default/files/document/Legal Service Beneficiaries, April 2017 to March 2018.pdf](https://nalsa.gov.in/sites/default/files/document/Legal%20Service%20Beneficiaries,April%202017%20to%20March%202018.pdf)

Name of Legal Aid Organization	Date of Establishment	Total No. of Applications Approved in the Past Year
❖ Delhi State Legal Services Authority (DSLISA)	Constituted under the Legal Services Authorities Act, 1987 as amended in 2002.	❖ 30,121 (2016) ❖ 38,646 (2017)
❖ Official website: http://dslisa.org		❖ Total Legal Aid Clinics- 137 (104- Gender Resource Centers, 09-Law Clinics in Colleges & Universities and 24- Law Clinics in Child Rights Cells, Women Cells, Prisons etc.) ❖ Data from the official website: http://dslisa.org/statistics/

MAJOR DEVELOPMENT STRATEGIES



The vision of the National Legal Services Authority in India is to promote an inclusive legal system in order to ensure fair and meaningful justice to the marginalized and disadvantaged sections of the society. It has following broad roles and missions:

- ❖ **LEGAL EMPOWERMENT:** To legally empower the marginalized and excluded groups of the society by providing effective legal representation, legal literacy and awareness and bridging the gap between the legally available benefits and the entitled beneficiaries.
- ❖ **LOK ADALAT & ALTERNATIVE DISPUTE RESOLUTION MECHANISMS:** To strengthen the system of informal, quick, inexpensive and effective resolution of disputes and minimize the load of adjudication on the overburdened judiciary. Lok Adalat is one of the alternative dispute redressal mechanisms, it is a forum where disputes/cases pending in the court of law or at pre-litigation stage are settled and compromised amicably.

- ❖ **LEGAL LITERACY PROGRAMMES:** Legal Literacy Programmes are conducted every year in schools and colleges and also for empowerment of women in a routine manner, besides the rural legal literacy camps. From April 2012 to March 2016, around 3,46,509 number of legal literacy camps have been conducted.
- ❖ **LEGAL SERVICES CLINICS:** are organized within the local areas including villages, jails, educational institutions etc. to provide basic legal services with the assistance of students, para-legal volunteers or lawyers as the point of first contact for help and advice.
- ❖ **INTERNSHIP PROGRAMMES:** Law students to are involved and trained to promote the role and importance of legal services activities.

MAJOR DEVELOPMENT STRATEGIES



- ❖ **SOCIAL JUSTICE LITIGATION:** By virtue of Section 4(d) of the Legal Services Authorities Act, 1987 the National Legal Services Authority has to take necessary steps by way of social justice litigation by representing in any matter of special concern to the weaker sections of the society.
- ❖ **PREVENTIVE AND STRATEGIC LEGAL SERVICES SCHEME:** In addition there are several schemes that have been made under the “Preventive and Strategic Legal Services Scheme” for different categories of beneficiaries like children, women, victims of trafficking, mentally ill, tribal groups etc.
- ❖ **MONITORING, EVALUATION & POLICY FORMULATION:** The Legal Services Authorities at the respective levels collect Reports and monitor the progress of the legal aid schemes. The reports are prepared by the Core Groups working at different levels and is placed before an independent body the Patron-in-Chief i.e. the Hon’ble Chief Justice of India for further deliberation and suggestions.
- ❖ **WELFARE SCHEMES:** Free Legal Services also include provision of aid and advice to the beneficiaries to access the benefits under the welfare statutes and schemes framed by the Central Government or the State Government and to ensure access to justice in any other manner.
- ❖ **SPECIFIC GUIDELINES:** have been prepared for training the designated juvenile/child welfare officers attached to police stations and members of the special juvenile police.

SERVICES TARGETING SPECIFIC UNDERPRIVILEGED COMMUNITIES OR OTHER LEGAL ISSUES



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A TIMES GROUP INITIATIVE

Some of the major dedicated schemes for specific community groups such as elderly persons, women, indigenous people etc. are mentioned below:

- ❖ **NALSA (Legal Services to Disaster Victims Through Legal Services Authorities) Scheme, 2010.**
- ❖ **NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015.**
- ❖ **NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015.**
- ❖ **NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015.**
- ❖ **NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme 2015.**
- ❖ **NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015.**
- ❖ **NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015.**
- ❖ **NALSA (Legal Services to the Victims of Drug Abuse and the Eradication of the Drug Menace) Scheme, 2015.**
- ❖ **NALSA (Legal Services to Senior Citizens) Scheme, 2016.**
- ❖ **NALSA (Legal Services to Victims of Acid Attack) Scheme, 2016.**

NATIONAL LEGAL AID FUND



- ❖ **NALSA receives funding by way of grants as deemed fit by the Central Government after due appropriation is made by the Parliament for being utilized for the purposes of the Legal Services Authority Act, 1987.**
- ❖ **Section 15 of the Legal Services Authority Act, 1987 mandates the establishment of a National Legal Aid Fund by the Central Authority and there shall be credited thereto: a) All sums of money given as grants by the Central Government; b) Any grants or donations that may be made to the Central Authority by any other person for the purposes of the Act; c) Any amount received by the Central Authority under the orders of any Court or from any other source.**
- ❖ **The said National Legal Aid Fund shall be applied for meeting: a) The cost of legal services 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.**
- ❖ **The said funds are accounted and audited by the Comptroller and Auditor General of India. As is seen, there is a lot of unspent balance at the end of financial year.**

BUDGETARY ALLOCATION & EXPENDITURE



Government Budget for the Legal Aid Organization

- ❖ National Legal Aid Fund (NALSA Fund, GOI)
- ❖ Grant for 2017-18: ₹100 Crores (1 Billion).
- ❖ Grant for 2018-2019: ₹80 Crores (0.80 Billion). Source: <https://nalsa.gov.in/content/2018-2019>

Total Legal Aid Expenses in the Past Year

- ❖ Total Expenditure out of NALSA Fund 2017-2018: ₹1,77,96,19,844 [Official Accounts of NALSA: [https://nalsa.gov.in/sites/default/files/document/ACTIVITY-WISE%20ANNUAL%20EXPENDITURE%20BY%20THE%20SLSAs%20\(including%20DLSA,%20HCLS%20TLSCs\)%20DURING%202016-17.pdf](https://nalsa.gov.in/sites/default/files/document/ACTIVITY-WISE%20ANNUAL%20EXPENDITURE%20BY%20THE%20SLSAs%20(including%20DLSA,%20HCLS%20TLSCs)%20DURING%202016-17.pdf)]
- ❖ Funding spent on paying lawyers' fees and costs, and on administration expenses for the period of 2017-2018:
 - (a) Lawyers' Fees: Rs. 43,30,14,474/-
 - (b) Other Expenses: Rs. 37,83,67,745/-

Proportion of Legal Aid Budget Funded by the Government

- ❖ Completely funded by Grants given by the Government.
- ❖ See for Sources of Funding: <https://nalsa.gov.in/content/fundingGovernment>

BUDGETARY ALLOCATION & EXPENDITURE



Government Budget for the Legal Aid Organization

- ❖ Supreme Court of India Legal Aid Committee (SCLSC) & Supreme Court Middle Income Group Legal Scheme (MIG)

Total Legal Aid Expenses in the Past Year

- ❖ Total utilized amount as on March, 2018 ₹8,11,95,991. [Source: https://nalsa.gov.in/sites/default/files/document/Activity_Wise_Expenditure_2017-18.pdf]
- ❖ Total expenditure out of NALSA funding for 2017-2018: ₹25,53,183. [Source: https://nalsa.gov.in/sites/default/files/document/Activity_Wise_Expenditure_2017-18.pdf]

Proportion of Legal Aid Budget Funded by the Government

- ❖ Funded by Grants and NALSA Fund. [See for Sources of Funding: <https://nalsa.gov.in/content/fundingGovernment>]
- ❖ The MIG scheme is self-supporting and the initial capital of the Scheme is contributed by the first Executive Committee. [Source: <https://www.sci.gov.in/legal-aid>]



Provision of free legal aid may include:

- ❖ **LEGAL REPRESENTATION:** by an Advocate in legal proceedings.
- ❖ **DRAFTING:** of legal documents, special leave petition etc.
- ❖ **PREPARATION OF DOCUMENTS:** pleadings, memo of appeal, paper book including printing and translation of documents in legal proceedings.
- ❖ **ANCILLARY LEGAL SERVICE:** Rendering of any service in the conduct of any case or other legal proceeding before any court or other Authority or tribunal including obtaining certified copies, government charges, and any shifting costs awarded against the legal aid recipient.
- ❖ **LEGAL ADVICE:** Giving of advice on any legal matter including pre-litigation counseling.
- ❖ **WELFARE SCHEMES AND STATUTES:** Free Legal Services also include provision of aid and advice to the beneficiaries to access the benefits under the welfare statutes and schemes framed by the Central Government or the State Government and to ensure access to justice in any other manner.

STANDARD OPERATING PROCEDURE



- ❖ **LODGE APPLICATION:** A person in need of free legal services can approach the concerned authority or committee through an application which could either be made by sending in written form, or by filling up the forms prepared by the said authorities stating in brief the reason for seeking legal aid or can be made orally in which case an officer of the concerned legal services authority or a paralegal volunteer can assist the person.
- ❖ **ONLINE APPLICATION:** A person can also apply online for getting Legal Aid to any Legal Services Institution in the country by filling up the Legal Aid Application form available online at NALSA's website by going on the 'Online Application' Link on the Home Page, along with uploading necessary documents. Various SLSAs/ DLSAs/SCLSC/HCLSCs/TLSCs also have application forms available on their websites.
- ❖ **TRACK YOUR APPLICATION:** Once the application is submitted with the proper authority, it would be perused by the concerned Legal Services Institution as to what action is needed upon the same.
- ❖ **REMINDERS & CLARIFICATIONS:** The information about the next step on the application would then be sent to the parties concerned. The action taken on an application received would vary from providing counselling/advice to the parties, providing a lawyer to represent them in the court, etc.



- ❖ The cases are assigned to a Panel of Advocates for the respective Courts depending upon the years of experience and standing at the Bar. The Supreme Court Legal Aid Committee presently has around 230 lawyers and Staff. [Source: Official website http://www.sclsc.nic.in/advocate_panel/100019]
- ❖ Open applications are invited by the Committee from the practicing lawyers and depending upon their areas of expertise and experience a panel of advocates is constituted for rendering legal aid services. The Panel is usually revised yearly and consists of junior counsels, advocate-on-records and senior counsels. The detailed procedure can be found here:
<http://serviceonline.gov.in/serviceLinkHome.html?serviceToken=GEv0YR546>
- ❖ The assignment of cases is done by official members of legal aid committee depending on the subject expertise and experience of the lawyer on the panel. <http://doj.gov.in/page/about-pro-bono>
- ❖ The legal aid lawyers usually have a pre-decided fee schedule and paid on case to case basis. They are also allowed to take private cases along with the legal aid work. In comparison to general market rate the fee for legal aid counsels is not competitive, however, steps are underway to regularize the fee schedule.

- ❖ **LOK ADALAT (PEOPLES COURT)** is one of the alternative dispute redressal mechanisms where disputes are settled on the basis of consensus arrived at between the parties. Lok Adalats have been given statutory status under the Legal Services Authorities Act, 1987.
- ❖ **NATURE OF CASES:** Recently National Lok Adalat has disposed off 6.41 Lakh cases which belonged to diverse subject categories viz. Negotiable Instruments, Motor Vehicles, Matrimonial Disputes, Labour and Service matters etc.
- ❖ In one routine more than 11 Lakh people are directly benefitted. As on 30.09.2015, more than 15.14 lakh Lok Adalats have been organized in the country since its inception. More than 8.25 crore cases have been settled by this mechanism so far.

- ❖ **PRE-LITIGATION:** the purpose of pre-litigation settlement is to arrest inflow of cases to the courts. If the grievances are addressed at the appropriate stage the in-flow would be less. The State Legal Services Authority or District Legal Services Authority as the case may be on receipt of an application from any one of the parties at a pre-litigation stage may refer such matter to the Lok Adalat for pre-litigation conciliation and settlement of the dispute for which notice would then be issued to the other party.
- ❖ **ARBITRATION & CONCILIATION:** The persons deciding the cases in the Lok Adalats are called the Members of the Lok Adalats, they have the role of statutory conciliators only and do not have any judicial role; therefore they can only persuade the parties to come to a conclusion for settling the dispute outside the court in the Lok Adalat.
- ❖ **COST EFFECTIVE:** Last year the cost of disposing of one case was approximately Rs. 12/- which is not only economical but also saves human working hours which is directly connected to saving time, efforts, costs and that eventually leads to building economy.

ORGANISATION OF LOK ADALATS



- ❖ **LOK ADALAT:** are organised at the State/High Court/District/Taluk level at regular intervals and within the local areas.
- ❖ **NATIONAL LOK ADALAT:** National Level Lok Adalats are held at regular intervals where on a single day Lok Adalats are held throughout the country, in all the courts right from the Supreme Court till the Taluk Levels wherein cases are disposed off in huge numbers.
- ❖ **PERMANENT LOK ADALAT:** The other type of Lok Adalat is the Permanent Lok Adalat, organized under Section 22-B of the Legal Services Authorities Act, 1987. Permanent Lok Adalats have been set up as permanent bodies with a Chairman and two members for providing compulsory pre-litigative mechanism for conciliation and settlement of cases relating to Public Utility Services like transport, postal, telegraph etc.
- ❖ **MOBILE LOK ADALATS:** are also organized in various parts of the country which travel from one location to another to resolve disputes in order to facilitate the resolution of disputes through this mechanism.

- ❖ **NALSA**, came up with portals that can ideally shorten the time gap between connecting litigants to relevant authorities. Portals enable poor litigants to access court documents, case status and connect to their advocates online and through dedicated phone numbers.
- ❖ **E-PORTAL 'LEGAL SERVICES MANAGEMENT SYSTEM'**: In November 2016, NALSA launched its bilingual e-portal 'Legal Services Management System' on which anyone can apply for legal aid, and also upload documents, track information, seek clarification or send reminders. The 'Pro bono legal services' initiative is a web based platform, through which interested lawyers can register themselves to volunteer pro bono services for the underprivileged litigants, who are unable to afford it. The Department of Justice has launched the online application for this initiative on its website doj.gov.in.
- ❖ **STANDARD OPERATING PROCEDURE**: Management technique which enables timely interface between empanelled lawyers and legal services authorities and jail inmates.



- ❖ **NYAY MITRA SCHEME:** With the objective to further broaden the outreach of legal aid services in rural areas, in April this year, it launched 'Nyay Mitra Scheme' which operates out of district facilitation centres housed in common service centres in the rural areas or districts. A 'Nyay Mitra', who will be a retired judicial or executive officer, will be appointed at each centre. Their responsibilities will include assistance to litigants who are suffering due to delay in investigations or trial, by actively identifying such cases through the National Judicial Data Grid, providing legal advice and connecting litigants to relevant authorities.
- ❖ **NYAY SAMPARK - LEGAL AID ESTABLISHMENTS (CONTACT WITH LAW):** Through this, legal aid beneficiaries can get information about case status pending in any of the districts across the state, legal aid and advice and information about various schemes of Central or state governments. At 'Nyay Sampark' various facilities are provided like a toll-free helpline number for those seeking legal aid, a video conferencing facility to connect undertrials in jails to lawyers, and a team of volunteers to help people seeking legal aid.



- ❖ **TELE LAW SCHEME:** NALSA along with Department of Justice initiated the Tele Law Scheme which aims to facilitate the delivery of legal advice through an expert panel of lawyers stationed at the office of the SLSA in each state. The project connects lawyers with clients, even when located in remote areas, through video conferencing facilities by the paralegal volunteers stationed at the Common Service Centre's run by village-level entrepreneurs.
- ❖ **PRISONERS PORTAL:** In the same month, NALSA also launched a web portal to provide legal services to prisoners. The portal will be used by legal services authorities to document data on legal representation of prisoners. The software is able to then generate reports showing total number of inmates, number of inmates unrepresented, number of inmates represented by legal services lawyers and number of inmates represented by private lawyers.
- ❖ **Ministry of Law and Justice, Legal Aid and Empowerment initiatives launched, (April 2017)**
<http://pib.nic.in/newsite/printrelease.aspx?relid=161179>

INTERNATIONAL CALL FOR 'ACCESS TO JUSTICE' UNITED NATIONS PRINCIPLES AND GUIDELINES



- ❖ The Department of Justice, Ministry of Law and Justice, Government of India implemented project on 'Access to Justice for Marginalized People' with UNDP support. The interventions under the Project are focused on strengthening access to justice for the poor, particularly women, Scheduled Castes, Scheduled Tribes and minorities. Courts have time and again referred to the UN Principles and Guidelines on Access to Justice and UN human rights conventions regarding access to justice.
- ❖ NALSA has adopted the UN General Assembly principles and guidelines on Access to Justice in Criminal Justice Systems and developed integrated system for treatment of prisoners that provides for allowing visit of lawyers and rendering legal advice to the under trial prisoners for their appropriate legal defense which is also in conformity with Standard Minimum Rules approved by the Economic and Social Council Res. 663C (XXIV) of 31 July 1957 and Res. 2076 (LXII) 13 May 1977.
- ❖ NALSA has also integrated its strategy with Goal 16 of the Sustainable Development Goals of the 2030 adopted by the UN General Assembly in September, 2015 calling on all members countries to ensure universal access to justice and development of effective, accountable and inclusive institutions at all levels.

CHALLENGES TO DELIVERING LEGAL AID



- ❖ There is a general lack of awareness of the availability of legal aid.
- ❖ There is a perception that free service is incompatible with quality service. Regular training and refresher courses are being offered for lawyers to enhance their skills.
- ❖ There are not enough lawyers delivered by the legal services authorities. Steps have been taken to involve lawyers in this activity. The Ministry of Law in April 2017 launched “Pro Bono Legal Service”, a web-based platform, through which interested lawyers can register themselves on a website to volunteer pro bono services for the underprivileged litigants. The initiative is aimed at (a) encouraging lawyers to provide pro bono legal services; (b) recognizing pro bono legal work being provided by lawyers and legal professionals; and (c) creating a database capturing vital information of lawyers for appropriate positions in the relevant field. Pro bono legal assistance provided by lawyers as a yardstick for appointment to appropriate positions is also proposed to be included by the Government.

CONCLUSION



- ❖ Legal Aid acts as a catalyst that enables the aggrieved persons to reassert the responsibility of the State and uphold the constitutional goals and universal human rights.
- ❖ Legal Aid and Legal Services are to be understood in perspective and duties in each compartment are to be carved out and logically structured.
- ❖ Conception of Access to Justice has to be treated as paramount and legal aid and legal services are to be regarded as its two strong pillars.
- ❖ Grant of legal aid in its pragmatic parameters has to be real grant-in-aid and cannot be a mere formality.
- ❖ Let it be clearly stated that legal aid is not charity but is the paramount duty of the State and the community at large.

*Where there is much desire to learn,
there of necessity will be much arguing,
much writing, many opinions; for
opinions in good men is but knowledge
in making.*

~Jhon Milton,
Areopagitica

THANK
YOU

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National Report – India

1. Please update the following information about your country and your organization:

Your Country				
Country	Population	GDP	Poverty Line & Percentage of Population in Poverty	Total No. of Practicing Lawyers in the Country
India	<p>According to the census reports of Indian Census 2011, the population of India is 1,210,854,977 with 623, 724, 248 males and 586,469, 174 females.</p> <p>[Source: Office of the Registrar General & Census Commissioner, India Ministry of Home Affairs, Government of India http://www.censusindia.gov.in/]</p>	<p>\$2.848 trillion (nominal; 2018 estimate by IMF. [at https://bit.ly/2BNZZeU]</p> <p>According to the Central Statistics Office, Government of India, GDP at 2011-12 prices in the fourth quarter (Quarter4) of financial year 2017-18 registered growth rate of 7.7 per cent.</p> <p>[Source: Central Statistics Office, Government of India http://www.mospi.gov.in/sites/default/files/press_release/nad_PR_31may18.pdf]</p> <p>GDP growth</p>	<p>Poverty Line: For 2011-12, for rural areas the national poverty line using the Tendulkar methodology is estimated at Rs. 816 per capita per month and Rs. 1,000 per capita per month in urban areas. Note that these poverty lines would vary from State to State because of inter-state price differentials.</p> <p>According to the 2011 Census 21.9% of the Indian population lives below the national poverty line.</p> <p>[Source: 1. Reserve Bank of India Data: https://rbi.org.in/scripts/PublicationsView.aspx?Id=17937]</p> <p>[Source 2. Page 2: Planning Commission Report at</p>	<p>1.3 million Lawyers in India in 2011, with the profession growing by an average of around 4 per cent per year.</p> <p>[Source: Right to Information filed: https://www.legalindia.com/201302183448/Bar-Bench-Litigation/rti-reveals-number-of-lawyers-india]</p>

		as per World Bank (annual %) 7.1% 2016 6.6% 2017 [Source: World Bank Data http://povertydata.worldbank.org/poverty/country/IND]	http://planningcommission.nic.in/news/pre_pov2307.pdf	
Legal Aid Organizations in Your Country				
Name of Legal Aid Organization(s)	Date of Establishment	Total No. of Applications Received in the Past Year	Total No. of Applications Approved in the Past Year	Total No. of Applications Rejected in the Past Year
National Legal Services Authority (NALSA) (constituted under legislation enacted by the Parliament) [Official Website: http://nalsa.gov.in]	9 th November 1995	N/A	No. of persons benefited between April 2017 to March 2018: 8,22,856. [Source: Official data of NALSA https://nalsa.gov.in/sites/default/files/document/Legal_Service_Beneficiaries,April_2017_to_March_2018.pdf] Since inception till 30.06.2017 total no. of 1, 58, 88,621 persons have been benefitted from various schemes under NALSA. [Source: Official data from NALSA https://nalsa.gov.in/sites/default/files/document/STATEMENT%20SHOWING%20THE%20NUM	N/A

			<p>BER%20OF%20PERSONS%20BENEFITTED%20THROUGH%20LEGAL%20SERVICES%20AND%20ADVICE%20HELD%20BY%20STATE%20LEGAL%20SERVICES%20AUTHORITIES%20UNDER%20LEGAL%20SERVICES%20AUTHORITIES%20ACT,%201987,%20SINCE%20INCEPTION%20(AS%20ON%2030.06.2017)..pdf]</p> <p>As per Department of Justice (GOI) as on 31.12.2014, total no. of 1,77,85,875 eligible persons have been overall benefitted through various legal aid schemes in India. [Source: http://doj.gov.in/sites/default/files/e-Book-English.pdf]</p>	
Supreme Court of India Legal Aid Committee (SCLSC) & Supreme Court Middle Income Group Legal Aid Society (for	1 st January, 1996	N/A	SCLSC has provided legal aid to 23, 919 eligible litigants as on 30.06.2017.	N/A

<p>citizens whose gross income is not exceeding ₹ 60,000/- p.m. or ₹ 7, 50,000/-.)</p> <p>{Official website: https://www.sci.gov.in/legal-aid}</p> <p>[See also Supreme Court of India Annual Report 2016-17: https://www.sci.gov.in/pdf/AnnualReports/Annual%20Report%202016-17.pdf]</p>			<p>[Source: NALSA/SCLSC Official Data: https://nalsa.gov.in/sites/default/files/document/STATEMENT%20SHOWING%20THE%20NUMBER%20OF%20PERSONS%20BENEFITTED%20THROUGH%20LEGAL%20SERVICES%20AND%20ADVICE%20HELD%20BY%20STATE%20LEGAL%20SERVICES%20AUTHORITIES%20UNDER%20LEGAL%20SERVICES%20AUTHORITIES%20ACT,%201987,%20SINCE%20INCEPTION%20(AS%20ON%2030.06.2017).pdf]</p>	
<p>Delhi State Legal Services Authority (DSLSA)</p> <p>Total Legal Aid Clinics- 137 (104-</p>	<p>Constituted under the Legal Services Authorities Act, 1987 as amended in 2002.</p>	<p>N/A</p>	<p>30,121 (2016)</p> <p>38,646 (2017)</p> <p>[Data from the official website: http://dlsa.org/statistics/]</p>	<p>N/A</p>

Gender Resource Centers, 09-Law Clinics in Colleges & Universities and 24- Law Clinics in Child Rights Cells, Women Cells, Prisons etc.) [Official website: http://dlslsa.org]				
Legal Aid Clinic, School of Law, Bennett University, India.	2018		Activities: workshops, trainings, competitions, prison visits, internships and collaborations to provide legal aid with International Bridges to Justice, India.	
Total No. of Legal Aid Lawyers (including staff and private lawyers)	Total No. of Non-Legal Professionals (e.g. social workers, counselors, community/culture workers)	Government Budget for the Legal Aid Organization in the Past Year	Total Legal Aid Expenses in the Past Year	Proportion of Legal Aid Budget Funded by the Government
N/A	N/A	National Legal Aid Fund (NALSA Fund, GOI) Grant for 2015-2016 (NALSA): ₹145 Crores. Grant for 2017-18: ₹100 Crores.	Total Expenditure out of NALSA Fund in 2016-17: ₹96, 62, 11, 727 Crores. Total Expenditure out of NALSA Fund 2017-2018: ₹1,77,96,19,844	Completely funded by Grants given by the Government. [See for Sources of Funding: https://nalsa.gov.in/content/funding Government.] Grant Received from Ministry of Law and Justice:

		<p>Grant for 2018-2019: ₹80 Crores.</p> <p>[Source: https://nalsa.gov.in/content/2018-2019]</p> <p>[SOURCE: Official Annual Accounts of National Legal Aid Fund and Audit Report of CAG 2015-2016 published by Government of India http://doj.gov.in/sites/default/files/Annual%20Accounts%20of%20NALSA%20and%20Audit%20Report%20of%20CAG%20English%202015-16.pdf]</p>	<p>[Official Accounts of NALSA: https://nalsa.gov.in/sites/default/files/document/ACTIVITY-WISE%20ANNUAL%20EXPENDITURE%20BY%20THE%20SLSAs%20(including%20DLSA,%20HCLSCs,%20TLCs)%20DURING%202016-17.pdf]</p>	<p>₹67.97 Crores for 2015-16.</p> <p>[SOURCE: Official Annual Accounts of National Legal Aid Fund and Audit Report of CAG 2015-2016 published by Government of India]</p>
<p>Supreme Court of India Legal Aid Committee (SCLSC) & Supreme Court Middle Income Group Legal Scheme (MIG)</p> <p>Senior Advocates/Advocate-on-Record and Non-Advocate</p>	N/A	<p>Total utilized amount as on March, 2018 ₹8,11,95,991.</p> <p>[Source: https://nalsa.gov.in/sites/default/files/document/Activity_Wise_Expenditure_2017-18.pdf]</p>	<p>Total expenditure out of NALSA funding for 2017-2018: ₹25,53,183.</p> <p>[Source: https://nalsa.gov.in/sites/default/files/document/Activity_Wise_Expenditure_2017-18.pdf]</p>	<p>Funded by Grants and NALSA Fund.</p> <p>[See for Sources of Funding: https://nalsa.gov.in/content/funding Government.]</p> <p>The MIG scheme is self-supporting and the initial capital of the Scheme is contributed by the first Executive</p>

<p>of Records: 230 lawyers and Staff(approx.)</p> <p>[Source: Official website http://www.sclsc.nic.in/advocate_panel/100019]</p>				<p>Committee. [Source: https://www.scio.gov.in/legal-aid]</p>
<p>Department of Justice (GOI) initiative for Encouraging Pro Bono Legal Services by Lawyers.</p> <p>As on 06.08.2018 289 Lawyers are registered with Department of Justice (GOI) for pro-bono legal services. [Source: http://www.doj.gov.in/page/about-pro-bono]][Source: http://www.doj.gov.in/page/list-registered-lawyers-pro-bono-legal-services-06082018]</p>	N/A	N/A	N/A	N/A

2. Please describe the main provider(s) of legal aid services in your country:

- (a) What is the nature of the provider's organization (i.e., a government department, an independent statutory body or association)?

The Constitution of India under Article 39 A¹ provides that State shall secure that the operation of the legal system promotes justice on the basis of equal opportunity, and shall in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disability.

Further, Articles 14 and 22(1) of the Constitution of India² also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on the basis of equal opportunity to all.

With this background, a statutory body was created in India under the Legal Services Authority Act, 1987 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 programmes and to lay down policies and principles for making legal services available under the Act.³

In every State, a State Legal Services Authority (SLSA) and in every High Court, a High Court Legal Services Committee have been constituted. District Legal Services Authorities (DLSA), Taluk Legal Services Committees (TLSC) have been constituted in the Districts and most of the Taluks 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 State.

Supreme Court Legal Services Committee has been constituted to administer and implement the legal services programme insofar as it relates to the Supreme Court of India.⁴

In addition, there is a Supreme Court Middle Income Group Legal Scheme (MIG) which provides legal services to the middle-income group citizens i.e. citizens whose

¹Article 39 A of the Constitution of India at

https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf

²Article 14 and Article 22 (1) of The Constitution of India at

https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf

³ <https://nalsa.gov.in>

⁴ For more details see: https://nalsa.gov.in/sites/default/files/Information_booklet.pdf

gross income is not exceeding Rs. 60,000/- p.m. or Rs. 7,50,000/- p.a.⁵

(b) If supervised by another authority, how does the provider maintain independence in decision-making and in carrying out its duties and responsibilities?

The supervision of the Legal Services Authorities, is conducted by Judicial Bodies. The Chief Justice of India is the Patron-in-Chief and the Senior most Hon'ble Judge, Supreme Court of India is the Executive Chairman of NALSA. The State Legal Services Authorities are chaired by Hon'ble Chief Justice of the High Courts and respective Districts and the Taluk a Legal Services Committees are chaired by the Judicial Officers at the Taluka Level.⁶ Generally, the Central Authority i.e. NALSA monitors and evaluates the 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 the Legal Services Authorities Act, 1987.⁷

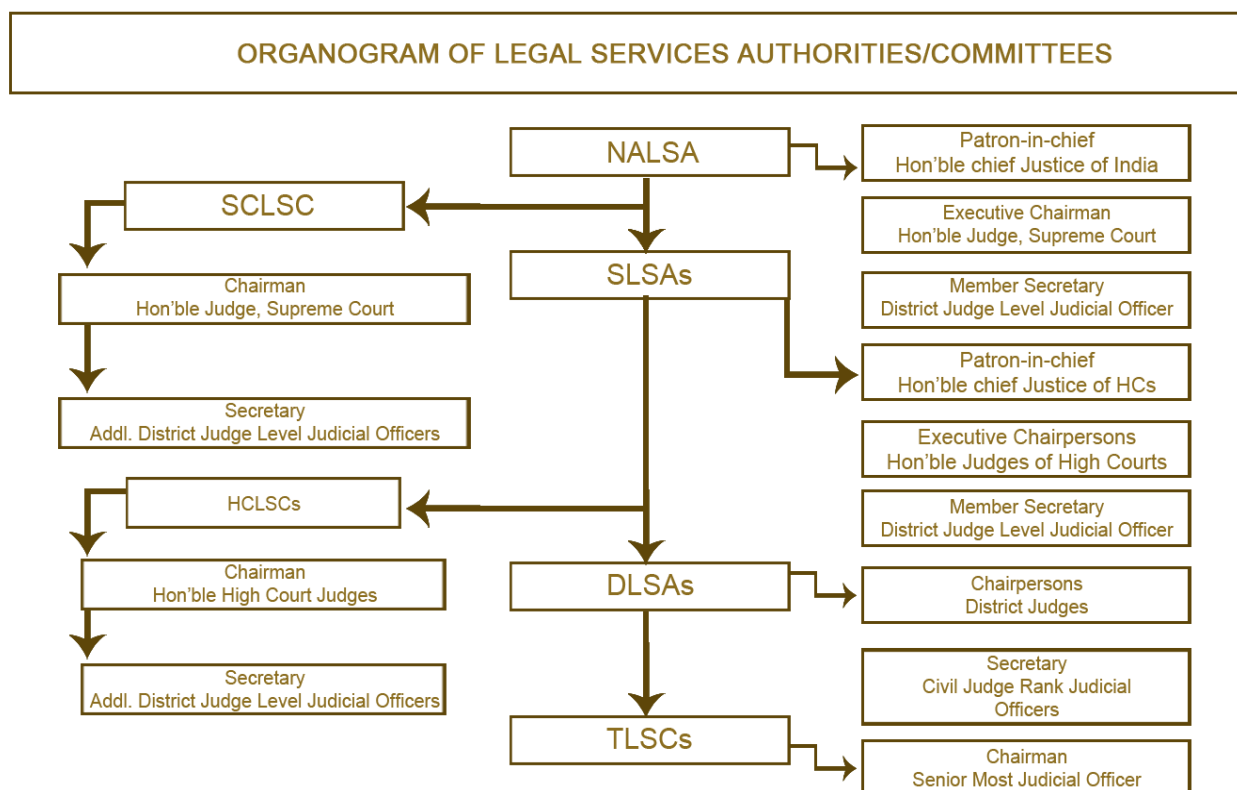
3. Please describe the legal aid organization and the recent business figures:

(a) Organizational structure

⁵ Middle Income Group Scheme: <https://www.sci.gov.in/legal-aid>

⁶ <https://nalsa.gov.in/acts>

⁷ Section 4 of the Legal Services Authorities Act, 1987.



Source: <https://nalsa.gov.in/content/organizational-structure>

(b) Analysis of the case types aided in the past year.

As on 30th July 2017, a total of 1,58,88,621 number of persons who benefitted through the Legal Services and Advice.⁸ Further, from April 2017 to March 2018, the statistics show the total number of beneficiaries to be 8,22,856.⁹

Section 12 of the Legal Services Authorities Act, 1987 provides for the criteria for giving legal aid services. It says:

Section12: Every person who has to file or defend a case shall be entitled to legal

⁸ Legal Services Statistics can be referred here:

<https://nalsa.gov.in/content/legal-service-beneficiaries-april-2017-june-2017-0>

⁹ NALSA Statistics,

https://nalsa.gov.in/sites/default/files/document/Legal_Service_Beneficiaries,April_2017_to_March_2018.pdf

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.
- 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 or
- g) In custody, including custody in a protective home within the meaning of clause (g) of Section 2 of the Immoral Traffic (Prevention) Act, 1956(104 of 1956); or in a juvenile home within the meaning of clause(j) of Section 2 of the Juvenile Justice Act, 1986 (53 of 1986); or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of Section 2 of the Mental Health Act, 1987(14 of 1987) or
- h) In receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.

From April 2017 to March 2018, maximum number of persons i.e. 1,43,475 who benefited through legal aid services were those whose annual income does not exceed the prescribed limit. 1,99,307 cases were that of women while 1,47,662 for those in custody. The least number of cases were those which involved transgender (216 persons).

NUMBER AND NATURE OF PERSONS BENEFITED THROUGH LEGAL SERVICES PROVIDED UNDER LEGAL SERVICES AUTHORITIES ACT, 1987 (APRIL, 2017 TO MARCH, 2018)¹⁰

¹⁰https://nalsa.gov.in/sites/default/files/document/Legal_Service_Beneficiaries,April_2017_to_March_2018.pdf

Sche duled Tribes	Sche duled Caste	Wo men	Chil dren	In Cust ody	Perso ns with Disa bility	Indus trial Work men	Transg ender	Victi m of Traffi cking in Huma n being s or Bagar	Victi ms of Mass Disast er Viole nce, Flood, Draug ht, Earth quake and Indust rial Disast er	Gener al (whos e annual incom e does not excee d the prescr ibed limit)	Oth ers
6630 4	6758 6	199 307	2772 6	147 662	6420	7120	216	643	3747	14347 5	152 650

(c) What is the number and percentage of cases handled by in-house/staff attorneys and legal aid lawyers in private practice?

Data Not Available.

(d) What has been the major development strategy of your organization (or legal aid organizations in your country) over the past five years? What was the reason for adopting this strategy?

The vision of the National Legal Services Authority in India is to promote an inclusive legal system in order to ensure fair and meaningful justice to the marginalized and disadvantaged sections of the society.¹¹ It has two broad missions¹²:

1. To legally empower the marginalized and excluded groups of the society by

¹¹ <https://nalsa.gov.in/content/vision-statement>

¹² <https://nalsa.gov.in/content/vision-statement>

providing effective legal representation, legal literacy and awareness and bridging the gap between the legally available benefits and the entitled beneficiaries.

2. To strengthen the system of Lok Adalats and other Alternate Dispute Resolution mechanisms in order to provide for informal, quick, inexpensive and effective resolution of disputes and minimize the load of adjudication on the overburdened judiciary.

One of the main strategies adopted is the use of Lok Adalats. Lok Adalat is one of the alternative dispute redressal mechanisms, it is a forum where disputes/cases pending in the court of law or at pre-litigation stage are settled and compromised amicably. Lok Adalats have been given a statutory status under the Legal Services Authorities Act, 1987. As on 30.09.2015, more than 15.14 lakh Lok Adalats have been organized in the country since its inception. More than 8.25 crore cases have been settled by this mechanism so far.¹³

Another strategy that is adopted is organization of Legal Literacy Programmes. As a part of the preventive and strategic legal aid, NALSA through the State Legal Services Authorities, conduct legal literacy programmes. In some States, Legal Literacy Programmes are conducted every year in schools and colleges and also for empowerment of women in a routine manner, besides the rural legal literacy camps.¹⁴ From April 2012 to March 2016, around 3,46,509 number of legal literacy camps have been conducted.¹⁵

Legal Aid Clinics are also being run in law colleges to further the attainment of objectives of Legal Services. Various legal literacy programmes are organized at school and college levels. A variety of tools are used in order to achieve this objective like conducting seminars, lectures; distribution of pamphlets; participation in Doordarshan programmes, broadcasting jingles, live phone-in programmes etc; floating mobile multi-utility vans for spreading awareness through public interactions; street plays; short documentaries; cultural programmes by school children on legal issues; various competitions like painting, essay writing, debates and declamation etc.

¹³ <https://nalsa.gov.in/lok-adalat>

¹⁴ http://doj.gov.in/sites/default/files/BRIEF-NALSA_0_3.pdf

¹⁵ <https://nalsa.gov.in/content/legal-awarenessliteracy>

on legal issues. Specific issues are taken up for legal literacy programmes varying from place to place depending upon the needs of a locality and its people.

Internship programmes are organised for law students to promote the role and importance of legal services activities.

Further, by virtue of Section 4(d) of the Legal Services Authorities Act, 1987 the National Legal Services Authority has to take necessary steps by way of social justice litigation with any matter of special concern to the weaker sections of the society.¹⁶

In addition there are several schemes that have been made under the “Preventive and Strategic Legal Services Scheme” for different categories of beneficiaries like children, women, victims of trafficking, mentally ill, tribal groups etc.¹⁷

4. Please describe the legal aid funding arrangements of your country and your organization:

(a) What are the sources and the amount of legal aid funding? Are there caps on annual spending?

NALSA being the central authority receives funding by way of grants as deemed fit by the Central Government after due appropriation is made by the Parliament by law for being utilized for the purposes of the Legal Services Authority Act, 1987.¹⁸ Section 15 of the Legal Services Authority Act, 1987 mandates the establishment of a National Legal Aid Fund by the Central Authority and there shall be credited thereto: a) All sums of money given as grants by the Central Government under Section 14 of the Legal Services Authorities Act; b) Any grants or donations that may be made to the Central Authority by any other person for the purposes of the Act; c) Any amount received by the Central Authority under the orders of any Court or from any other source.

The said 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;

¹⁶ Refer <https://nalsa.gov.in/content/social-action-litigation>

¹⁷ <https://nalsa.gov.in/content/preventive-strategic-legal-services-schemes>

¹⁸ <https://nalsa.gov.in/content/funding>

- 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.

The said funds are accounted and audited by the Comptroller and Auditor General of India. As is seen, there is a lot of unspent balance at the end of financial year.¹⁹

- (b) Has your organization experienced large-scale funding cuts? If so, what were the strategies to respond to such a situation?**

As of 2018, the Government of India is consistent in budgetary allocation for funding Legal Aid Schemes.

- (c) What is the percentage of funding spent on paying lawyers' fees and costs, and on administration expenses respectively?**

For the period of 2017-2018 the data is as follows:

- (a) Lawyers' Fees: Rs. 43,30,14,474/-
- (b) Other Expenses: Rs. 37,83,67,745/-

For activity-wise information on expenditure from April 2017 to March 2018- See https://nalsa.gov.in/sites/default/files/document/Activity_Wise_Expenditure_2017-18.pdf

- (d) In addition to lawyers costs, does legal assistance extend to cover costs such as court costs, government charges, and any shifting costs awarded against the legal aid recipient?**

Yes, legal aid includes the assistance extend to cover costs such as court costs, government charges, and any shifting costs awarded against the legal aid recipient. Provision of free legal aid may include:

- a. Representation by an Advocate in legal proceedings.
- b. Preparation of pleadings, memo of appeal, paper book including

¹⁹<https://nalsa.gov.in/sites/default/files/document/O.B.%20and%20other%20details%20without%20Cost%20and%20Interest.pdf>

- printing and translation of documents in legal proceedings;
- c. Drafting of legal documents, special leave petition etc.
- d. Rendering of any service in the conduct of any case or other legal proceeding before any court or other Authority or tribunal and;
- e. Giving of advice on any legal matter.

Free Legal Services also include provision of aid and advice to the beneficiaries to access the benefits under the welfare statutes and schemes framed by the Central Government or the State Government and to ensure access to justice in any other manner.

5. Please describe the legal aid service delivery models in your country (or organization)

- (a) Are the cases that are granted legal aid assigned to /handled by in-house/staff attorneys or by lawyers in private practice?**

The cases are assigned to a Panel of Advocates for the respective Courts depending upon the years of experience and standing at the Bar.

- (b) What are the criteria to register as a legal aid lawyer?**

Open applications are invited by the Committee from the practicing lawyers and depending upon their areas of expertise and experience a panel of advocates is constituted for rendering legal aid services. The Panel is usually revised yearly and consists of junior counsels, advocate-on-records and senior counsels. The detailed procedure can be found here:

<http://serviceonline.gov.in/serviceLinkHome.html?serviceToken=GENPsEv0YR546>

- (c) What are the rules and procedures of assigning approved cases to legal aid lawyers?**

The assignment of cases is done by official members of legal aid committee

depending on the subject expertise and experience of the lawyer on the panel.²⁰

(d) How do the salaries and fees paid to legal aid lawyers compare with the general market rate?

The legal aid lawyers usually have a pre-decided fee schedule and paid on case to case basis. They are also allowed to take private cases along with the legal aid work. In comparison to general market rate the fee for legal aid counsels is not competitive.

6. Please describe the scope and types of legal aid services (e.g. legal education, information, advice, representation, advocacy and reform) provided in your country (or organization), and the types of matters aided.

As already discussed above, the major areas dealt with NALSA are:

- i. Legal Aid
- ii. Legal Awareness/Literacy
- iii. Social Action Litigation
- iv. Supervision of other Legal Aid bodies and involvement in policy formulation.

Provision of free legal aid may include:

- i. Representation by an Advocate in legal proceedings.
- ii. Preparation of pleadings, memo of appeal, paper book including printing and translation of documents in legal proceedings;
- iii. Drafting of legal documents, special leave petition etc.
- iv. Rendering of any service in the conduct of any case or other legal proceeding before any court or other Authority or tribunal and;
- v. Giving of advice on any legal matter.

Free Legal Services also include provision of aid and advice to the beneficiaries to access the benefits under the welfare statutes and schemes framed by the Central Government or the State Government and to ensure access to justice in any other manner.

²⁰ <http://doj.gov.in/page/about-pro-bono>

7. Please describe application procedures and the criteria for granting legal aid.

The sections of the society as enlisted under Section 12 of the Legal Services Authorities Act are entitled for free legal services, they are:

- (a) A member of a Scheduled Caste or Scheduled Tribe;
- (b) A victim of trafficking in human beings or begar as referred to in Article 23 of the Constitution;
- (c) A woman or a child;
- (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; or
- (g) In custody, including custody in a protective home within the meaning of clause (g) of Section 2 of the Immoral Traffic (Prevention) Act, 1956(104 of 1956); or in a juvenile home within the meaning of clause(j) of Section 2 of the Juvenile Justice Act, 1986 (53 of 1986); or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of Section 2 of the Mental Health Act, 1987(14 of 1987); or
- (h) In receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.

A person in need of free legal services can approach the concerned authority or committee through an application which could either be made by sending in written form, or by filling up the forms prepared by the said authorities stating in brief the reason for seeking legal aid or can be made orally in which case an officer of the concerned legal services authority or a paralegal volunteer can assist the person. A person can also apply online for getting Legal Aid to any Legal Services Institution in the country by filling up the Legal Aid Application form available online at NALSA's website by going on the 'Online Application' Link on the Home Page, along with uploading necessary documents. Various SLSAs/ DLSAs/SCLSC/HCLSCs/TLSCs also have application forms available on their websites

Legal aid is provided to the entitled persons through legal services authorities

existing from the National to Taluka levels including the NALSA, State Legal Services Authorities, District Legal Services Authorities, Taluk Legal Services Committees, Supreme Court Legal Services Committee and High Court Legal Services Committees. If, however, an application or request for legal aid is received by NALSA, NALSA forwards the same to the concerned authority. Once the application is submitted with the proper authority, it would be perused by the concerned Legal Services Institution as to what action is needed upon the same.

The information about the next step on the application would then be sent to the parties concerned. The action taken on an application received would vary from providing counselling/advice to the parties, providing a lawyer to represent them in the court, etc.

8. Has your organization (or legal aid organizations in your country) developed services targeting specific underprivileged communities or other legal issues?

There are special and dedicated schemes for community groups such as women, children, the elderly, indigenous peoples, migrant workers, refugees and stateless persons, social welfare/benefits issues, persons with disabilities, and the homeless, etc.²¹ Some of the major schemes are mentioned below:

1. NALSA (Legal Services to Disaster Victims Through Legal Services Authorities) Scheme, 2010.
2. NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015.
3. NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015.
4. NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015.
5. NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme 2015.
6. NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015.
7. NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015.
8. NALSA (Legal Services to the Victims of Drug Abuse and the Eradication of

²¹ <https://nalsa.gov.in/sites/default/files/document/COMPENDIUM%20OF%20SCHEMES.pdf>

the Drug Menace) Scheme, 2015.

9. NALSA (Legal Services to Senior Citizens) Scheme, 2016.
10. NALSA (Legal Services to Victims of Acid Attack) Scheme, 2016.

(a) Background reasons: why target this group/issue? Why launch this type of service?

It is a Constitutional as well as a statutory mandate under Section 12 of the Legal Services Authorities Act, 1987 that provides for legal aid services to certain special groups on account of their special circumstances and social backwardness.

(b) Scope of legal aid service: legal education, information, advice, representation, advocacy and law reform.

The legal aid services are broad based and include the following:

- i. Ensuring immediate help and coordinating with the Governmental and Non- Governmental Agencies.
- ii. Supervising the distribution of relief materials, construction of temporary shelter or transporting the victims of a disaster to a safer place.
- iii. Supervising the health care and sanitation in disaster zones and preventing the spread of epidemics. The right to health being a concomitant to the Right to Life guaranteed under Article 21 of the Constitution of India, the disaster victims are entitled to adequate health facilities and the Legal Services Authorities are duty bound to ensure the same through appropriate measures.
- iv. Supervising the needs of women and children: Women and children are beneficiaries of free legal aid under Section 12 of Legal Services Authorities Act. The District Legal Services Authority shall ensure that the Police takes necessary steps for addressing issues concerning women and children. Legal Services Authorities shall coordinate with the Police Officers to ensure the safety of women and children.
- v. Legal Awareness Programmes in the relief camps on the legal rights of the victims.
- vi. Organizing Legal Aid Clinics in the affected areas for assisting in

- reconstruction of valuable documents.
- vii. Assisting the victims to get the benefits of the promises and assurances announced by the Government and Ministers.
 - viii. Assisting in the rehabilitation of the old and disabled who lost their supporting families.
 - ix. Assisting in the problems relating to Insurance Policies, Bank loans and debt relief funds.
 - x. Arranging for psychiatrists help / counselling to the victims who are subjected to physiological shock and depression.
 - xi. The Legal Services Authority shall seek the help and coordinate with the voluntary organisations, large business houses and Corporates.

(c) Is the financial eligibility criterion for this community group the same as other legal aid applicants?

These community groups are given special status under the law, therefore they are entitled to legal aid service on account of their special status. There is no special or different financial eligibility criteria and constitutionally their rights are to be protected irrespective of their financial status.

9. Please introduce the quality assurance mechanisms in your organization/country (if any):

- (a) & (b) performance evaluation of the legal aid organization(s) and its branch offices and quality monitoring, assessment and/or assurance checks on legal aid lawyers' services.**

The Legal Services Authorities at the respective levels collect reports and monitor the progress of the legal aid schemes. The reports are prepared by the Core Groups working at different levels and the final report is sent to the National Legal Services Authority which is an independent authority at the Central level which is also placed before the Patron-in-Chief i.e. the Hon'ble Chief Justice of India for further deliberation and suggestions. In addition to the above, NALSA monitors and reports the expenditure of legal aid funds at various levels which is also yearly audited by the Comptroller and Auditor General of India.

(b) on-job training schemes or education programs for legal aid lawyers, (especially for the younger generation)

NALSA in collaboration with State Authorities and Non-Governmental Organizations regularly conducts legal awareness and training programmes in schools, prisons etc.²² Internship programmes are organised for law students to promote the role and importance of legal services activities. Legal Aid Clinics are also being run in law colleges to further the attainment of objectives of Legal Services. Various legal literacy programmes are organized at school and college levels.

In addition, specific guidelines have been prepared for training the designated juvenile/child welfare officers attached to police stations and members of the special juvenile police.²³

10. How does your organization (or legal aid organizations in your country) make legal aid resources known to the potential clients in need and improve their legal awareness so they may seek timely assistance? Do you use any different approaches to reach people in remote areas or groups with special legal needs?

Specific issues are taken up for legal literacy programmes varying from place to place depending upon the needs of a locality and its people.²⁴ A variety of tools are used in order to achieve this objective like conducting seminars, lectures; distribution of pamphlets; participation in (national news) Doordarshan programmes, broadcasting jingles, live phone-in programmes etc; floating mobile multi-utility vans for spreading awareness through public interactions; street plays or nukkad nataks; short documentaries; cultural programmes by school children on legal issues; various competitions like painting, essay writing, debates and declamation etc on legal issues.

²² Training Programme data can be seen here:

<https://nalsa.gov.in/content/training-programmes-april-2017-june-2017-0>

²³ Guidelines for training the designated Juvenile / Child Welfare Officers attached to every Police Station and the members of the Special Juvenile Police Unit established under Section 63 of The Juvenile Justice (Care and Protection of Children) Act, 2000.

<https://nalsa.gov.in/sites/default/files/document/NALSA%20Guidelines%20for%20Police%20Training.pdf>

²⁴ See: <https://nalsa.gov.in/content/awareness-campprogrammes-april-2017-june-2017-0>

Legal Services camps are organized to spread awareness about welfare legislations and schemes, and strengthen the communities access to the schemes being implemented by the Legal Services Authority and other departments of the government for identifying and connecting people to welfare schemes to ensure that benefits of the welfare schemes are passed to eligible people and to understand legal needs of people and address legal problems of people by giving appropriate legal advice and taking other necessary steps.²⁵ There is also a campaign for enhancing Legal Services to Women inmates and their accompanying children in prisons.²⁶

11. How does your organization help to reduce the number of disputes that resort to the courts?

(a) Does your organization provide any alternative dispute resolution services (e.g. mediation)?

Yes, alternative dispute resolution is provided through means of Lok Adalats. NALSA along with other Legal Services Institutions conducts Lok Adalats. Lok Adalat is one of the alternative dispute redressal mechanisms, it is a forum where disputes/cases pending in the court of law or at pre-litigation stage are settled/compromised amicably. Lok Adalats have been given statutory status under the Legal Services Authorities Act, 1987. Under the said Act, the award (decision) made by the Lok Adalats is deemed to be a decree of a civil court and is final and binding on all parties and no appeal against such an award lies before any court of law. If the parties are not satisfied with the award of the Lok Adalat though there is no provision for an appeal against such an award, but they are free to initiate litigation by approaching the court of appropriate jurisdiction by filing a case by following the required procedure, in exercise of their right to litigate.

There is no court fee payable when a matter is filed in a Lok Adalat. If a matter pending in the court of law is referred to the Lok Adalat and is settled subsequently, the court fee originally paid in the court on the complaints/petition is also refunded back to the parties. The persons deciding the cases in the Lok Adalats are called the Members of the Lok Adalats, they have the role of statutory conciliators only and do not have

²⁵ https://nalsa.gov.in/sites/default/files/document/Legal_Services_Camp_Module.pdf

²⁶ https://nalsa.gov.in/sites/default/files/document/Campaign_for_enhancing_Legal_Services_to_Women_inmates_and_their_accompanying_children_in_prisons.pdf

any judicial role; therefore they can only persuade the parties to come to a conclusion for settling the dispute outside the court in the Lok Adalat and shall not pressurize or coerce any of the parties to compromise or settle cases or matters either directly or indirectly. The Lok Adalat shall not decide the matter so referred at its own instance, instead the same would be decided on the basis of the compromise or settlement between the parties. The members shall assist the parties in an independent and impartial manner in their attempt to reach amicable settlement of their dispute.

Nature of Cases to be Referred to Lok Adalat

1. Any case pending before any court.
2. Any dispute which has not been brought before any court and is likely to be filed before the court. Provided that any matter relating to an offence not compoundable under the law shall not be settled in Lok Adalat.

Which Lok Adalat to be Approached

As per section 19(5) of the Act, a Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of -

- (1) Any case pending before; or
- (2) Any matter which is falling within the jurisdiction of, and is not brought before, any court for which the Lok Adalat is organised.

Provided that the Lok Adalat shall have no jurisdiction in respect of matters relating to divorce or matters relating to an offence not compoundable under any law.²⁷

How to Get the Case Referred to the Lok Adalat for Settlement (Section 20)

- (A) Case pending before the court.
- (B) Any dispute at pre-litigative stage.

The State Legal Services Authority or District Legal Services Authority as the case may be on receipt of an application from any one of the parties at a pre-litigation stage may refer such matter to the Lok Adalat for pre-litigation conciliation and settlement of the dispute for which notice would then be issued to the other party.

Levels and Composition of Lok Adalats:

At the State Authority Level -

²⁷ See also <https://nalsa.gov.in/content/lok-adalatus19-april-2017-june-2017>

The Member Secretary of the State Legal Services Authority organizing the Lok Adalat would constitute benches of the Lok Adalat, each bench comprising of a sitting or retired judge of the High Court or a sitting or retired judicial officer and any one or both of- a member from the legal profession; a social worker engaged in the upliftment of the weaker sections and interested in the implementation of legal services schemes or programmes.

At High Court Level -

The Secretary of the High Court Legal Services Committee would constitute benches of the Lok Adalat, each bench comprising of a sitting or retired judge of the High Court and any one or both of- a member from the legal profession; a social worker engaged in the upliftment of the weaker sections and interested in the implementation of legal services schemes or programmes.

At District Level -

The Secretary of the District Legal Services Authority organizing the Lok Adalat would constitute benches of the Lok Adalat, each bench comprising of a sitting or retired judicial officer and any one or both of either a member from the legal profession; and/or a social worker engaged in the upliftment of the weaker sections and interested in the implementation of legal services schemes or programmes or a person engaged in para-legal activities of the area, preferably a woman.

At Taluk Level -

The Secretary of the Taluk Legal Services Committee organizing the Lok Adalat would constitute benches of the Lok Adalat, each bench comprising of a sitting or retired judicial officer and any one or both of either a member from the legal profession; and/or a social worker engaged in the upliftment of the weaker sections and interested in the implementation of legal services schemes or programmes or a person engaged in para-legal activities of the area, preferably a woman.

National Lok Adalat

National Level Lok Adalats are held at regular intervals where on a single day Lok Adalats are held throughout the country, in all the courts right from the Supreme Court till the Taluk Levels wherein cases are disposed off in huge numbers. From February 2015, National Lok Adalats are being held on a specific subject matter every month.²⁸

Permanent Lok Adalat

²⁸ See https://nalsa.gov.in/sites/default/files/document/Cases_settled_on_22.04.2018.pdf

The other type of Lok Adalat is the Permanent Lok Adalat, organized under Section 22-B of The Legal Services Authorities Act, 1987. Permanent Lok Adalats have been set up as permanent bodies with a Chairman and two members for providing compulsory pre-litigative mechanism for conciliation and settlement of cases relating to Public Utility Services like transport, postal, telegraph etc. Here, even if the parties fail to reach a settlement, the Permanent Lok Adalat gets jurisdiction to decide the dispute, provided, the dispute does not relate to any offence. Further, the Award of the Permanent Lok Adalat is final and binding on all the parties. The jurisdiction of the Permanent Lok Adalats is upto Rs. Ten Lakhs. Here if the parties fail to reach to a settlement, the Permanent Lok Adalat has the jurisdiction to decide the case. The award of the Permanent Lok Adalat is final and binding upon the parties. The Lok Adalat may conduct the proceedings in such a manner as it considers appropriate, taking into account the circumstances of the case, wishes of the parties like requests to hear oral statements, speedy settlement of dispute etc.²⁹

Mobile Lok Adalats are also organized in various parts of the country which travel from one location to another to resolve disputes in order to facilitate the resolution of disputes through this mechanism.³⁰

(b) Does your organization participate in law reform or offer legal education to the public? If so, please describe the outcomes of these activities.

NALSA does provide training to lawyers and also provides opportunities for law students to engage with legal aid through legal aid clinics, legal literacy camps and internship programmes. The training modules are available on the website of NALSA: <https://nalsa.gov.in/>

12. Please describe any modern technology initiatives or self-help services developed by your organization (or legal aid organizations in your country) (if any), and comment on their effectiveness.

- i. Portal: NALSA, while attempting to move beyond the metropolitan cities and state capitals into the hinterland, came up with portals that can ideally shorten the time gap between connecting litigants to relevant authorities. Portals enable poor litigants to access court documents, case

²⁹ <https://nalsa.gov.in/content/permanent-lok-adalat-0>

³⁰ <https://nalsa.gov.in/sites/default/files/document/MobileField%20Lok%20Adalat%20,April%202017%20to%20June%202017.pdf>

status and connect to their advocates online and through dedicated phone numbers.

- ii. In November 2016, NALSA launched its bilingual e-portal 'Legal Services Management System' on which anyone can apply for legal aid, and also upload documents, track information, seek clarification or send reminders.
- iii. The 'Pro bono legal services' initiative is a web based platform, through which interested lawyers can register themselves to volunteer pro bono services for the underprivileged litigants, who are unable to afford it. The Department of Justice has launched the online application for this initiative on its website doj.gov.in.
- iv. With the objective to further broaden the outreach of legal aid services in rural areas, in April this year, it launched 'Nyay Mitra Scheme' which operates out of district facilitation centres housed in common service centres in the rural areas or districts. A 'Nyay Mitra', who will be a retired judicial or executive officer, will be appointed at each centre. Their responsibilities will include assistance to litigants who are suffering due to delay in investigations or trial, by actively identifying such cases through the National Judicial Data Grid, providing legal advice and connecting litigants to relevant authorities.
- v. NALSA had initiated the establishment of 'Nyay Sampark' - Legal Aid Establishments (contact with law) - at the offices of the State Legal Services Authority (SLSA) across India. Through this, legal aid beneficiaries can get information about case status pending in any of the districts across the state, legal aid and advice and information about various schemes of Central or state governments. At 'Nyay Sampark' various facilities are provided like a toll-free helpline number for those seeking legal aid, a video conferencing facility to connect undertrials in jails to lawyers, and a team of volunteers to help people seeking legal aid.
- vi. NALSA along with Department of Justice initiated the Tele Law Scheme which aims to facilitate the delivery of legal advice through an expert panel of lawyers stationed at the office of the SLSA in each state.

The project connects lawyers with clients, even when located in remote areas, through video conferencing facilities by the paralegal volunteers stationed at the Common Service Centre's run by village-level entrepreneurs.

- vii. In the same month, NALSA also launched a web portal to provide legal services to prisoners. The portal will be used by legal services authorities to document data on legal representation of prisoners. The software is able to then generate reports showing total number of inmates, number of inmates unrepresented, number of inmates represented by legal services lawyers and number of inmates represented by private lawyers.³¹

13. In the past decade, have there been any surveys done in your country on legal needs and legal assistance seeking behaviors of the general public or any specific underprivileged groups? Or have there been any research studies of your service data?

- i. Multiple Action Research Group(MARG), Needs Assessment Study of Legal Services Authorities, iv (2012) available at <http://www.undp.org/content/dam/india/docs/DG/needs-assessment-study-of-selected-legalservices-authorities.pdf>
- ii. A Study Of Law School Based Legal Services Clinics at http://www.in.undp.org/content/dam/india/docs/a_study_of_law_school_based_legal_services_clinics.pdf
- iii. Access to Justice Survey by Daksh India³² with an interactive webpage <http://dakshindia.org/access-to-justice-survey-results/index.html> and <http://dakshindia.org/wp-content/uploads/2016/05/Daksh-access-to-justice-survey.pdf>.

14. Please describe the challenges to delivering legal aid encountered in your country (or your organization) in recent years, and the strategies for responding to those difficulties.

³¹ Ministry of Law and Justice, Legal Aid and Empowerment initiatives launched, (April 2017)

<http://pib.nic.in/newsite/printrelease.aspx?relid=161179>

³² <http://dakshindia.org/access-to-justice-survey/>

- (1) There is a general lack of awareness of the availability of legal aid.
- (2) There is a perception that free service is incompatible with quality service. Regular training and refresher courses are being offered for lawyers to enhance their skills.
- (3) There are not enough lawyers delivered by the legal services authorities, and lawyers are generally uninterested in providing competent legal assistance because of financial constraints. Steps have been taken to involve lawyers in this activity. The Ministry of Law in April 2017 launched “Pro Bono Legal Service”, a web-based platform, through which interested lawyers can register themselves on a website to volunteer pro bono services for the underprivileged litigants. The initiative is aimed at (a) encouraging lawyers to provide pro bono legal services; (b) recognizing pro bono legal work being provided by lawyers and legal professionals; and (c) creating a database capturing vital information of lawyers for appropriate positions in the relevant field. Pro bono legal assistance provided by lawyers as a yardstick for appointment to appropriate positions is also proposed to be included by the Government.
- (4) Poor remuneration for legal aid lawyers. Solutions are underway and There has been a recommendation to have a better fee structure for panel lawyers.³³

15. Has your country (or organization) established any mechanisms of co-operation with legal aid organizations abroad?

N.A.

16. To what extent have the UN Principles and Guidelines on Access to Justice and UN human rights conventions regarding access to justice for specific disadvantaged groups been implemented in your country and complied by your organization? Have you met any challenges during implementation?

The Department of Justice, Ministry of Law and Justice, Government of India implemented project on ‘Access to Justice for Marginalized People’ with UNDP support.³⁴ The interventions under the Project are focused on strengthening access to justice for the poor, particularly women, Scheduled Castes, Scheduled Tribes, and minorities.³⁵ Courts have time and again referred to the UN

³³ <https://nalsa.gov.in/sites/default/files/document/Recommendation.pdf>

³⁴ http://doj.gov.in/sites/default/files/Increasing-A2J_0.pdf

³⁵ http://doj.gov.in/sites/default/files/A2J1%20%201_0_0.pdf

Principles and Guidelines on Access to Justice and UN human rights conventions regarding access to justice.