



NATIONAL LEGAL SERVICES AUTHORITY

NATIONAL LEGAL SERVICES AUTHORITY (LEGAL AID CLINICS) SCHEME, 2010

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

1. Introduction.

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 centres 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. This provides the lawyer in the legal aid clinic an opportunity to understand the difficulties faced by people in the distant villages' for access to justice. 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 NALSA's *Quinquennial vision & strategy document*. NALSA plans to set up legal aid clinics in all villages.

2. Name of the Scheme.

The Scheme shall be called the National Legal Services Authority (Legal Aid Clinics) Scheme, 2010.

3. Objective.

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 (Central Act), especially to the people living in far away places including the places with geographical barriers, away from the seats of justice and the offices of the legal services institutions ['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].

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.

4. Location of Legal Aid Clinics.

The legal aid clinics established by the Legal Services Authorities shall be located at a place where the people in the locality can easily access. A room within the office building of the local body institutions like village *panchayat* shall be ideal.

5. Sign-board exhibiting the name of the Legal Aid Clinic.

There shall be a sign-board both in English and the local language, depicting the name of the legal aid clinic. The board shall display the working hours and the days on which the clinic will be open. Working hours of Legal Aid Clinics shall be decided by the legal services institutions having territorial jurisdiction in consultation with the District Legal Services Authority.

6. Assistance of the local body institutions in obtaining a convenient room for the Legal Aid Clinic.

The Legal Services Authorities shall persuade the local body institutions like village *panchayat*, *mandal* / block *panchayat*, municipality and corporation etc, to provide a room for the functioning of legal aid clinic. Since the legal aid clinic is for the benefit of the people in the locality, the local body institutions should be impressed upon the need to co-operate with the functioning of the legal aid clinics and to realise that the legal aid clinic is aimed at promoting peace and welfare of the people in the locality.

7. Publicity.

The local body institutions shall be persuaded to give adequate publicity about the functioning of the legal aid clinic. The elected representatives of the local body institutions shall be persuaded to spread the message of the utility of the legal aid clinic to the people in his / her constituency / wards.

8. Infrastructure in the legal aid clinic.

Every legal aid clinic shall have at least the basic and essential furniture like a table and three or four chairs. The local body institutions shall be requested to provide the essential furniture for use in the legal aid clinic. Only in those places where legal aid clinics are not functioning in the office building of the local body institutions, the Legal Services Authorities need to purchase furniture.

If the Legal Services Authority has its own building to run the legal aid clinic, the infrastructural facilities shall be provided by such Authority.

9. All villages to have Legal Aid Clinics.

The District Legal Services Authority shall establish legal aid clinics in all villages, or for a cluster of villages, depending on the size of such villages, especially where the people face geographical, social and other barriers for access to the legal services institutions.

10. The personnel manning the Legal Aid Clinic.

Every legal aid clinic shall have one or more para-legal volunteers available during the working hours of the legal aid clinics.

11. Frequency of visit by lawyers in the Legal Aid Clinics.

Subject to the local requirements, the District Legal Services Authority may decide the frequency of the lawyer's visit in the legal aid clinics. If the situation demands for providing continual legal services, the District Legal Services Authority may consider arranging frequent visits of the lawyer in the legal aid clinic.

12. Selection of lawyers for manning the Legal Aid Clinics.

Qualified legal practitioners with skills for amicable settlement of disputes may be selected from the local bar for empanelment for serving in the legal aid clinic. The selection of lawyers shall be done by the nearest legal services institution having territorial jurisdiction. Preference shall be given to women lawyers having practice of three years or more. A list of the panel lawyers shall be sent to the District Legal Services Authority.

Para-legal volunteer (s) trained by the Legal Services Authorities and holding the identity card issued by the Legal Services Authorities may be engaged to assist the lawyer in providing legal services in the legal aid clinics.

13. Legal Services in the Legal Aid Clinic.

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.

14 Administrative Control of Legal Aid Clinics.

Legal aid clinics shall be under the direct administrative control of the nearest legal services institution having territorial jurisdiction. The District Legal Services Authority shall have supervisory and advisory powers on all legal aid clinics functioning within the district.

The State Legal Services Authority shall have the power to issue guidelines on the working of the legal aid clinics.

15. Honorarium for the lawyers and para-legal volunteers rendering services in the Legal Aid Clinics.

In consultation with the District Legal Services Authority, the State Legal Services Authority shall fix the honorarium to be paid to the lawyers and para-legal volunteers rendering service in the legal aid clinics which shall not be less than Rs. 500/- per day for lawyers and Rs. 250/- for para-legal volunteers. Special consideration may be given in cases where the legal aid clinic is situated at difficult terrains and distant areas where transport facilities are scarce.

16. Maintenance of Records and Registers.

Lawyers and para-legal volunteers rendering service in the legal aid clinics shall record their attendance in the register maintained in the legal aid clinic. There shall be a register in every legal aid clinic for recording the name and address of the seekers of legal services, name of the lawyer who render services in the legal aid clinic, nature of the service rendered, remarks of the lawyer and signatures of seekers of legal aid and the lawyers.

The records of the Legal Aid Clinics shall be under the custody of the Secretary of the Taluk Legal Services Committee/District Legal Services Authority having territorial jurisdiction.

The legal services institution having territorial jurisdiction may maintain other registers also in consultation with the District Legal Services Authority as the situation requires.

The nearest legal services institution having territorial jurisdiction shall be the custodian of all registers and it shall be the duty of the para-legal volunteers and the lawyer in the legal aid clinic to hand over the registers to such legal services institution, when called for.

17. Change of Lawyers.

The nearest legal services institution having territorial jurisdiction may maintain a panel of lawyers preferably from the local bar. The lawyers may be deputed to the legal aid clinic on a rotation basis. If the matter handled by a lawyer requires follow up and continuous attention for a long duration, the same lawyer who had handled the matter may be entrusted to continue the legal services.

18. Lawyer in the Legal Aid Clinic shall attempt to resolve disputes locally.

During the course of legal services, if the lawyer in the legal aid clinic feels that the dispute between two locally available parties can be resolved through proper advice or by employing ADR techniques, he / she shall make an effort to do so, without permitting the dispute maturing into litigation.

In appropriate cases the lawyers may request the nearest legal services institution having territorial jurisdiction to refer the dispute to Lok Adalat for a pre-litigation settlement.

In such cases the lawyer rendering legal services in the legal aid clinic shall ensure that the procedure prescribed in sub-section (2) of Section 20 Legal Services Authorities Act, 1987 is complied with.

The nearest legal services institution having territorial jurisdiction/ District Legal Services Authority may organise Lok Adalat at the legal aid clinic or near to its premises.

19. Use of Mobile Lok Adalat Vehicle.

The lawyer rendering legal services in the legal aid clinic may request the District Legal Services Authority to send the Mobile Lok Adalat Van with the members of the Lok Adalat Bench for visiting the legal aid clinic for settlement of the disputes identified by him. The Mobile Lok Adalat Van can also be used for the legal services to mentally ill and children.

The State Authority may fix a monthly ceiling for the fuel to be used in the Mobile Lok Adalat Vans. However, the Executive Chairman of the State Authority may grant relaxation, taking into account of the exigencies of the legal services to be performed.

20. Para-Legal Volunteers in the Legal Aid Clinics.

Para-Legal Volunteers selected and trained by the Legal Services Authorities may be deputed to work in the legal aid clinics for assisting the lawyer and the seekers of legal aid. As they gain experience, the services of para-legal volunteers can be used for drafting simple petitions, applications and for accompanying the seekers of legal aid to the government offices for interacting with the officials for solving the problems of such seekers of legal aid.

Para-legal volunteers may be encouraged to obtain diplomas and degrees in law for betterment of their prospects in the long run.

21. Legal Aid Clinics run by the Law Students.

The provisions in the above paragraphs shall *mutatis mutandis* be applicable to the student' legal aid clinics set up by the law colleges and law universities also. However, in such clinics the students in the final year classes may render legal services and the junior students may assist them.

The students legal aid clinic shall always be under the supervision of a faculty member who shall be present in such clinics for immediate consultation.

The students of law colleges and law universities also may make use of the other legal aid clinics established under this scheme.

22. Student may use the legal aid clinics set up under this scheme.

Law students of the law colleges / law universities may be engaged to adopt a village especially in the remote areas and organise legal aid camps. Such students may make use of the legal aid clinics set up under this scheme in consultation with the legal services institution having territorial jurisdiction in that area.

The students in the legal aid clinics may seek the assistance of the para-legal volunteers in the legal aid clinics.

23. The Student legal aid clinics may conduct surveys and prepare reports.

The student legal aid clinics working in the remote villages may conduct surveys of the legal services required for the people of that area including identification of the problems which call for a social justice litigation. For conducting surveys, members of

the student legal aid clinic may seek the assistance of the para-legal volunteers and voluntary social welfare institutions working at the grass-root level.

The student legal aid clinics shall send reports to the State Legal Services Authorities with copies to the legal services institutions having territorial jurisdiction and also to the District Legal Services Authorities concerned.

24. Permanent Legal Aid Clinics attached to the Law Colleges and Law Universities.

Besides the student legal aid clinics in the rural areas, law colleges and law universities also may set up permanent legal aid clinics attached to their institutions. The State Legal Services Authority shall be informed about the establishing of such legal aid clinics. The State Legal Services Authority shall render the required technical assistance for such legal aid clinics and shall co-ordinate with the legal aid clinics so established.

25. Services of Para-Legal Volunteers trained by the Legal Services Authorities may be made available in the Legal Aid Clinics run by the Law Colleges and Law Universities.

Trained para-legal volunteers may be deputed to the legal aid clinics in law colleges and law universities for assisting the seekers of legal aid and for interacting with the students and the members of faculty.

26. The State Legal Services Authorities to conduct periodical review of the functioning of Legal Aid Clinics.

The State Legal Services Authorities shall conduct periodical review of the functioning of legal aid clinics.

The State Legal Services Authorities shall collect monthly reports from the District Legal Services Authorities, law colleges and law universities and review the functioning of legal aid clinics working in their jurisdiction.

The State Legal Services Authorities shall conduct periodical review of the working of such legal aid clinics at least once in three months or more frequently.

The State Legal Services Authorities shall issue directions from time to time for improving the services in the legal aid clinics to ensure that members of the weaker sections of the society are provided legal services in an efficient manner.

The State Legal Services Authorities shall send quarterly reports about the functioning of the Legal Aid Clinics within their jurisdiction to National Legal Services Authority.

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U.SARATHCHANDRAN

MEMBER-SECRETARY

NATIONAL LEGAL SERVICES AUTHORITY