



सत्यमेव जयते

भारत सरकार  
विधि एवं न्याय मंत्रालय

MAARG

MULTIPLE ACTION RESEARCH GROUP



*Empowered lives.  
Resilient nations.*



# Needs Assessment Study of the Legal Services Authorities in the States of Madhya Pradesh, Jharkhand, Bihar, Uttar Pradesh, Odisha, Rajasthan and Chhattisgarh

# NEEDS ASSESSMENT STUDY OF SELECTED LEGAL SERVICES AUTHORITIES



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# NEEDS ASSESSMENT STUDY OF SELECTED LEGAL SERVICES AUTHORITIES

**ACCESS TO JUSTICE FOR MARGINALISED PEOPLE (AJMP)**



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# Message

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*“To no one will we sell, to no one will we deny, or delay, right or justice”* pledges the 40<sup>th</sup> paragraph of the *Magna Carta*, and herein lie the roots of modern legal aid jurisprudence.

In 1976, the 42<sup>nd</sup> Constitutional Amendment inserted Article 39-A obligating the State to “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”. It is in this context that a comprehensive law was enacted in 1987 - Legal Services Authorities Act 1987. This has led to the setting up of Legal Services Authorities at the National, State and District levels along with Legal Services Committees at the Supreme Court, High Court and the Taluka levels. Since then much progress has been made in the field of legal aid provision in India. Lok Adalats have been set up and are now being used as examples world over. Several legal aid schemes have been rolled out including a scheme on paralegal volunteers, legal aid clinic scheme, scheme for workers in the unorganized sector etc. There has been a growing partnership and collaboration with civil society organisations and increasing work with paralegals. The aim has been to increase the outreach and quality of legal services with a view to bring justice to the doorstep of those who are vulnerable.

The Department of Justice, which is implementing a Project on Access to Justice for Marginalized People with UNDP support in 7 States in India, is taking various initiatives with a view to strengthen justice delivery mechanisms. Given the centrality of quality legal services in securing justice for the marginalized people, the focus has been on supporting the Legal Services Authorities. As a part of this endeavour, the Department commissioned a needs assessment study in 2011, after obtaining NALSA's consent, with a view to assess the requirements and challenges of the Legal Services Authorities as well as the communities that they service.

The study is envisaged as a tool as it allows perspective building on perceptions of legal aid provision as well as highlight the directions for future change. It has helped to understand the needs of the the Legal

Services Authorities to fulfill the role that they are mandated to perform and to provide recommendations to meet these needs. The study reveals many common trends – some positive and others requiring reforms – across the Legal Services Authorities in terms of their resources, budgeting, planning, client satisfaction and monitoring practices. The aim is to assist NALSA and SLSAs in developing strategies for providing effective legal services across the country through strengthened Authorities.

Some of the recommendations made seem practical, such as adopting a systematic empanelment process for lawyers, ensuring further trainings for empanelled lawyers as well as paralegals, putting in place monitoring systems for legal aid lawyers, ensuring adequate infrastructure of Legal Services Committees at the taluka levels etc. The study also identifies activities of select Legal Services Authorities that could be adopted as best practices to strengthen the delivery of legal services across the country. In short, the study provides a comprehensive perspective on the legal services in India and makes useful recommendations for improving benefits to recipients of legal services.

The findings and recommendations of the study were shared with the National and State Legal Services across the country in a validation workshop held in Delhi. The Executive Chairperson of the National Legal Services Authority and the Minister for Law and Justice urged the State Legal Services Authorities to strive towards providing improved services.

The study has been conducted by MARG. I would like to thank them for the hard work and sincere efforts put in by them. I would also like to thank the judges and officials of the Legal Services Authorities and Committees at the National, State, District and Taluka levels for their support in this endeavor. I must also thank my Project Team, other officers of the Department of Justice, and UNDP for their efforts in getting this study completed on time.



D.K. Sikri,  
Secretary,  
Department of Justice,  
Ministry of Law and Justice,  
Government of India

# Foreword

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Under the auspices of the Government of India and United Nations Development Programme project on *Access to Justice for Marginalized People*, a needs assessment of seven state level Legal Services Authorities has been conducted in Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha, Rajasthan and Uttar Pradesh.

The study assesses the functioning of key aspects of the Legal Services Authorities including their policy and legal framework, structure, planning and monitoring processes and technical and financial resources.

Conducted in close consultation with national partners across the seven states, the study explores the challenges in providing legal aid, raising legal awareness and establishing alternate dispute resolutions through *lokadalats* at the State, District and *Taluka* levels.

Legal Services Authorities have the unique potential to rapidly expand access to justice for India's poor and marginalized who face routine discrimination and denial of rights. Better understanding of the ways in which these institutions function is intended to help identify the steps needed to increase capacities.

UNDP applauds the work of the State Legal Services Authorities and wishes to congratulate MARG for conducting the study and supporting the validation of the results by the Legal Services Authorities.

UNDP is committed to supporting the ongoing efforts of Government of India and the Legal Service Authorities to make access to justice a reality for poor and marginalized communities. We hope that the recommendations of this study will provide strategic direction towards making legal aid services more effective and efficient for those who most need it.



Lise Grande  
UN Resident Coordinator and  
UNDP Resident Representative

# Acknowledgments

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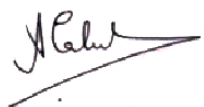
MARG is grateful to the Department of Justice, Ministry of Law and Justice, Government of India, UNDP and the Project Management Team of the Project on Access to Justice for Marginalized People for their support and guidance. We thank the National Legal Services Authority (NALSA) and the Legal Services Authorities of Madhya Pradesh, Jharkhand, Bihar, Uttar Pradesh, Odisha, Rajasthan and Chhattisgarh for their cooperation.

The contribution of Mr. D. K. Sikri (Secretary, Department of Justice, Government of India), Mr. Atul Kaushik (Joint Secretary, Department of Justice, Government of India), Ms. Sumeeta Banerji (Assistant Country Director, UNDP), Ms. Kanta Singh (Programme Analyst, UNDP), Ms. Swati Mehta (Project Manager, Access to Justice Project) and Mr. Ashutosh Srivastava (Project Officer, Access to Justice Project) are particularly noted.

MARG is fortunate to have the expertise of many well wishers who play a pivotal part in its activities, this study being no exception. Special thanks to them all, particularly Maja Daruwala, Seema Misra and Abha Singhal Joshi. Shakti Callikan contributed significantly. Neha Wadhwa played an important role in finalizing the methodology.

We are grateful to all the researchers (Julufa Islam Choudhury, Muqet Khan, Noor Alam, Vikash Kumar Pankaj, Javed Rabbani, Ahmed Raza, Jouhar Adeeb, Mukesh Trivedi, Vijay Khare, Ranajit Behera, Bibhu Chhualsingh, Sudhakar Senapati, Mohsin Ali Khan, Shubhra Pachouri, Saptarshi Mandal), without whom this study would have been impossible. We acknowledge the time given by the hundreds of persons interviewed in this project: lawyers, clients, paralegals, NGOs, state institutions and agencies, and community members of the project areas. We are grateful to Vijay Krishnamani and the Web Accessibility website for information on accessible websites.

Finally, thanks are due to Matrix Printers, and of course, the MARG team for their hard work and sincerity.



Anju Talukdar  
Executive Director  
MARG

# List of Abbreviations

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DLSA	DISTRICT LEGAL SERVICES AUTHORITY
FGD	FOCUS GROUP DISCUSSION
GRC	GENDER RESOURCE CENTRE
HALSA	HARYANA STATE LEGAL SERVICES AUTHORITY
HCLSC	HIGH COURT LEGAL SERVICES COMMITTEE
JHALSA	JHARKHAND STATE LEGAL SERVICES AUTHORITY
LSA	LEGAL SERVICES AUTHORITY
LSAs	LEGAL SERVICES AUTHORITIES
LSA Act	LEGAL SERVICES AUTHORITIES ACT, 1987
MACT	MOTOR ACCIDENT CLAIMS TRIBUNAL
MGNREGA	MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE ACT
MPSLSA	MADHYA PRADESH STATE LEGAL SERVICES AUTHORITY
NALSA	NATIONAL LEGAL SERVICES AUTHORITY
NGOs	NON GOVERNMENTAL ORGANISATIONS
OSLSA	ODISHA STATE LEGAL SERVICES AUTHORITY
PCPNDT ACT	PRE-CONCEPTION AND PRE-NATAL DIAGNOSTIC TECHNIQUES (PROHIBITION OF SEX SELECTION) ACT, 1994
PLVs	PARALEGAL VOLUNTEERS
SCLSC	SUPREME COURT LEGAL SERVICES COMMITTEE
SCPCR	STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS
SCW	STATE COMMISSION FOR WOMEN
SLSA	STATE LEGAL SERVICES AUTHORITY
SLSAs	STATE LEGAL SERVICES AUTHORITIES
TLSC	TALUKA LEGAL SERVICES COMMITTEE
UPSLSA	UTTAR PRADESH STATE LEGAL SERVICES AUTHORITY

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# Executive Summary

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## PURPOSE OF THE STUDY

This study is a needs assessment of the Legal Services Authorities in the states of Madhya Pradesh, Jharkhand, Bihar, Uttar Pradesh, Odisha, Rajasthan and Chhattisgarh. The question that immediately arises is: *whose needs are being assessed?* The answer is two-fold: (i) the needs of the LSAs themselves to fulfil their role as envisaged in the statute by which they have been set up, and subsequent vision statements, rules and notifications (ii) the needs of the communities the LSAs seek to serve: in terms of enforcement of rights and accessing legal remedies.

An important point of clarification is that *this is not a report card*, or any judgment on the quality of functioning of the LSAs. Such an exercise would have to be far more comprehensive. This study explores some of the obstacles in fulfilling the role of LSAs and how they may be overcome. The final chapter makes recommendations for better functioning of the LSAs.

The LSAs of the states mentioned above were studied in terms of three of their main functions: legal aid, legal awareness, Lok Adalats. Two districts in each state were selected for study on the following basis: the district in which the State Legal Services Authority (SLSA) is located; random selection of one of the more backward districts in the state. Two taluks/tehsils in each of these districts were selected on a random basis.

The Legal Services Authorities Act, 1987, (LSA Act), as well as various regulations and policy documents of the National Legal Services Authority (NALSA), the apex body of the LSAs, lay down the duties and processes of functioning of the LSAs. This study looks closely at these documents to understand what is expected from the LSAs. It then proceeds to look at how the LSAs are functioning in the selected areas. This has been done not with the purpose of evaluating the functioning, but rather to see how the functioning can be strengthened so that the LSAs are better able to meet the expectations as expressed in the LSA Act and other relevant documents. The ultimate objective of the study is to make recommendations to improve the functioning of the LSAs.

## METHODOLOGY

The study combines various methodological tools including desk review, interviews, questionnaires, focus group discussions, direct observation, and a national level study of best practices. A total of 180 lawyers, 15 Lok Adalat judges/members, 180 clients/beneficiaries, 16 Legal Services Authority officials, 45 officials of various state agencies (State Human Rights Commissions, State Commissions for Women, State Commissions for Protection of Child Rights, State Disability Commissioners, State Commissions for Scheduled Castes/Scheduled Tribes, jail authorities, supervisors of women's homes/ children's homes) and 532 women from weaker sections of society were interviewed. Focus group discussions were held with over 109 NGOs and 40 LSA paralegals. 12 Lok Adalats and 10 legal awareness camps were directly observed and interviews (as indicated above) held.

The field research was conducted between September 2011 and February 2012. Subsequently, the data was collated and compiled and the report was validated at a national level meeting of State Legal Services Authorities held on October 31, 2012 in New Delhi. It is to be noted that in the period following the conclusion of the field study there has been a spurt in activities of the selected State Legal Services Authorities and encouraging progress shown by them.

The relevant laws on the basis of which this needs assessment has been conducted:

### (i) Legal Aid

The Legal Services Authorities Act, 1987

#### ❖ Section 12 the LSA Act requires LSAs to give free legal aid to:

- Members of Scheduled Castes
- Members of Scheduled Tribes
- Victims of trafficking in human beings or *begar*
- Women
- Children
- Persons with disabilities
- Persons under circumstances of undeserved want e.g. victims of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster
- Industrial workmen
- Persons in custody
- Economically vulnerable person<sup>i</sup>

#### ❖ Section 8 of the LSA Act states that LSAs should act in coordination with other governmental agencies, nongovernmental voluntary social service institutions, universities and other bodies engaged in the work of promoting the cause of legal services to the poor.

Under NALSA's **Quinquennial Vision Document of 2010**, District Legal Services Authorities are expected to run legal aid clinics in jails. A strong base of paralegals all over the country should be developed to act as a bridge between the people and Legal Services Authorities.

The **National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010**, spells out the processes for legal aid. All LSAs shall have a front office to be managed by a panel lawyer and one or more paralegal volunteers available during office hours. Matters involving litigation should be forwarded to the Monitoring Committee comprising of the Member Secretary or Secretary of the LSA and other legal practitioners. LSAs should invite applications for empanelment of lawyers with at least 3 years of experience. While selecting the panel, the “competence, integrity, suitability and experience of such lawyers shall be taken into account.” Separate panels should be maintained for dealing with different types of cases e.g. civil, criminal, constitutional, environmental, labour, matrimonial disputes. This panel prepared should be re-constituted after a period of three years. Monitoring Committees at state, district and taluk levels will monitor progress of litigation in legal aid cases. These committees will comprise of the Chairperson, Member Secretary (or Secretary) and a lawyer to be nominated by the Patron-in-Chief of the LSA. The Monitoring Committee will maintain a register for legal aid cases to record the progress and end result.

## (ii) Legal Awareness

Under **Section 4(l) of the LSA Act** the LSAs should spread legal awareness particularly among the weaker sections about their rights, entitlements and privileges.

**NALSA’s Quinquennial Vision Document of 2010** stresses the need for legal literacy and the importance of choosing good resource persons. The legal awareness sessions should be interactive. Feedback from the participants in the legal awareness camps should be collected and evaluated. District Legal Services Authorities should select the topic for legal literacy camps on the basis of the needs of the local people. The vision document says that each State Authority should become a “household word in the State”.

## (iii) Lok Adalat

**Section 19 of the LSA Act** states that central, state, district, and taluk level Legal Services Authorities will be responsible for organizing Lok Adalats to facilitate settling of disputes through voluntary compromise between the parties. Section 20 of the Act refers to the conditions under which cases can be referred to Lok Adalats. Under Section 20 (4), in their efforts to arrive at a compromise between the parties, Lok Adalats should be guided by principles of justice, equity and fair play. If no compromise is arrived at between the parties, the matter is returned to the concerned court. In case a compromise is reached, an award is passed. The consent of the concerned court need not then be obtained. No appeal can be made against this award: the decision is final and binding.

After the amendment in 2002, provision has been made under Section 22B of the LSA Act to set up Permanent Lok Adalats for compulsory pre-litigative mechanism for conciliation and settlement of cases relating to public utility services. They deal with cases regarding public utility

services like water, electricity, telephones, hospitals, etc. Where the parties are able to reach an agreement, an award is passed accordingly. In case parties fail to reach an agreement, the Permanent Lok Adalat decides the dispute on merit.

The **National Legal Services Authority (Lok Adalats) Regulations, 2009**, states that the LSA organizing the Lok Adalat should inform every party concerned well in time so as to afford adequate opportunity for preparation. Members of Lok Adalats (who preside over the proceedings) should ensure that the parties fully understand the terms of settlement (if one is reached), and that the terms of settlement are not unreasonable, illegal or unfair.

## BEST PRACTICES

After seeking information from State Legal Services Authorities across India, Delhi and Haryana were selected as states with the largest number of good practices that might be replicated by other states.

Good practices in Delhi include:

- (i) Its legal empowerment partnership with the Delhi Government's programme of setting up Gender Resource Centres (GRCs)
- (ii) Training programme of panel lawyers
- (iii) Paralegal training of community paralegals, student paralegals and jail inmates paralegals
- (iv) Internship Programme
- (v) Assistance to rape survivors
- (vi) Assistance in cases of missing children
- (vii) Video Conferencing in jail

Good practices followed by Haryana State Legal Services Authority include:

- (i) Toll free helpline
- (ii) Legal Aid Prosecution Counsel Scheme (for legal assistance to survivors of rape and other crimes against women and children)
- (iii) Student literacy mission
- (iv) Paralegal scheme
- (v) Management of website
- (vi) Legal aid clinics

## KEY FINDINGS

General Findings (Applicable to all states)

### Legal Aid

- ❖ From 2006 to 2010 the seven states together have provided legal aid in 144,881 cases to the various categories of persons mentioned in

Section 12 of the LSA Act. [Madhya Pradesh = 37,055; Jharkhand = 5,544; Bihar = 20,174; UP = 18,738; Odisha = 13,905; Rajasthan = 24,710; Chhattisgarh = 24,755].

❖ Legal aid lawyers

- o All the states have a functional panel of LSA lawyers. Lawyers are selected on the basis of their experience. There is no process for training of these lawyers on the rights based approach to legal aid or developments in law. There is no particular emphasis on empanelling lawyers from marginalised sections e.g. women, Dalits, persons with disabilities, etc.
- o There is no central database available with LSAs showing progress of cases. The case is left to the panel lawyer to take care of entirely. There is no performance appraisal of lawyers. Once the case is passed on to the lawyer, there is no institutional follow up either with the lawyer or the client. There being no evaluation process, there are no identified criteria of evaluation.
- o Many lawyers do not get their fees. Most lawyers get Rs. 500/- per case, which they complain is insufficient.

❖ Legal aid clients

- o Feedback is not taken from clients on their experience with LSA lawyers. There is no system in place to inform clients of a complaints mechanism in case there is dissatisfaction with the services of lawyers.

❖ Paralegals

- o Many paralegals are not clear about their role, and have received no training.
- o Paralegals range from law students, NGO workers, teachers and principals, anganwadi workers, etc. Lawyers are also being empanelled as paralegals. There is no training module for paralegals with a clear articulation of the role of paralegals, their code of conduct, do's and don'ts.
- o There is confusion among paralegals on remuneration. Some believe they will get nothing, while some are expecting Rs. 7,500 per month.

❖ Legal aid vis-à-vis Government Agencies, NGOs

- o Although the LSA Act directs SLSAs to work closely with government agencies and NGOs to “promote the cause of legal services to the poor” (which in this study is being construed to include other marginalised sections), many state agencies (e.g. State Disability Commissions, State Minority Commissions) requiring legal aid have not been proactively approached by the LSAs. NGOs also seem reluctant, perhaps due to lack of familiarity with the LSAs, and are instead spending money on private lawyers to deal with cases.

### Legal Awareness

- ❖ Legal awareness camps are being held, but not in conformity with the guidelines in NALSA's vision document. Topics, dates and timings

are decided without direct consultation with the target community. Sessions are not structured systematically and often too much is packed in too short a time. The sessions are always in lecture mode with little scope for interaction except questions at the end of the session. No feedback is taken from the participants. Resource persons are usually judicial officers and panel lawyers who do not receive any particular training to be resource persons.

- ❖ The general population is unaware of the LSAs. Nearly all the women from economically weaker sections who were interviewed had no idea about the function of LSAs and how they could approach them for help. Most of them had not even heard about the LSAs.

### **Lok Adalats**

- ❖ From 2006 to 2010 the seven states together have settled 55,90,080 cases in Lok Adalats. [Madhya Pradesh = 16,66,133; Jharkhand = 66,402; Bihar = 4,79,841; UP = 23,40,332; Odisha = 6,46,686; Rajasthan = 3,23,119; Chhattisgarh = 67,567]
- ❖ Clients and lawyers are by and large happy with the outcome of Lok Adalats.

### **Websites, Publications, Budgets, Physical Resources**

- ❖ The 13<sup>th</sup> Finance Commission together with funds from NALSA have made funds available for various activities. However there is both underspending as well as insufficient amount for training of paralegals, setting up legal aid clinics, etc. One of the reasons for this mismatch is lack of expert assistance in accounts/financial management and budgeting. Understaffing has made it difficult to carry out all required activities and manage large funds.
- ❖ The offices in taluk and district levels lack infrastructure e.g. computers, telephones, vehicles.
- ❖ The websites do not have the following: provision for e-filing, case tracking by legal aid clients, grievance mechanism. They are not designed to be accessible to persons with disabilities. Information as required under Section 4 of the Right to Information Act is not fully provided e.g. powers and duties of officers and employees; description of procedure followed in the decision making process, including channels of supervision and accountability; directory of officers and employees; monthly remuneration received by officers and employees, including the system of compensation as provided in its regulations; budget allocated, indicating the particulars of all plans, proposed expenditures and reports on disbursements made; names, designations and other particulars of the Public Information Officers
- ❖ All the LSAs have legal literacy materials on various topics. Most are of a good standard. Some are difficult to understand due to the use of difficult words.

## RECOMMENDATIONS

Based on the key findings, the following recommendations are made:

### Legal Aid

#### Legal aid lawyers

*Development of a systematic empanelment process for lawyers:*

This empanelment of lawyers should have clearly identified selection criteria. The following may be kept in mind in the empanelment process:

- ❖ Transparent system for receiving applications for empanelment through advertising in the official language of the state in at least two newspapers with wide circulation in the state, as well as notices in court premises
- ❖ Potential panel lawyers to be interviewed by Member Secretaries and Chairpersons of LSAs
- ❖ Selection of lawyers on the following criteria:
  - o Lawyers with minimum three years' experience, due regard given to additional years of experience. Preference to be given to lawyers with experience on cases affecting persons mentioned in Section 12 of the LSA Act (Members of Scheduled Castes/ Scheduled Tribes; victims of trafficking in human beings or begar; women; children; persons with disabilities; persons under circumstances of undeserved want e.g. victims of a mass disaster/ ethnic violence/ caste atrocity/ flood/ drought/earthquake/industrial disaster; industrial workmen; persons in custody; economically vulnerable persons)
  - o Lawyers with proven track record of commitment to social justice must be given preference. This can be measured by experience in social justice issues e.g. pro bono assistance to marginalised, association with state agency/NGO committed to social justice
- ❖ Preference to be given to lawyers from marginalised sections e.g. women, members of Scheduled Castes/ Scheduled Tribes, minorities, people with disability, etc.
- ❖ Process to be completed within three months
- ❖ New panel to be constituted every three years, with existing panel continuing till replaced by new one. Panel lawyers can be re-appointed subject to satisfactory performance.

*Monitoring and evaluation of lawyers:*

Monitoring and evaluation can be done through a combined process of case tracking and client feedback. This can be done by the following system:

- ❖ Setting up of Monitoring Committees (as stipulated in the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010) at state, district and taluk levels to monitor progress of litigation in legal aid cases. These committees will comprise of the Chairperson, Member Secretary (or Secretary) and a lawyer to be nominated by the Patron-in-Chief of the LSA.
- ❖ LSA lawyers should provide monthly reports on the status of their legal aid cases. Paralegals/lawyers managing front offices to daily update

the register of cases in front offices.

- ❖ The Monitoring Committee will maintain a register for legal aid cases to record the progress and end result.
- ❖ Status of cases should be updated at least once a month on the LSA website.
- ❖ An annual assessment of lawyers should be made on criteria such as the number of cases handled, with due regard to complexity of cases, time spent on LSA activities, feedback from clients/ peers.

*Training of panel lawyers:*

Legal aid lawyers need training not only on developments in the law, but in attitudes towards marginalised sections. They need to be oriented towards social justice issues and the rights based approach to legal aid. Newly appointed lawyers should be given orientation training.

*Regular payment of fees:*

Payment of dues to lawyers as per rules should be settled on a monthly basis subject to receipt of status/activity reports. Complaints on non-receipt of dues should be made to the relevant LSA.

## **Legal aid clients**

*Grievance redress mechanism:*

Persons seeking legal assistance should be informed about the scope of the legal aid being offered (e.g. categories of persons mentioned under Section 8 of the LSA Act as being entitled to free legal aid, paralegals and lawyers of the LSA are not to be paid separate fees, procedure for filing complaints if a client is dissatisfied with quality of legal assistance provided).

*Feedback:*

Clients should be approached after three months from date of their seeking legal aid and every six months thereafter for feedback on the assistance they have received from lawyers and paralegals.

## **Paralegals**

*Selection and training of paralegals:*

Paralegal training should include the following:

- ❖ Understanding the role and requirements of paralegal volunteers (NALSA vision of paralegals; Do's and Don'ts for paralegals)
- ❖ Standard operating procedures (documenting cases, client briefings, maintaining client confidentiality and proactive intervention in necessary cases)
- ❖ Common problems faced by paralegals and how to deal with them
- ❖ Key provisions of rights of marginalised sections, particularly those mentioned in Section 12 of the LSA Act
- ❖ Basic governance structures and redress mechanisms

A comprehensive paralegal manual/handbook with these aspects as well as course content should be developed. In preparation of this, inputs should be taken from those with experience in the matter of paralegals e.g. NGOs, academics and paralegals themselves.

Additionally, several organizations are working on paralegal development and there is a pool of trained paralegals who can be absorbed in the LSA cadre of paralegals. A test could be developed to verify their knowledge and suitability to function as LSA paralegals.

*Regular payment of fees:*

Payment of dues to paralegals as per rules should be settled on a monthly basis subject to receipt of status/activity reports. Complaints on non-receipt of dues should be made to the relevant LSA.

### **Coordination with Government Agencies and NGOs**

The LSAs should proactively approach various state agencies and NGOs e.g.

- ❖ State Human Rights Commission
- ❖ State Commission for Women
- ❖ State Commission for Protection of Child Rights
- ❖ State Commission for Scheduled Castes/Scheduled Tribes
- ❖ State Commission for Minorities
- ❖ State Commission for Disability
- ❖ Jail Authorities
- ❖ Women's Home authorities
- ❖ Children's Home authorities
- ❖ NGOs working on the rights and welfare of the marginalised

The LSAs can develop themselves into a 'one stop shop' for providing legal aid and assistance to the marginalised and to the organizations/agencies that represent them.

### **Legal Awareness**

Legal awareness camps should be carefully designed keeping in mind the following:

- ❖ Topics for the legal awareness camp should be decided in consultation with the local community.
- ❖ The timings should be reasonable and at the convenience of the participants rather than the resource persons.
- ❖ Sessions should be structured systematically. Packing in too much information in too short a time leads to confusion rather than awareness. Resource persons should be encouraged to use films, role plays and other interactive methods rather than only lectures.
- ❖ A pool of suitable resource persons should be developed. Resource persons should be selected on the basis of their knowledge of the subject as well as communication skills.

- ❖ Legal literacy materials on the issue should be invariably distributed among the participants for future reference.
- ❖ Feedback should be taken from the participants at each legal awareness camp.

NALSA's Quinquennial Vision Document of 2010 aspires that LSAs should be a household name in each state. The general populace is largely unaware of the existence of LSAs, much less their functions and how to approach them. An effective publicity campaign involving mass media (especially radio and TV) should be launched to make people aware of the LSAs.

### **Lok Adalats**

Although Lok Adalats have been fairly effective in all the states, their efficacy can be enhanced by spreading awareness among the public on the usefulness of Lok Adalats. Meetings can also be held with lawyers and Bar Associations to reduce the reluctance among some lawyers to encourage their clients to settle matters in Lok Adalats. Lok Adalat members should be trained/briefed on the relevant provisions of the LSA Act and the provisions of the National Legal Services Authority (Lok Adalats) Regulations, 2009.

### **Websites, Publications, Budgets, Physical Resources**

- ❖ The financial management and budgeting skills of the LSAs should be enhanced by a combination of training of staff as well as appointment of accounts staff/establishment of accounts wings.
- ❖ Infrastructure in the offices particularly at the taluk and district levels needs to be developed with an adequate number of computers, telephones, vehicles, etc. and increase in staff. A competent person/consultant should be appointed to manage the website.
- ❖ LSA websites should have the following:
  - o calendar of activities
  - o contact details of lawyers and paralegals
  - o annual reports
  - o LSA Act, rules and regulations
  - o LSA schemes
  - o legal literacy materials
  - o provision for e-filing of applications
  - o updated status of legal aid cases
  - o complaints mechanism to register any grievance on-line
  - o web accessibility so that the website is disabled friendly
  - o Information as required under Section 4 of the Right to Information Act

Legal literacy materials should be printed in sufficient quantities for dissemination at legal awareness camps. Materials should be available on the rights of all categories mentioned in Section 12 of the LSA Act. For new materials, pre-testing should be done with marginalised sections and feedback taken on appropriateness, simplicity, etc. Materials should be printed only after incorporating suggestions emerging from pre-testing.

CHAPTER ONE

# INTRODUCTION

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# INTRODUCTION

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### PURPOSE OF THE STUDY

With the slogan ‘Access to Justice for All’, the Legal Services Authorities have the potential of transforming the current scenario in India, where the poor and the marginalised face routine discrimination and denial of rights. Set up under the Legal Services Authorities Act, 1987, their mandate is primarily to provide free and competent legal aid to the weaker sections of society, to ensure that no citizen is denied justice for economic or other reasons, and to organise Lok Adalats to promote justice on a basis of equal opportunity.

Large sections of India’s poor and marginalised have little or no knowledge of their rights. Most do not have the capabilities to seek redress within the formal justice system. The Legal Services Authorities (LSAs) provide a holistic answer to this. They are mandated to spread legal awareness particularly among the weaker sections of society: about rights, entitlements and privileges. LSAs are required to provide free and effective legal aid to the poor and the marginalised. They organise Lok Adalats with the purpose of ensuring cost and time-effective remedies in law, promoting justice and equal opportunity. Designed to operate at many levels (national, state, district and taluk/tehsil), LSAs also provide the geographical spread necessary to reach all sections, even the most remote.

This study is a needs assessment of the Legal Services Authorities in the states of Madhya Pradesh, Jharkhand, Bihar, Uttar Pradesh, Odisha, Rajasthan and Chhattisgarh. It looks at the functioning of the Legal Services Authorities at the state, district and taluk levels particularly in terms of their three main functions (i) legal aid (ii) legal awareness (iii) alternative dispute resolution through Lok Adalats.

The question that immediately arises is: *whose needs are being assessed?* The answer is two-fold: (i) the needs of the LSAs themselves to fulfil their role as envisaged in the statute by which they have been set up, subsequent vision statements, rules and notifications (ii) the needs of the communities the LSAs seek to serve: in terms of enforcement of rights and accessing legal remedies.

*This study explores the role of the LSAs as described in the LSA Act and related regulations and vision statements. It then makes recommendations to strengthen the LSAs so that they are better able to achieve what is expected of them. It is in this context that the functioning of the LSAs have been studied.*

An important point of clarification is that this is not a report card, or any judgment on the quality of functioning of the LSAs. Such an exercise would have to be far more comprehensive. This study explores some of the challenges faced by LSAs in fulfilling their roles and how these obstacles may be overcome. The final chapter makes recommendations for better functioning of the LSAs.

## METHODOLOGY

### Period of study

While the study was commissioned in mid-April 2011, the initial months were spent in finalising methodology. The field research was conducted between September 2011 and February 2012. Subsequently, the data was collated and compiled and the report was validated at a national level meeting of State Legal Services Authorities held on October 31, 2012 in New Delhi.

### Methodological tools

The study combines various methodological tools including desk review, interviews, questionnaires, focus group discussions, direct observation, and a national level study of best practices.

### *Desk review*

The Legal Services Act and Rules have been studied along with the vision document of the National Legal Services Authority (NALSA) and various notifications. Websites and publications of the various LSAs have also been examined. Attempts were made to carry out a stratified random study of records of cases in which legal aid has been provided by the LSAs. Unfortunately, this had to be abandoned due to technical difficulties. Authorities at NALSA indicated that providing access to such a necessarily large number of court records would cause great inconvenience to court officials. In fact, the study of legal aid cases was a major constraint in the study as the LSAs do not have an effective case tracking system. When a person approaches the LSA for legal assistance, the matter is referred to a lawyer on the LSA panel of lawyers. The lawyer then tends to the case and there is no regular system of updating the LSA on the progress of the case<sup>1</sup>. Legal aid clients were also difficult to trace due to insufficient contact details.

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<sup>1</sup> A regular system is now being put into place under the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010

## Interviews, questionnaires

**Table 1: Categories of persons interviewed**

Category of interviewees	Male	Female	Total
Lawyers (Lok Adalat and panel lawyers)	170	10	180
Lok Adalat members	14	1	15
Beneficiaries/clients (Lok Adalat & Legal Aid)	145	35	180
LSA Officials (SLSA, DLSA & TLSC)	13	3	16
Officials of various State Human Rights Commissions, State Commissions for Women, State Commissions for Protection of Child Rights, State Disability Commissioners, State Commissions for Scheduled Castes/Scheduled Tribes, jail authorities, and supervisors of women's homes/children's homes	29	16	45
Community women	0	532	532
<b>TOTAL</b>	<b>371</b>	<b>597</b>	<b>968</b>

### Focus Group Discussion

14 focus group discussions were held with over 109 NGOs and 40 LSA paralegals.

### Direct Observation

12 Lok Adalats and 10 legal awareness camps were directly observed and interviews (as indicated above) were also conducted.

### Best practices study

In order to examine best practices across SLSAs in India, questionnaires were sent to all the SLSAs with the assistance of NALSA. Member Secretaries of SLSAs across India were requested to mention what they considered good practices in their respective states. Two states were selected on the basis of the responses received. Once the two states were selected, field visits to these states and data collection were conducted to understand these good practices and study them for possible replication.

### Area selection

This study focuses on the Legal Services Authorities of the following seven states: Madhya Pradesh, Jharkhand, Bihar, Uttar Pradesh, Odisha, Rajasthan and Chhattisgarh. Two districts from each of the seven states were selected for study on the following basis:

- ❖ District where the SLSA head office is located.
- ❖ Stratified random selection of one backward district in the state with three or more taluks. The sample district was selected via a stratified selection process where the options were restricted to the most

backward districts in the State. Their backward status was ascertained using a wide resource base of data, benchmarking it on attainment of Millennium Development Goals across the six measures of socio-economic progress: poverty, hunger, literacy, immunization, infant mortality and elementary education enrolment. Backward districts in the states selected for study are mostly minority/tribal dominated with low Human Development Indices.

In each selected district, two taluks were chosen via random selection for the purpose of the study.

*Table 2: Selected districts and taluks in the 7 states*

State	Districts Selected	No. of Tehsils/ Taluks
Madhya Pradesh	Jabalpur	Sihora, Patan
	Khandwa	Pandhana, New Harsud (Channera)
Jharkhand	Ranchi	Bundu, Khunti
	Palamau	Daltonganj Sadar, Hussainabad
Bihar	Patna	Danapur, Masaurhi
	Gaya	Kulpahar Tekari, Sherghati
Uttar Pradesh	Lucknow	Mohanlalganj, Mahilabad
	Mahoba	Charkhari
Odisha	Cuttack	Athagarh, Tigris
	Kendujhar	Anandpur, Champua
Rajasthan	Jaipur	Sangner, Bassi
	Jhalawar	Aklara, Khanpur
Chhattisgarh	Bilaspur	Kota, Takhatpur
	Kanker	Charama, Bhanupratappur

## CHAPTER TWO

# LEGAL SERVICES AUTHORITIES OF INDIA IN CONTEXT

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# LEGAL SERVICES AUTHORITIES OF INDIA IN CONTEXT

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On 26th September, 1980, the Government of India appointed a committee known as the Committee for Implementing Legal Aid Schemes (CILAS). This Committee, under the Chairmanship of Justice P.N. Bhagwati, monitored and implemented legal aid programmes all over the country on a uniform basis till the enactment of the Legal Services Authorities Act in 1987.

In 1987 the Government of India enacted the Legal Services Authorities Act (LSA Act for short) which came into effect on 9<sup>th</sup> November 1995. It sought to constitute Legal Services Authorities throughout the country to provide free and competent legal aid to the poor, so that justice is not denied to any citizen for economic or other reasons. Another fundamental purpose was to organize Lok Adalats as an alternate mechanism to secure equal and speedy justice for all.

The LSA Act meets the objectives of Article 39A of the Constitution of India which was incorporated in Part IV of the Constitution by the 42nd Amendment of 1976. Under Article 39A, the State is required to “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 anyone by reason of economic or other disabilities.”

## PROGRESSING TOWARDS THE RIGHT TO LEGAL AID: A FEW RELEVANT JUDGMENTS

In *Indira Gandhi v. Raj Narain*<sup>2</sup> the Supreme Court held that rule of law is a part of the basic structure of the Constitution of India. No one should be condemned unheard. Equality of justice requires that legal aid be provided. In absence of legal aid, a trial is vitiated.

In *M.H. Hoskot v. State of Maharashtra*<sup>3</sup> the Supreme Court held that if a prisoner was unable to exercise right of appeal for want of legal assistance, the Court under Article 142<sup>4</sup> read with Articles 21<sup>5</sup> and 39A of the Constitution, has the power to assign counsel for such imprisoned individual 'for doing complete justice'.

In 1979 the Supreme Court in *Hussainara Khatun v. State of Bihar*<sup>6</sup> held that free legal aid is implicit in the guarantee of Articles 14<sup>7</sup> and 21. This is also the compulsion of the constitutional directive under Article 39A. For all these reasons it was held that comprehensive free legal service is necessary.

In the case of *Khatri v. State of Bihar*<sup>8</sup> the Supreme Court held that the state cannot deprive its citizens of their constitutional rights on grounds of poverty or lack of funds. Article 22<sup>9</sup> also urges that a person arrested should be allowed to consult and be defended by a lawyer of his choice.

*In every state a  
State Legal  
Services Authority  
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(NALSA)*

## LEGAL SERVICES AUTHORITIES : VISION AND EXPECTATIONS

### STRUCTURE

In every state a State Legal Services Authority is constituted by the State Government to give effect to the policies and directions of the Central Authority (NALSA)

A nationwide network has been envisaged under the LSA Act for providing legal aid and assistance. Under Section 3 of the LSA Act, the National Legal Services Authority (NALSA), also called the Central Authority under the LSA Act, is constituted by the Central Government. NALSA is the apex body which lays down policies, principles and schemes for legal services. It disburses funds and grants to State Legal Services Authorities for

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<sup>2</sup> AIR 1977 SC 69

<sup>3</sup> (1978) 3 SCC 544

<sup>4</sup> Article 142 of the Constitution empowers the Supreme Court to pass such orders and decrees necessary to do 'complete justice' in any matter before it.

<sup>5</sup> The fundamental right to life and personal liberty is expressed in Article 21 of the Constitution of India

<sup>6</sup> AIR 1979 SC 1360

<sup>7</sup> The fundamental right to equality before the law and the equal protection of laws is expressed in Article 14 of the Constitution of India

<sup>8</sup> AIR 1981 SC 928

<sup>9</sup> Article 22 of the Constitution of India expresses the fundamental right to protection in case of arrest, including the non-denial of the right to be defended by a lawyer of his/her choice

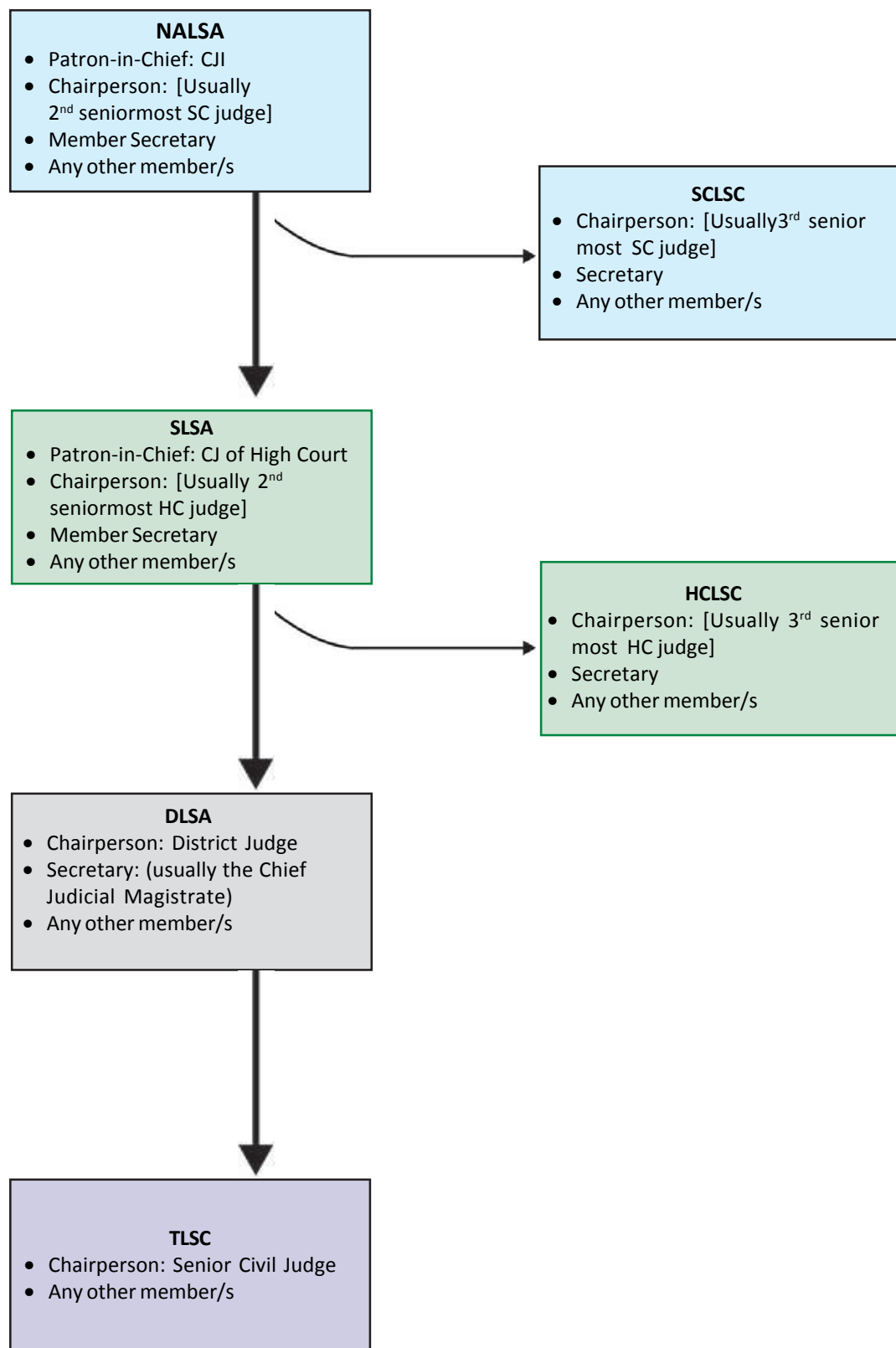
implementing legal aid schemes and programmes. The Chief Justice of India is the patron-in-Chief of NALSA, and a sitting or retired judge of the Supreme Court (usually the second senior-most judge of the Supreme Court) functions as the Executive Chairperson. The Supreme Court Legal Services Committee is constituted by NALSA and is headed by a sitting judge of the Supreme Court (usually the third senior-most judge of the Supreme Court of India) who is the Chairperson of this Committee.<sup>ii</sup>

In every state a State Legal Services Authority is constituted by the State Government to give effect to the policies and directions of the Central Authority (NALSA), to provide legal services to the people, and to conduct Lok Adalats. Each State Legal Services Authority is headed by the Chief Justice of the High Court who is its Patron-in-Chief. A serving or retired Judge of the High Court (usually the second senior-most judge of the High Court) is nominated as its Executive Chairperson<sup>10</sup>. Each High Court has a High Court Legal Services Committee, constituted by the SLSA, which is headed by a sitting judge of the High Court (usually the third senior-most judge of the High Court) who is the Chairperson of this Committee.

District Legal Services Authorities are constituted in every district to implement legal aid programmes and schemes in the district. The District Judge is its Chairperson. Taluk Legal Services Committees are also constituted for each of the Taluks or Mandals, or for group of Taluks or Mandals, to coordinate the activities of legal services and to organise Lok Adalats. Every Taluk Legal Services Committee is headed by a senior Civil Judge who is its Chairperson.<sup>iii</sup>

<sup>10</sup> In *Supreme Court Bar Association v. Union of India and Others* (Writ Petition (Civil) 27 of 2007 decided on April 13, 2007) it was held that in the case of State Legal Services Authorities, the “normal rule is that a sitting judge should be appointed as the Chairman and only when unusual difficulties exist, a retired judge may be appointed. That has to be the exception and not the rule.”

*Figure A: Structure of the Legal Services Authorities in India*



## FUNCTIONS

### Legal Aid

Under Section 12 the LSA Act, the LSAs are required to give free legal aid to:

- ❖ Members of Scheduled Castes
- ❖ Members of Scheduled Tribes
- ❖ Victims of trafficking in human beings or begar
- ❖ Women
- ❖ Children
- ❖ Persons with disabilities
- ❖ Persons under circumstances of undeserved want e.g. victims of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster
- ❖ Industrial workmen
- ❖ Persons in custody
- ❖ Economically vulnerable person<sup>iv</sup>

Section 8 of the LSA Act states that LSAs should act in coordination with other governmental agencies, non governmental voluntary social service institutions, universities and other bodies engaged in the work of promoting the cause of legal services to the poor<sup>v</sup>.

As per NALSA's Quinquennial Vision Document of 2010, legal aid camps should be organized in the neighbourhood. District Legal Services Authorities are expected to run legal aid clinics in jails. These legal aid clinics are required to be managed by a panel of lawyers selected in consultation with the local Bar Association. Applications, appeals and petitions from prisoners are to be forwarded to the appropriate authorities and courts as expeditiously as possible. The panel lawyers should assist in matters relating to remission, parole, etc. They may take the services of sociologists and psychiatrists while providing legal aid to the prisoners.

A strong base of paralegals should be developed all over the country to act as a bridge between the people and Legal Services Authorities. They should help those in need "to approach the concerned authorities such as the Police and the District Administration by helping them write applications, filing forms and providing relevant information which may be necessary for asserting any right. The target group to be trained as paralegals would include people at the grass-root level such as anganwari workers, basic teachers, primary health workers, panchayat members, etc." Under NALSA's Project of Paralegal Volunteers (PLVs), the PLVs are expected to act as intermediaries between the common people and Legal Services institutions and thereby remove barriers of access to justice.

*LSAs are required to provide free legal aid to the poor and the marginalised (Section 12 LSA Act). They should work along with other government agencies and NGOs to provide legal services to the poor (Section 8 of LSA Act)*

*DLSAs are required to organise legal aid camps and run legal aid clinics in jails (NALSA Vision Document)*

### *Duties of paralegals*

- ❖ Educate people, especially those belonging to weaker sections of society, on “the right to live with human dignity”
- ❖ Make people aware of the nature of their disputes/issues/problems and inform them that they can approach the LSAs for resolution of disputes
- ❖ Inform the TLSC of “transgressions of law or acts of injustice in their area of operation”
- ❖ Assist the DLSA/TLSC in organizing legal awareness camps in their area of operation
- ❖ Give information on the legal services activities of the LSAs and assist people to utilize them

The National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, spell out the processes for legal aid.

### *Application for legal aid*

All LSAs shall have a front office to be managed by a panel lawyer and one or more paralegal volunteers available during office hours. Applicants seeking legal aid can present their grievances by email, orally, or in writing in the front office. An affidavit is sufficient proof that an applicant falls within the eligible categories under Section 12 of the LSA Act.

Matters involving litigation should be forwarded to the Monitoring Committee comprising of the Member Secretary or Secretary of the LSA and other legal practitioners who will decide within a period of eight weeks whether the applicant is entitled to legal services or not. In urgent matters, the panel lawyer in the front office can provide legal assistance as required, in consultation with the Member Secretary or Secretary of the particular Legal Services Authority.

### *Selection of lawyers*

LSAs should invite applications for empanelment of lawyers with at least three years of experience. While preparing the panel of lawyers the “competence, integrity, suitability and experience of such lawyers shall be taken into account.” Separate panels should be maintained for dealing with different types of cases e.g. civil, criminal, constitutional, environmental, labour, matrimonial disputes. The panel lawyer shall not “ask for or receive any fee, remuneration or any valuable consideration in any manner, from the person to whom he had rendered legal services”. This panel prepared should be re-constituted after a period of three years.

A list of legal practitioners from among the panel lawyers can be designated as retainers. The strength of retainer lawyers shall not exceed:

- (a) 20 in the Supreme Court Legal Services Committee
- (b) 15 in the High Court Legal Services Committee
- (c) 10 in the District Legal Services Authority
- (d) 5 in the Taluk Legal Services Committee

*NALSA envisages building cadres of paralegals at the grassroots level to act as a bridge between the people and LSAs.*

*People seeking legal aid from an LSA should approach its front office, which should be run by an LSA panel lawyer and at least one paralegal volunteer.*

*LSA panel lawyers should have at least 3 years of experience as a practicing lawyer before they can apply for empanelment. There should be separate panels for different types of cases. This panel should be reconstituted every 3 years.*

The honorarium payable to retainer lawyer shall be:

- (a) Rs.10,000 per month in the case of Supreme Court Legal Services Committee
- (b) Rs.7,500 per month in the case of High Court Legal Services Committee
- (c) Rs.5,000 per month in the case of District Legal Services Authority
- (d) Rs.3,000 per month in the case of Taluk Legal Services Committee

The honorarium specified above is in addition to the honorarium or fee payable by the LSA for each case entrusted to the retainer lawyer. The retainers are required to devote their time exclusively for legal aid work and shall be available full time to deal with legal aid cases and to manage the front office or consultation office in the respective LSA.

### **Monitoring and Evaluation**

Monitoring Committees at state, district and taluk levels will monitor progress of litigation in legal aid cases. These committees will comprise of the Chairperson, Member Secretary (or Secretary) and a lawyer to be nominated by the Patron-in-Chief of the LSA.

The Monitoring Committee will maintain a register for legal aid cases to record the progress and end result. It should submit bi-monthly reports containing its independent assessment on the progress of each and every legal aid case and the performance of the panel lawyer or retainer lawyer, to the Executive Chairperson or Chairperson of the Legal Services Authority. The District Legal Services Authorities and Taluk Legal Services Committees should submit copies of the bi-monthly reports of their Monitoring Committees to the Executive Chairperson of the State Legal Services Authority. The State Legal Services Authorities shall also send consolidated half-yearly reports of the Monitoring Committees, indicating the success or failure of each of the legal aid cases, to the Central Authority (NALSA).

In pursuance of orders passed in the Sampurna Behrui case, NALSA issued Direction dated September 12, 2011 whereby the State Legal Services Authorities have been requested to establish Legal Aid Centre (s) attached to the Juvenile Justice Boards (s) in the State/Union Territory Capitals with immediate effect. For this purpose, the SLSA can direct the District Legal Services Authority of the Capital District to establish Legal Aid Centre (s) in the Juvenile Justice Board (s) working the capital city. The DLSA should prepare a list of young panel lawyers for such Legal Aid Centres. "The panel lawyers may be selected from young and competent lawyers, preferably women lawyers, who are willing to work the entire day in a child-friendly manner in compliance with the spirit and object of the Juvenile Justice (Care and Protection of Children) Act, 2000 and Juvenile Justice Rules, 2007". The same set of lawyers can be made available for legal aid in the Child Welfare Committees and in the different homes established under the Juvenile Justice Act. A monthly statistical report on the legal aid given to children shall be submitted to the State Legal Services Authority who shall include the same in the statistics sent to NALSA.

*Monitoring Committees will track the progress of legal aid cases. They will assess the performance of panel lawyers and retainers.*

*Some panel lawyers can be made retainers, who will offer legal services on a full time basis.*

## Legal awareness

Under **Section 4(l) of the LSA Act** the LSAs should spread legal awareness particularly among the weaker sections about their rights, entitlements and privileges.<sup>vi</sup>

**NALSA's Quinquennial Vision Document of 2010** stresses the need for legal literacy and the importance of choosing good resource persons. "Lawyers with good communication and pedagogic skills may be identified in consultation with the local bar association." Orientation classes are recommended for the selected resource persons. The legal awareness sessions should be interactive. "Classes in the nature of public lectures may be avoided." Feedback from the participants in the legal awareness camps should be collected and evaluated. District Legal Services Authorities should select the topic for legal literacy camps on the basis of the needs of the local people.

Focus has also to be given to ensure that people are generally aware of the LSAs. The vision document says that "the functioning of each State Authority should be with the objective of making its name or acronym (e.g. NALSA, UP/MP SLA etc.) a household-word in the State".

## Lok Adalat

Section 19 of the LSA Act states that Central, State and District level Legal Services Authorities and the Taluk Legal Services Committees will be responsible for organizing Lok Adalats to facilitate settling of disputes through voluntary compromise between the parties. Section 20 of the Act refers to the conditions under which cases can be referred to Lok Adalats. Cases can be referred if one of the parties gives an application, or by consent of both the parties, and also if the court thinks that the case is appropriate for Lok Adalats. Under Section 20 (4), Lok Adalats should be guided by principles of justice, equity and fair play in their efforts to arrive at a compromise between the parties.

If no compromise is arrived at between the parties, the matter is returned to the concerned court. In case a compromise is reached, an award is passed. The consent of the concerned court need not then be obtained. No appeal can be made against this award: the decision is final and binding.

After the amendment in 2002, provision has been made under Section 22B to set up *Permanent Lok Adalats for compulsory pre-litigative mechanism for conciliation and settlement of cases relating to public utility services*. The Permanent Lok Adalats have a Chairperson and two other members. The Chairperson must be of the rank of District Judge or Additional District Judge or one who has held office higher in rank than that of District Judge. They deal with cases regarding public utility services like water, electricity, telephone, hospitals, etc. The pecuniary

*LSAs should spread legal awareness among weaker sections. Resource persons should be carefully selected and oriented to make sessions interactive. LSAs should become a household name.*

jurisdiction is Rs. 10 lacs, which may be increased by the Central Government from time to time. *Where the parties are able to reach an agreement, an award is passed accordingly. In case parties fail to reach an agreement, the Permanent Lok Adalat decides the dispute on merit.* The purpose of this amendment was to make Lok Adalats more effective. Earlier the position was that if cases were not resolved, they would be sent back to regular courts, or parties would be asked to seek remedy in a court of law. This used to cause unnecessary delay, thereby causing dissatisfaction amongst the parties. After the Amendment in 2002, Lok Adalats now have the power to decide cases on merit in case parties cannot come to a compromise.<sup>vii</sup>

NALSA's Quinquennial Vision Document of 2010 speaks of the following types of Lok Adalats:

(a) Lok Adalats (pre-litigation disputes)

This process of early settlement of disputes at the pre-litigative stage provides for greater scope for negotiation among the parties to settle their disputes at an early stage.

(b) Permanent Lok Adalats for Public Utility Services

Permanent Lok Adalat is a process to resolve all the disputes which arise between an individual and the public utility services before the disputes are taken to the court. Such Lok Adalats are permanently available for everyone to approach for settling disputes.

(c) Continuous Lok Adalats

While Permanent Lok Adalats take care of only the disputes which arise at a pre-litigation stage, the Continuous Lok Adalats are meant to resolve all disputes of civil nature and compoundable criminal cases<sup>11</sup>. In case there is no settlement of the dispute, the matter is sent back to the Court where normal trial proceedings are commenced.

(d) Mobile Lok Adalats

The poor and the marginalised sections of society living in rural or remote areas usually cannot approach the Legal Services Authorities. The LSAs can bring justice to their doorstep through mobile Lok Adalats.

The National Legal Services Authority (Lok Adalats) Regulations, 2009, states that the LSA organizing the Lok Adalat should inform every party concerned well in time so as to afford adequate opportunity for preparation. Members of Lok Adalats (who preside over the proceedings) should "make sincere efforts to bring about a conciliated settlement in every case put before it without bringing about any kind of coercion, threat, undue influence, allurement or misrepresentation.....Members of the Lok Adalat shall not pressurize or coerce any of the parties to compromise/settle cases or matters either directly or indirectly." They should ensure that the parties fully understand the terms of settlement

*Lok Adalats are organised to facilitate compromise between parties. All types of cases can be settled in a Lok Adalat, except those which can only be decided by a criminal court.*

*If a settlement is reached between the parties, an award is passed. If there is no settlement, the matter is sent back to the court.*

*Compromises reached between parties in Lok Adalats must be voluntary. Terms of settlement should not be unreasonable, illegal or unfair.*

<sup>11</sup> Compoundable criminal cases are those criminal cases which can be settled between the parties

(if one is reached), and that the terms of settlement are not unreasonable, illegal or unfair.

Table 3 indicates the expectations from the LSAs (role of LSAs) in terms of their structure and functions (in respect of which the needs assessment is conducted). In the following chapters, the activities of the LSAs in the various states will be seen against the backdrop of the functions listed below.

Table 3: Expectations from LSAs

STRUCTURE	
State Legal Services Authority → District Legal Services Authority → Taluk Legal Services Committee	
	FUNCTIONS/EXPECTATIONS
LEGAL AID	LSAs to have a front office to be managed by a panel lawyer and one or more paralegal volunteer
	Lawyers with minimum three years' practice and commitment to social justice to be empanelled
	Some panel lawyers to be designated as retainers
	Panel to be re-constituted after every three years
	Monitoring Committee to maintain a register to check progress of legal aid cases
	DLSA and TLSC to submit copies of the bi-monthly reports of their Monitoring Committees to the Executive Chairman of the State Legal Services Authority
	The SLSAs to send consolidated half-yearly reports of the Monitoring Committees, indicating the success or failure of legal aided cases to NALSA
	DLSAs to run legal aid clinics in jails
	A strong base of paralegals to be developed
	Taluk Legal Services Committee (TLSC) to select PLVs
	PLVs should act as a bridge between the people and LSAs
	PLVs to inform the TLSC of legal issues in their area
	PLVs should assist the DLSA/TLSC in organizing legal awareness camps
	SLSAs to act in coordination with other governmental agencies, NGOs, etc. engaged in promoting legal services to the poor
LEGAL AWARENESS	SLSAs to establish Legal Aid Centre (s) attached to the Juvenile Justice Boards (s) in State capitals
	LSAs to spread legal awareness particularly among the weaker sections about their rights, entitlements
	Resource persons to be carefully selected and oriented
	Feedback to be taken from the participants
	Topics to be selected on the basis of the needs of the local people
	LSAs should become a household name
LOK ADALAT	Members of the Lok Adalat not to pressurize any of the parties to compromise/settle cases
	Members to ensure that the parties affix their signatures only after fully understanding the terms of settlement
	Members to ensure that the terms of settlement are not unreasonable, illegal or unfair
	Members to make sure that the parties have entered into the settlement voluntarily and not on account of any threat, coercion or undue influence



## CHAPTER THREE

# MADHYA PRADESH

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# MADHYA PRADESH

State	Districts Selected	Tehsils/ Taluks
Madhya Pradesh	Jabalpur	Sihora
		Patan
	Khandwa	Pandhana
		New Harsud (Channera)

**Capital:** Bhopal; High Court in Jabalpur **Population:** 75,697,565 (2011) Khandwa: 1,261,768; Jabalpur: 11,170,000 **Population Density:** 245.6/km<sup>2</sup> (636/sq mi) **Area:** 308,252 km<sup>2</sup> (119,016.8 sq mi) **HDI:** 0.488 **HDI Rank:** 26th (2005) **Literacy:** 76.5% (8th) **Official Language:** Hindi **Sex Ratio:** 930 **Caste Breakup:** SC: 15.2% ST: 20.3% **Poverty Rate:** 44% **Life Expectancy at Birth:** 58.2 **Infant Mortality Rate:** 88.3 **Unemployment Rate:** 6.8%<sup>12</sup>

## LEGAL AID

Interviews were conducted with legal aid lawyers (i.e. those on the LSA panel), legal aid clients (those who approached the LSA for legal aid), paralegals and LSA officials. As in the case with other states, tracing legal aid seekers is difficult. This is because once the case is handed over to a lawyer – the progress of the case is not systematically followed. The LSAs are not directly in touch with clients and do not maintain detailed updated contact details of clients.

*Table 4: Number of legal aid cases dealt with by the Madhya Pradesh LSAs from 2006 to 2010*<sup>13</sup>

Year	SC	ST	BC	Women	Children	In custody	General	Total
2006	12,626	8,332	17,179	5,971	309	7,393	15,676	67,486
2007	10,563	8,833	17,245	1,779	26	4,935	12,916	56,297
2008	14,797	11,004	22,767	2,826	128	4,538	17,444	73,504
2009	12,492	11,507	19,895	3,948	111	3,809	17,574	69,336
2010	18,073	15,207	31,012	1,556	296	3,201	33,593	1,03,932

<sup>12</sup> www.censusindia.gov.in

<sup>13</sup> NALSA records

### ***Legal aid lawyers***

A total of 26 legal aid lawyers were interviewed: 11 from Khandwa and 15 from Jabalpur. Out of 11 lawyers in Khandwa, 8 were men and 3 women. Out of 15 lawyers in Jabalpur, 13 were men and 2 women. All of them said they had joined the panel to provide social service. The selection process was reported to be by application and according to experience. Cases dealt with included criminal, civil, domestic violence, family matters and prisoners' cases. Cases were allotted serial-wise, or at the discretion of the Magistrate, based on the experience of the lawyer.

Fees were reported to be Rs. 250/- for domestic violence cases in the Court of the Chief Judicial Magistrate, Rs. 750/- for cases in the Court of the Judicial Magistrate First Class and Rs. 1,500/- in the Sessions Court. All the lawyers said that the fees were insufficient and should be increased to Rs. 2,000-4000, depending on the court. They said no assistance was received from the LSAs and there was no training of panel lawyers. However, most of them said that the LSAs provide an opportunity to lawyers to help the weaker sections access justice. They said that this in itself was very satisfying.

Suggestions from legal aid lawyers include an increase in fees, training for lawyers, appointment of qualified lawyers and increased legal awareness activities. LSA activities should be better publicized.

### ***Legal aid clients***

8 legal aid clients (6 men and 2 women) from Khandwa were identified and approached, 6 from the OBC, 1 from SC and 1 from ST category. Most were earning more than Rs. 2,200 per month. Most of the legal aid provided by the LSA involved litigation. 4 had their cases settled, while the cases of another 4 were pending (relating to offences such as dowry death, rape and murder). Those who had their cases settled reported that they were satisfied with the outcome. Almost all reported that they were satisfied with the lawyers' services. No extra charge by the lawyers was reported, and no grievances were expressed. All of them recommended using the legal aid services provided by the LSA<sup>14</sup>.

10 legal aid clients from Jabalpur responded to the questionnaire. All of them were men, 6 of them were in the OBC category, earning more than Rs. 2,200 to 5,000 per month. They came to know about the provision of free legal aid by the LSA through the court. 6 had had their cases disposed or settled, while the cases of 4 were pending. Those who had had their cases settled reported that they were satisfied with the outcome of their cases as well as the lawyers' services. As with the clients in Khandwa, no extra charge by the lawyers was reported, and no grievances were expressed.

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<sup>14</sup> After transfer of cases to lawyers, the LSA does not have a formal case tracking system or any record of where the client might be. This information is only found with lawyers. The clients interviewed were identified by the lawyers

### ***Paralegals***

12 paralegal volunteers (11 from Jabalpur and 1 from Khandwa) were interviewed. 11 of them were men and there was one woman. Their qualifications ranged from matriculation to LL.B. Legal aid problems in their areas were stated to be various and wide-ranging, including the lack of knowledge of rights. Reasons cited for agreeing to be a Paralegal Volunteer were a desire to educate poor, backward and tribal people about their rights and provide them legal support.

A few were clear on their role, but many expressed that they did not fully understand their function as paralegal volunteers. Work assigned to them included promoting legal awareness among the people in the locality and conducting seminars about legal issues and rights. They said that no financial help was received, which was a major problem as legal awareness activities require financial support. They suggested an honorarium of Rs. 1,000 per month would be sufficient for such purposes<sup>15</sup>. None of them had received any formal training from the LSAs. Three of the paralegals said the LSAs provide a good work environment.

Their suggestions for improving the functioning of the LSAs included more training for PLVs, increase in number of PLVs and more legal awareness camps and clinics in remote areas.

### ***LSA officials***

The Secretary of the DLSC, Khandwa, stated that there were 46 panel lawyers at the taluk level, as per requirements. He said that training of lawyers took place in camps. However, no details were provided on this, nor on the cases dealt with by the panel lawyers. It was stated that cases were normally not taken up on a *suo moto* basis, rather only when required. No PILs had been filed by the LSAs in the reporting period. No feedback was taken from legal aid clients. It was stated that there was constant monitoring of cases, but no details were provided on the modalities of the monitoring process. The income ceiling for clients seeking free legal aid under the category of economic vulnerability is Rs. 50,000 p.a.

The DLSA Secretary, Jabalpur, said that the main problems in providing legal services was the lack of interest on the part of beneficiaries i.e. the general public, as well as the lack of trained workers to give legal awareness/advice.

### ***Legal Aid vis-à-vis Government Agencies, NGOs***

Various governmental agencies/institutions and NGOs were approached to understand their needs for legal aid (if any), and how the LSAs were fulfilling this role (as they are mandated to do under Section 8 of the LSA Act). The Commissions responded to the questionnaires and the NGOs were approached in focus group discussions.

<sup>15</sup> As per NALSA, the honorarium assured to PLVs is Rs. 250 for each day of activity e.g. holding awareness camp or attending front office of LSA

➤ ***State Human Rights Commission***

Kuldeep Jain, Deputy Secretary of the State Human Rights Commission, said that approximately 13,000 cases relating to human rights violations were pending with them. A complaint management system deals with 80% of cases. A scrutiny section comprising six law clerks gives its opinion on the cases. 20% of cases in the High Court are handled by the LSA. The representative had no knowledge of any assistance having been provided by paralegals of the LSA. Greater cooperation between the SHRC and LSA was sought.

➤ ***State Commission for Women***

Upma Rai, Chairperson, said that approximately 5,000 cases are received by the Commission every year. In cases requiring legal assistance, the help of lawyers, including DLSA lawyers, was regularly taken. It was stated that the services provided by the LSA were not satisfactory due to delays, “lethargy and insincerity” on the part of the panel lawyers. Problems being faced by women were listed as domestic violence, rape, molestation, and harassment at the place of work. Prompt and effective legal assistance in cases was sought from the LSA.

➤ ***State Commission for Protection of Child Rights***

[No response received]

➤ ***State Commission for Scheduled Castes***

Jagdish Rokde, Member, said that approximately 1,000 cases were received per year. The member handles cases requiring legal assistance himself as he has a law background. There had been no visits or assistance provided by advocates or paralegals from the LSA. The member of the SC Commission suggested that a list of LSA panel lawyers should be provided, so that they can be approached for legal assistance. The Commission would prefer assistance from LSA lawyers who belong to the Scheduled Castes.

➤ ***State Commission for Scheduled Tribes***

Ram Lal Rohtel, Chairman, responded to the questionnaire. No details were given regarding the number of cases received per year. He said that all cases requiring legal assistance were sent to the LSAs and were taken care of by them. Problems facing the ST community were reported as revenue cases, land disputes, police matters and reservation cases. Greater assistance was sought from the LSA in dealing with cases.

➤ ***State Commission for Minorities***

Anwar Mohammad Khan, Chairman, said that approximately 25 cases per year were received by the Commission. No assistance was received from LSA advocates or paralegals. Problems affecting minority communities were harassment by police, discrimination, and personal disputes. Legal assistance was sought from the LSAs.

➤ ***State Commission for Persons with Disabilities***

Shakuntla Patil, Assistant, responded that 500 cases per year were received. A private lawyer provided legal assistance. Problems affecting people with disabilities were reported as being employment issues and domestic disputes. No answer was given to the question of whether help from LSA advocates or paralegals was being received. Help was sought from the LSAs.

➤ ***Jail Authorities***

Gopal Tambrakar, Superintendent, (Central Jail, Ranjhi, Jabalpur) responded to the questionnaire. It was reported that LSA representatives visit on a weekly basis and that they organize legal awareness programmes for prisoners, which are of good standard. Legal assistance was received from the LSAs, generally in the form of advice. However the level of assistance was reported to be poor and it was suggested that better lawyers should be provided. Problems facing prisoners are poor economic conditions, lack of access to bail, and lack of family assistance. No Lok Adalats had been held in the jail. The services provided by the LSA to prisoners were said to be not satisfactory (barring the legal awareness programmes).

➤ ***Women's Home Authorities***

Sandhya Maravi, Superintendent, Swadhar Shelter Home, Jabalpur, said that there had been no visits to the home by representatives from the LSAs. Legal assistance to the residents of the home was provided by the staff or with help of the Mahila Thana. It was stated that they did not approach the LSAs for assistance as the LSAs “needed to change (their) approach of delaying matters put before (them)”. Bride burning, rape, domestic violence, destitution, health and lack of funds were listed as the main problems facing the residents of the home. No suggestions were made as to how the LSAs could improve their services.

➤ ***Children's Home Authorities***

Deependra Singh Bhishen, Superintendent, Children's Home, Jabalpur, was interviewed. He said that the staff at the home provides legal assistance to its residents, but it is not adequate. “NGOs are not enthusiastic about providing legal assistance,” he added. Rajesh Gupta, Superintendent, Children's Home, Khandwa, said that legal assistance from LSAs is not required as they already “have their own lawyers”. No visits by representatives of the LSAs or assistance from lawyers or paralegals from the LSA were reported in either Jabalpur or Khandwa.

➤ ***NGOs***

A Focus Group Discussion was organized with 9 NGOs in Khandwa. These NGOs work on issues ranging from interests of tribal women, people with disabilities, children, youth and rural communities. All the NGOs were familiar with the LSAs as a platform for providing free legal service. 8 of them said that their target groups needed legal help. They access legal help by contacting other NGOs and taking the help of educated boys and girls from the community who know

about rights. Some have a lawyer attached to their organisation. If required, they hire a lawyer. Only two of the NGOs present have started working with LSAs in this regard. Although paralegals/lawyers from LSAs do not actively help them, the NGO representatives were optimistic about this idea. They felt that greater numbers of paralegals would definitely be a great help to the community.

In the FGD held in Jabalpur 3 NGOs dealing with similar issues also said they are aware of LSAs. However many did not know how to approach them for help. Their stakeholders often need legal help, but this has not been provided by the LSAs so far. They suggested more legal awareness programmes, legal assistance especially for women, and spreading awareness in the community on the functions of the LSAs.

#### COMMENT

While there is a functional panel of LSA lawyers, the processes as spelt out in the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, are not followed rigorously. While lawyers are selected on the basis of their experience, there is no process for training of these lawyers on the rights based approach to legal aid or developments in law. There is no particular emphasis on empanelling lawyers from marginalised sections e.g. women, Dalits, persons with disabilities, etc. It is usually people from vulnerable sections who approach the LSAs for legal aid. Feedback is not taken from clients on their experience with LSA lawyers. There is no system in place to inform clients of a complaints mechanism in case there is dissatisfaction with the services of a lawyer. In fact, tracing legal aid clients is a major challenge. This is because there is no central database available with LSAs showing progress of cases. The case is left to the panel lawyer to take care of entirely. There is no appraisal of performance of lawyers. The system of Monitoring Committees as envisaged in NALSA Regulations to track progress of cases and performance of LSA lawyers is yet to be put in place.

LSA paralegals are expected to be the bridge between the community and the LSAs. They are required to staff the front offices, assist people in accessing their rights, as well as help in organising legal awareness programmes. The stress on paralegals in LSAs is new and can be traced to NALSA's Quinquennial Vision Document of 2010, where paralegals are envisaged as playing a key role in removing barriers to justice. They will be the first point of contact between the community and the LSAs. The necessity of ensuring that they are properly trained and supervised is clear. Unfortunately many are not clear on what their role is, and have received no training.

The number of cases of legal aid provided by the LSAs in Madhya Pradesh is significant (over 1 lac in 2010). The figures show a significant increase in cases in 2010, although there is a considerable drop in legal aid provided to women and persons in custody. While no specific reason has been offered for this, it is relevant that interviews with prison authorities and representatives from the State Commission for Women and women's homes revealed their general level of dissatisfaction with legal aid provided by the LSAs in the state.

## LEGAL AWARENESS

According to data received from NALSA, 16,265 legal awareness camps had been organized by the LSAs in Madhya Pradesh as on 31.01.2011. MARG researchers observed two such camps: one held in a jail and the other in a court complex.

### Legal Awareness Camps

39 prisoners (all men) attended the legal awareness camp held in Khandwa Jail on January 28, 2012. All 39 were interviewed. 33 % of them were SC or ST, 30% were OBC, and the rest were from the general category. The issue dealt with was 'prisoners rights and under trials'. The resource person was the District Legal Aid Officer, Rajendra Baghel. In response to MARG's questionnaire, the respondents rated the resource person as either 'excellent' or 'good'. All the participants unanimously said that the programme was beneficial to them because they got to know about their rights in jail, and that bail can be granted in a Sessions Court. 85% participants said they do not have any particular legal problem other than those related to their rights as prisoners. None of the respondents were consulted about the topic of the camp. None of them got any legal literacy materials (pamphlets, posters, etc.). No feedback was taken from the participants by the LSA. All those interviewed said they were satisfied with the legal awareness camp.

The legal awareness camp held in the court complex, Patan Block, Jabalpur, on January 28, 2012, was attended by 18 persons. Out of these 18 participants, 14 were lawyers, others were agriculturists. 12 belonged to the OBC, 3 were from SC/ST community, and the rest from the general category. Two out of the 18 were women. When they were interviewed, the attendees said that the main problems affecting them were land rights, employment, law and order, violence against women, alcoholism. The topic of the legal awareness camp was 'legal aid awareness'. Ajay Singh, Judicial Magistrate First Class, Patan, was the resource person.

In response to MARG's questionnaire, the respondents (camp attendees) rated the resource person as either 'excellent' or 'good'. All of them unanimously said that the programme was beneficial to them as they came to know about the legal services provided by the LSAs. The respondents got to know about the legal awareness programme through the lawyers and paralegal volunteers. None of the respondents were consulted about the topic of the camp. They all said they would recommend others to attend such programmes. They did not get any material (pamphlets, posters, etc.). No feedback was taken from the participants by the LSAs. All those interviewed were satisfied with the legal awareness camp. Some stated that many people could not attend the camp as they did not know it was to be held on that day. It was suggested that people should be informed of the date of camp at least 15 days in advance.

The DLSA Secretary, Jabalpur, said that they do not use legal awareness materials at awareness camps. At times NGOs are involved in legal awareness programmes. Topics were said to be chosen "according to need". Whose need was not specified. The DLSA Chairman, Khandwa, said that

legal awareness materials used included pamphlets, posters and booklets and they were printed “when required”. NGOs/CBOs were reported to be involved in awareness activities but no details of this were provided. Topics for legal awareness camps were said to be decided according to the calendar issued by the SLSA/NALSA. Some topics were chosen as per dedicated days e.g. workmen’s rights on Labour Day. 2-4 camps were reported to be held every month. Resource persons for awareness activities were selected according to the subject and generally no honorarium was provided.

### Community Women

36 women from a randomly selected community in Khandwa were interviewed to assess their awareness on LSAs. The selection criterion was women from lower income groups. Most of the respondents were SC/ST/OBC. 13% were from the general category, and 2 were Muslims. Their education qualifications ranged from illiterate to those had passed their Class 12 examinations. *None of them were aware about the LSAs.* They all wanted to know about rights related to women. More than half wanted to know about the law on domestic violence. Similar was the case with 24 women (all SC/ST) interviewed in Jabalpur: none of them had heard about the LSAs.

#### COMMENT

Legal awareness camps are being held, but not in conformity with the guidelines in NALSA’s vision document. The community is not consulted on choice of topic, nor is feedback taken from them. The resource persons got a positive rating from the attendees (in their response to MARG’s questionnaire), but there is no particular training given to resource persons to make the awareness programme engaging. The resource persons are usually judicial officers, and the sessions are delivered in the lecture mode.

Spreading legal awareness among laymen and that too in a very limited period of time, has particular challenges. Resource persons have to be at ease with the participants, and make the session interactive and easy to understand. It is natural for people to forget over time what they have heard only once. One-day awareness camps are limited in that. However, this can be offset by giving informative and easy to read materials to the participants. This has not been done in the camps attended. It also does not meet the purpose of an awareness camp as set out in the LSA Act<sup>16</sup> to hold legal awareness camps where most of the participants are professional lawyers.

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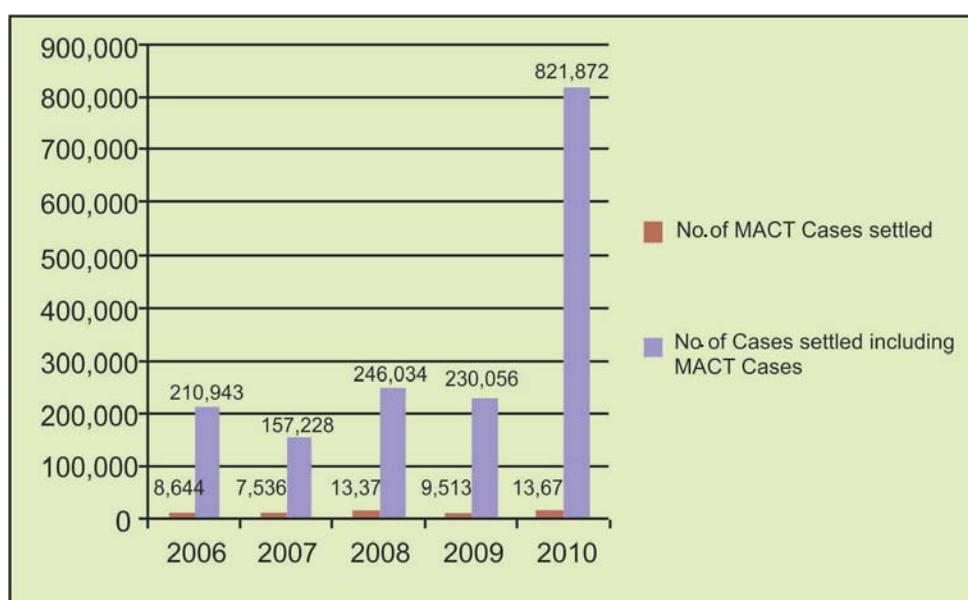
<sup>16</sup> Section 4(l)

## LOK ADALATS

*Table 5: Lok Adalats in Madhya Pradesh<sup>17</sup>*

Year	No. of Lok Adalats held	No. of MACT <sup>18</sup> cases settled	No. of cases settled including MACT cases	Compensation paid in MACT cases (in Rs.)
2006	2,699	8,644	210,943	2,649,500,611
2007	3,432	7,536	157,228	520,803,798
2008	6,145	13,371	246,034	865,503,197
2009	5,561	9,513	230,056	1,371,442,794
2010	1,806	13,671	821,872	1,116,989,466

*Figure B: Lok Adalats in Madhya Pradesh*



Various LSA officials said that members for Lok Adalats are selected from among available judges, taking into account the nature of cases and jurisdiction. 3 members from civil society are also on the Lok Adalat panel. In terms of problems faced, it was reported that organizers of camps often invite local dignitaries who then turn out to be litigants and this leads to problems in dealing with their cases if they expect undue favours.

### *Observation of Lok Adalats*

MARG researchers observed two Lok Adalats in Madhya Pradesh. The Lok Adalats observed in Jabalpur and Khandwa were held on January 28, 2012. Questionnaires were prepared for Lok Adalat members<sup>19</sup>, clients and lawyers.

<sup>17</sup> NALSA records

<sup>18</sup> Motor Accidents Claims Tribunal

<sup>19</sup> Persons presiding over Lok Adalats are called members

### ***Lok Adalat members***

2 members answered the questionnaire. No women members were present. One had attended between 100-300 Lok Adalats and the other, 51-100. Both said that it normally takes less than three sessions to reach a settlement in a Lok Adalat. One judge reported that it took about five to ten minutes to deal with a case at a Lok Adalat, the other said it depended on the case. Both said the main role of the members of the Lok Adalat was to help the parties reach a settlement. They said the parties are always informed that the award of the LSA is final and binding.

The judges/members did not get extra remuneration for attending Lok Adalats. They said they had attended training for Lok Adalat members. The topics during the training included the LSA Act and procedures for reaching a compromise in cases. In terms of problems faced, one member said that the district administration did not provide enough support, while the other said that there were no problems as such. It was suggested that there should be mass awareness among the people/parties for settlement of their litigation outside the court. Training should also be given to Lok Adalat members.

### ***Lok Adalat Clients***

6 clients were interviewed in both the districts of Khandwa and Jabalpur. All of them were men. They were from different socio-economic backgrounds, their incomes varying from below Rs.2,200 pm to above Rs. 5,000 pm. As per the statements provided, the respondents got their civil suits settled in 1 to 3 sittings. These cases were about bank loan recovery, motor accidents compensation and insurance matters. They were informed about the Lok Adalat 3-7 days in advance. The reason for their approaching the Lok Adalat is that their lawyers advised them that this is a good way to settle their cases quickly. The clients said they had been informed that an award passed is final and binding and no appeal lies against it. They were quite happy with the result and would recommend people to settle their disputes in Lok Adalats.

### ***Lok Adalat lawyers***

2 Lok Adalat lawyers were interviewed (both men). One had attended over 100 Lok Adalats as an advocate before. They said it generally it takes 2-3 sittings to reach a settlement. On an average 10-20 minutes are spent on each case. They said they get sufficient time to prepare their cases and would recommend people to get cases settled in Lok Adalats.

#### **COMMENT**

Lok Adalats are being held fairly smoothly. Well over 8 lac cases have been settled in 2010 alone. Clients and lawyers interviewed have expressed satisfaction with the process and outcome. It is relevant to point out that the number of persons interviewed is negligible considering that over 8 lac cases have been settled in one year alone. As such this study is not in any way a certificate of performance (nor was it designed to be). Greater awareness among the population on Lok Adalats, and training for members on their duties (as spelt out in the LSA Act and Regulations, and the NALSA Vision Document) will be beneficial to all stakeholders.

## MISC (WEBSITE, PUBLICATIONS, BUDGETS, PHYSICAL RESOURCES)

**Table 6: Amount allocated by NALSA to MPSLSA for implementation of various legal aid schemes and programmes framed under the LSA Act <sup>20</sup>**

2006-2007	2007-2008	2008-2009	2009-2010	2010-2011
Rs. 500,000	Rs. 60,00,000	Rs. 71,28,000	Rs. 67,00,000	Rs. 101,00,000

**Table 7: Allocation of grants under the 13<sup>th</sup> Finance Commission (in Rs. Crores) to MPSLSA for improving delivery of justice for the period 2010-15 (portions in red show funds that can be used for LSA activities) <sup>21</sup>**

No. of Sanc-tioned courts	No. of Judicial District	Morning/ Evening Courts	Lok Adalat and Legal Aid	Training of Judicial Officers	Training of Public Prosecu-tors	Heritage Court Buildings	State Judicial Academy	ADR Cent-res	Court Mana-gers	Total
1307	49	204.91	24.59	20.49	12.29	36.88	15	66.58	26.63	407.38

Various LSA officials stated that budget planning, implementation and monitoring were carried out by the SLSA. Money for planned activities was stated to be distributed through NALSA. Break-up of budget was not provided. Funds were reported to be over allotted. There was often under-spending of budget as it is received at the end of the year. The only requirement mentioned was appointment of regular staff.

The website is functional and informative. It website has information on the following:

- ❖ The Legal Services Authority Act, 1987
- ❖ The Constitution of the State Legal Services body
- ❖ Lok Adalat Scheme, 1997; instructions to organise permanent and continuous Lok Adalat under the scheme of 1997
- ❖ Women and Child Protection Unit
- ❖ Crime Against Labour Cell
- ❖ Litigation Free Village Scheme
- ❖ Organisation of vidhik saksharta shivir (legal awareness camp), Saksharta dal for DLSA and TLSC
- ❖ Nyaya Sewa Sadan Rules

However, certain areas are missing:

- ❖ List of Panel lawyers with their contact details
- ❖ Calendar of activities
- ❖ List of NGOs working on legal aid

<sup>20</sup> NALSA records

<sup>21</sup> fincomindia.nic.in

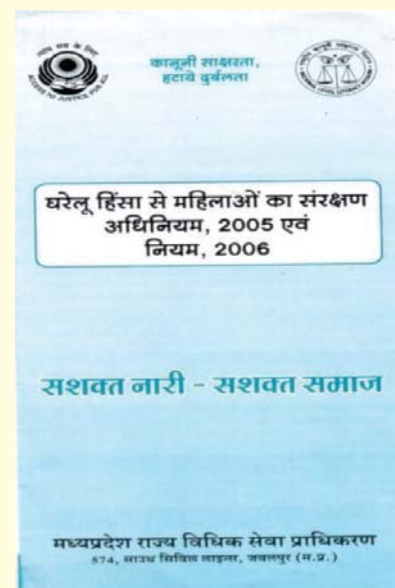
There is no provision for e-filing, or for case tracking by legal aid clients. There is also no 'grievance redress mechanism'. The website is not disabled friendly (accessible) e.g. adjustable font, audio option for visually impaired. Information as required under Section 4 of the Right to Information Act is not present e.g.

- ❖ Particulars of the organization, functions and duties
- ❖ Powers and duties of officers and employees
- ❖ Description of procedure followed in the decision making process, including channels of supervision and accountability
- ❖ Directory of its officers and employees
- ❖ System of compensation
- ❖ The budget allocated to each of its agencies, indicating the particulars of all plans, proposed expenditures and reports on disbursements made
- ❖ The names, designations and other particulars of the Public Information Officers

MPSLSA has pamphlets, booklets and brochures on topics including:

- ❖ Plea bargaining
- ❖ Prisoner's rights
- ❖ HIV Aids
- ❖ Rights of persons with disabilities
- ❖ Domestic violence
- ❖ Schemes and programmes run by MPSLSA
- ❖ Land Dispute Free Village Scheme
- ❖ Social welfare schemes

'Sashakt Naari Sashakt Samaaj' is a pamphlet from the Madhya Pradesh Legal Services Authority. It deals with rights provided to women under the Protection of Women from Domestic Violence Act, 2005. It gives an idea of the Act in a very simple way so that it can be easily understood. It includes the mechanism for the redress of complaints. It has been presented in a structured fashion and is both attractive and appealing. Some pictorial representation would have enhanced it further.



**COMMENT**

According to LSA officials, there is no problem of fund shortage. Funds from NALSA and the 13<sup>th</sup> Finance Commission have ensured availability, even excess, of funds. It is management of the funds that needs attention, particularly budgeting. Considering the volume of work, there is a shortage of staff. Training in finance and budgeting as well as increase in recruitment of staff to carry out LSA activities will strengthen functioning.

The website is functional and has considerable information. However, a little more information would further enhance it (e.g. list of panel lawyers and paralegals, status of cases, calendar of events, e-filing of applications). As a body set up with the objective of socio-legal justice, LSAs are expected to be transparent and approachable. In this context, proactive disclosure of structure, budgets, decision-making process of LSAs to ensure compliance with the Right to Information Act is appropriate.

Legal literacy materials are available on various issues and they are of a good standard. A possible concern is the volume of literature available, particularly as they are not distributed to participants at legal awareness programmes. Distribution of such materials and feedback from participants will be useful.



## CHAPTER FOUR

# JHARKHAND

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## CHAPTER FOUR

# JHARKHAND

State	Districts Selected	No. of Tehsils/ Taluks
Jharkhand	Ranchi	Bundu, Khunti
	Palamau	Daltonganj Sadar, Hussainabad

Capital: Ranchi Population: 32,966,238 Ranchi: 2214088 Palamu: 1182770 Population Density: 338km<sup>2</sup>  
Area: 129,040 km<sup>2</sup> HDI: 0.594 HDI Rank: 15<sup>th</sup> Literacy: 67.63% Official Language: Hindi Sex Ratio:  
947 Caste Breakup: SC: 15.2% ST: 20.3% Life Expectancy at Birth: 60.0 Infant Mortality Rate: 46  
Unemployment: 27.4%<sup>22</sup>

## LEGAL AID

*Table 8: Number of legal aid cases dealt with by the Jharkhand LSAs from 2006 to 2010* <sup>23</sup>

Year	SC	ST	BC	Women	Children	In custody	General	Total
2006	18	88	41	61	21	45	66	340
2007	34	36	5	58	3	35	48	219
2008	48	113	103	88	22	282	248	904
2009	119	178	289	524	55	402	141	1708
2010	214	199	437	593	97	581	252	2373

### *Legal aid lawyers*

6 lawyers in Ranchi and Palamau were interviewed, including one woman lawyer. They said panel lawyers are selected on the basis of experience and behaviour in the court. There is no formal procedure for selection. Cases are assigned on the basis of the lawyers' experience and ability. Their experience in practice ranges from 1 to 5 years. For each case they receive Rs 500/-<sup>24</sup>. Most of the lawyers felt demotivated as they considered the amount they receive as fees as very insufficient. Further, to get this money they have to follow a very lengthy process. Some also said the LSA does not provide good learning environment as they are not getting

<sup>22</sup> [www.censusindia.gov.in](http://www.censusindia.gov.in)

<sup>23</sup> NALSA records

<sup>24</sup> The Member Secretary of Jharkhand SLA stated at the validation meeting that in the period following MARG's field study, the fee structure has increased by almost 3 to 4 times.

adequate training from either the Judicial Academy or SLSA.

Suggestion from the lawyers included training of lawyers, increase in fees, and that the DLSA Secretary should be made full time.

The LSA Secretaries of Ranchi and Palamu said that lawyers are chosen on the basis of their experience and must have a minimum of three years of practice.

### ***Legal aid clients***

3 legal aid clients (all women) were traced from data in the LSA register. One client's husband had filed for divorce. The client had approached the DLSA for a lawyer as she was not able to bear the litigation fee. Her case is pending since the last two years. The second client filed a case under Section 498A of the Indian Penal Code (offence of cruelty to wife by husband and his relatives) against her husband and in-laws. She had also filed a case for maintenance and had an interim order of Rs. 1,000/- per month in her favour. The third client also filed a case under Section 498A. All three cases are pending and all three legal aid lawyers are women. The clients expressed satisfaction with the services of their respective lawyers. They were all made to pay for the court fee<sup>25</sup> and clerkage (although as per law they are not required to), but no fees were charged by the lawyers. They all recommended the services of the LSAs.

### ***Paralegals***

There are 100 paralegals listed for the district of Palamau. However, only two paralegals (both men) from Palamau turned up for the FGD and were thus interviewed. They claimed to be aware of their responsibilities. They had received training from DLSA lawyers on dowry, personal law, right to information, female foeticide, land laws, etc. They rated the six days training as 'good'. They also said that they had volunteered to be paralegals to make people aware of their rights. They were expecting to be paid Rs. 7,500/- per month, but had not been paid so far. It was only at the FGD that they came to know that their remuneration was Rs. 250/- per day, and not automatically Rs. 7,500 p.m. They did not run front offices and they said legal aid clinics were in the process of being set up.

### ***LSA officials***

The Member Secretary and the DLSA Secretary (Daltonganj) responded to the questionnaire. They said that panel lawyers are chosen on the basis of experience and must have a minimum of three years of experience. There is no provision for training of lawyers. No PILs have been filed so far by JHALSA and no particular reason was provided for this<sup>26</sup>. The income ceiling for clients seeking free legal aid under the category of economic vulnerability was found to be Rs. 1,00,000 p.a.

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<sup>25</sup> At the validation meeting the Member Secretary of Jharkhand SLISA denied the possibility of the women being made to pay for any court fee.

<sup>26</sup> The Member Secretary of Jharkhand SLISA denied this at the validation meeting and stated that "we have till now filed many PIL cases for the public at large." (No details were provided on the cases)

## Legal Aid vis-à-vis Government Agencies, NGOs

### ➤ *State Human Rights Commission*

Dr. Ravindra Singh, Secretary, State Human Rights Commission, said that the main human rights issues in Jharkhand were police atrocities, and violation of the rights of women and tribals. The Commission has received approximately 390 cases. The State Human Rights Commission has no linkages with the LSAs. It was suggested that the LSAs could play a vital role in protecting the rights of the people if they establish a legal cell in the Commission.

### ➤ *State Commission for Women*

Chandra Shekhar, an officer with the SCW, said that the SCW was receiving no help from the LSAs. In the last 17 months around 538 cases were disposed of by the SCW and there was a great need for legal assistance. He expressed the need for a legal cell in the Commission. He said that help from the LSAs was needed on issues such as torture, dowry death, domestic violence etc.

### ➤ *State Commission for Protection of Child Rights*

[Not set up in Jharkhand during the period of study]

### ➤ *State Commission for Scheduled Castes*

[Not set up in Jharkhand]

### ➤ *State Commission for Scheduled Tribes*

[Not set up in Jharkhand]

### ➤ *State Commission for Minorities*

The Chairperson of the State Commission for Minorities, Gulfam Mujibi, said that they have received 50 cases of violation of the rights of minorities in the state. Most of the cases concern discrimination in education, police torture and violation of health rights. They don't have any mechanism to provide legal assistance. They have no linkages with the LSAs. They hope the LSAs will spread awareness on minority rights and provide legal assistance.

### ➤ *State Commission for Disability*

Satish Chandra, State Disability Commissioner, said that around 6,000 cases have been disposed by the office of the Disability Commissioner in last three years. The cases are usually related to reservation in service, promotion, education, problems in obtaining disability certificates and non implementation of the social security schemes. This Commission has linkages with the State Legal Service Authority. They refer the cases to the SLSA for legal assistance and are satisfied with the quality of assistance. The respondent suggested that frequent awareness camps should be organized by the SLSA on disability rights which should also involve the Gram Panchayat.

### ➤ *Jail Authorities*

Narendra Prasad Singh, Jailor, Birsa Munda Central Jail, Ranchi, said that once in a week one Magistrate and one lawyer from DLSA visit

the jail to conduct legal awareness programmes. More legal awareness camps are required to be held. He suggested distribution of pamphlets on legal awareness.

➤ ***Women's Home Authorities***

[No state run women's homes in Palamau or Ranchi]

➤ ***Children's Home Authorities***

[No state run children's homes in Palamau or Ranchi]

➤ ***NGOs***

Focus group discussions were held in Palamau and Ranchi with a total of 18 NGOs. They did not know about the LSAs. Their stakeholders require legal help particularly in areas such as food rights, witch-hunting, MGNREGA, and honour killings. Some NGOs in Ranchi had heard of the LSAs but were not getting any legal assistance from them. They normally turn to other NGOs for legal help. They hope that LSAs will provide more legal awareness and legal help.

### COMMENT

As in Madhya Pradesh, panel lawyers are selected on the basis of their experience. There is no process for training of these lawyers on the rights based approach to legal aid or developments in law. There is no particular emphasis on empanelling lawyers from marginalised sections e.g. women, Dalits, persons with disabilities, etc. There has been a significant increase in number of legal aid cases from 2006 onwards. However, the processes indicated in the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, need to be followed more closely e.g. monitoring and evaluation of cases, performance of lawyers. The legal aid lawyers expressed difficulty in getting payment of their fees as the process is a long one. The panel lawyers are responsible for a case once it is allotted to them. The lawyers complained that Rs. 500/- per case is insufficient for this purpose.

There is no system of taking feedback from clients. They are not expressly told about the grievance redress mechanism. The few clients interviewed have expressed satisfaction with the services of their lawyers. Clients are made to bear the costs of litigation (clerkage, court fee), although they are by law entitled to free legal aid. The paralegals interviewed rated their 6 day training as 'good'. They have not started functioning as paralegals and were confused about their remuneration, expecting the maximum possible amount as their stipulated monthly income.

Most of the State Commissions interviewed are in need of legal services but are not getting any from the LSAs. The State Disability Commission expressed satisfaction with their linkages with the LSA. As per Section 8 of the LSA Act the LSAs are required to act in coordination with state agencies and NGOs in providing legal services to the poor and vulnerable. The NGOs approached in the study had either not heard of the LSAs or were not turning to them for legal assistance although their stakeholders were badly in need of it. The gap between these agencies and organisations can be proactively filled by JHALSA so that it is the first stop for marginalised sections requiring legal services in Jharkhand.

## LEGAL AWARENESS

According to data provided by NALSA, 4,747 legal literacy camps have been held in Jharkhand as on 31.01.2011. MARG researchers observed two such camps organized in Ranchi.

### *Legal awareness camps*

Legal awareness camps were attended in Ranchi on November 9, 2011 and November 15, 2011. The camp held on November 9 was organized by DLSA on the occasion of World Legal Literacy Day in collaboration with the NGO International Human Rights Organization at Bargawan, Ranchi. The DLSA Secretary and one panel lawyer were present as resource persons. The camp on November 15 was organized by DLSA on the occasion of Birsa Jayanti (Establishment day of Jharkhand) at Narkoppi. The topic was 'Women Empowerment'. The DLSA Secretary, a Judicial Magistrate, the Officer in-charge of Narkopi police station and a retired teacher of Narkopi School spoke on the issue.

About 150 people participated in both these camps and a total of 31 were interviewed including eight female respondents. Out of them, 32% are from OBC, 22% ST, and rest from Scheduled Castes and general categories. The issues affecting their communities are child rights, police atrocities, rights of minorities, right to food, law and order, violence against women, etc. The issues which were dealt with in the camps were: domestic violence, child rights, and how to avail of free legal service. All the respondents said that the topics were relevant to them.

The respondents rated the above mentioned resource persons as either 'excellent' or 'good'. All of them found the programme beneficial. Through this programme, they got to know about free legal services 27 participants answered that they did not have any particular legal problem. Those who did, had problems related to land rights. The respondents came to know about the legal awareness programme through other people in the village. None of these respondents were consulted on the topics. They all said they would recommend others to attend such programmes. Almost 25% said that they did not get any legal awareness materials (pamphlets, posters, etc). Those who did, said that the materials were easy to understand and useful. No feedback was taken from the participants.

LSA officials said that legal awareness camps are held at least once a month. The LSAs involve NGOs in their legal awareness work e.g. Grass Root Initiative for Development (GRID), Mahila Jagriti Sahyog Samiti, Alternative Indian Development (AID). Judicial Officers and at times lawyers are chosen as resource persons. No honorarium is paid to them.

### *Community Women*

29 women from Ranchi were interviewed. They were randomly selected from an area that was economically backward. It was a mixed group of Muslims, Hindus and Adivasis. 15 out of 29 were housewives. Education levels range from matriculates to graduates. 22 out of the 29 women did

not know about LSAs. The women who knew about the LSAs had either read about stream in the newspapers or had attended legal awareness programmes organised by them. None of them were clear on how to approach the LSAs if they require legal assistance. They all wanted to know more about the LSAs and especially about women's rights.

#### COMMENT

As in Madhya Pradesh, legal awareness camps are being held, but not in conformity with the guidelines in NALSA's vision document. The community is not consulted on choice of topic, nor is feedback taken from them. Feedback taken by MARG researchers showed that the resource persons were given a positive rating ('excellent' or 'good'). Regular feedback from participants would also be helpful to resource persons. The resource persons do not receive any training or orientation on how best to spread awareness among laypersons in a limited timeframe. The resource persons are usually judicial officers, and the sessions delivered in the lecture mode. The legal literacy materials distributed among the participants were useful and well received, but some of the participants did not get them. These materials are useful tools for retaining information on the subjects dealt with. Considering the number of legal awareness programmes held, LSAs at the district and taluk level should have enough for distribution among all participants. There is not much awareness on LSAs even in the state capital. JHALSA would benefit from more visibility.

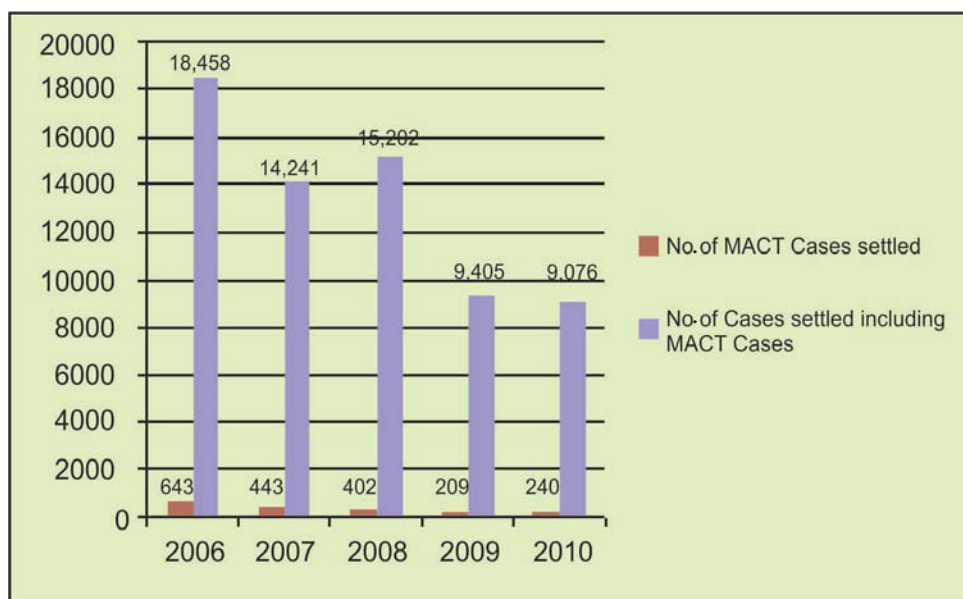
### LOK ADALATS

*Table 9: Lok Adalats in Jharkhand* <sup>27</sup>

Year	No. of Lok Adalats held	No. of MACT <sup>28</sup> cases settled	No. of cases settled including MACT cases	Compensation paid in MACT cases (in Rs.)
2006	1,121	643	18,458	83,793,901
2007	1,846	443	14,241	69,323,801
2008	2,944	402	15,202	83,762,711
2009	2,584	209	9,405	34,179,459
2010	4,385	240	9,076	54,730,230

<sup>27</sup> NALSA records

<sup>28</sup> Motor Accident Claims Tribunal

*Figure C: Lok Adalats in Jharkhand***Observation of Lok Adalats**

MARG researchers observed one Lok Adalat in Jharkhand. The Lok Adalat observed was held in Civil Court, Ranchi, on November 26, 2011. Questionnaires were prepared for Lok Adalat members<sup>29</sup>, clients and lawyers.

**Lok Adalat members**

(No members agreed to be interviewed as they said they had no time for it.)

**Lok Adalat clients**

The 26 Lok Adalat clients interviewed were from the OBC, SC, ST categories. Almost 75% of the clients fall in the income group Rs 2,200-Rs3500 p.m. Almost 80% had attended one Lok Adalat as a party before. All 26 clients were men. They said the time spent on their cases was sufficient. All of them had their cases settled in that Lok Adalat and nearly all the respondents were happy with the outcome of their cases.

**Lok Adalat lawyers**

Matters related to Bharat Sanchar Nigam Ltd, Excise Department, Electricity Board etc. were dealt with in this Lok Adalat. Most of the 11 Lok Adalat lawyers interviewed said that it takes 2 - 3 sittings to reach a settlement/compromise. In 40% of the cases it takes just one sitting. They all said the time spent on each case was sufficient.

**COMMENT**

There has been a steady rise in the number of Lok Adalats held: from 1,121 in 2006 to 4,385 in 2010. However, the number of cases settled has actually come down from 18,458 in 2006 to 9,076 in 2012. No explanation has been given for this. Clients and lawyers interviewed have expressed satisfaction with the Lok Adalats.

<sup>29</sup> Persons presiding over Lok Adalats are called members.

## MISC (WEBSITE, PUBLICATIONS, BUDGETS, PHYSICAL RESOURCES)

*Table 10: Amount allocated by NALSA to JHALSA for implementation of various legal aid schemes and programmes framed under the LSA Act <sup>30</sup>*

2006-2007	2007-2008	2008-2009	2009-2010	2010-2011
Rs. 33,98,000	Rs. 1,22,32,000	Rs. 55,12,000	Rs. 1,15,59,500	Rs. 91,00,000

*Table 11: Allocation of grants under the 13th Finance Commission (in Rs. Crores) to JHALSA for improving delivery of justice for the period 2010-15 (portions in red show funds that can be used for LSA activities) <sup>31</sup>*

No. of Sane- tioned courts	No. of Judicial District	Morning/ Evening Courts	Lok Adalat and Legal Aid	Training of Judicial Officers	Training of Public Prosecu- tors	Heritage Court Buildings	State Judicial Academy	ADR Cent- res	Court Mana- gers	Total
527	22	82.62	9.91	8.26	4.96	14.87	15	29.89	11.96	177.48

As per the LSA officials, the major problem is lack of staff. There are no financial problems after the 13th Finance Commission. Budget break-ups were not provided, but it was stated that it cost Rs. 25,000 per Mega Lok Adalat<sup>32</sup>. Infrastructure (e.g. telephones, computers) are required particularly at the taluk level.

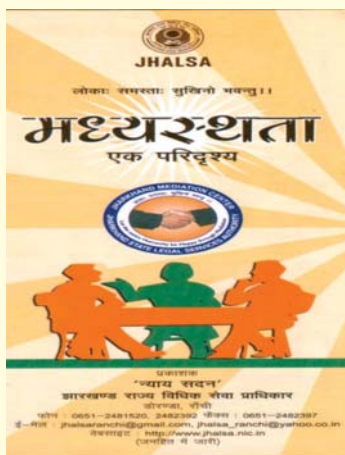
The website is functional, but there no option for local languages. Some basic information is missing e.g. schemes relating to legal aid. The calendar is inactive since 2009, although the LSA officials said that the website was updated every 2 months. List and contact details of panel lawyers/paralegals are essential. There is no provision for e-filing of cases or checking status of legal aid cases by clients. The website is not disabled friendly.

Information as required under Section 4 of the Right to Information Act is not fully present e.g. Particulars of the organization, functions and duties; powers and duties of officers and employees; procedure followed in the decision making process, including channels of supervision and accountability; directory of officers and employees; monthly remuneration received by officers and employees, including the system of compensation; budget allocated to each of its agencies, indicating the particulars of all plans, proposed expenditures and reports on disbursements made; names, designations and other particulars of the Public Information Officers.

<sup>30</sup> NALSA records

<sup>31</sup> fincomindia.nic.in

<sup>32</sup> A mega Lok Adalat is a Lok Adalat organised on a large scale



This is one of the many publications of JHALSA. It deals with the issue of Alternate Dispute Resolution. In the question-answer format, this pamphlet is well designed with contact information on the first page. It is both attractive and informative.

### COMMENT

Funds from NALSA and the 13<sup>th</sup> Finance Commission have ensured that there is no shortage of funds. JHALSA officials complain of lack of staff and sufficient infrastructure. There is a need to recruit more people to carry out the various LSA activities. Telephones, computers and furniture are required particularly at the taluk level.

The website is functional but should provide more information e.g. list of panel lawyers, paralegals, status of cases calendar of events, e-filing of applications. Proactive disclosure of structure, budgets, decision-making process of LSAs to ensure compliance with the Right to Information Act would enhance its transparency.

Useful and attractive legal literacy materials are available on various issues. However not all participants at legal awareness camps receive these materials. Sufficient numbers should be printed and distributed. Widespread distribution of such materials and feedback from participants will be useful.



## CHAPTER FIVE

# BIHAR

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# BIHAR

State	Districts Selected	No. of Tehsils/ Taluks
Bihar	Patna	Danapur Masaurhi
	Gaya	Tekari Sherghati

**Capital Patna Population:** 103,804,637 **Patna:** 3618211 **Gaya:** 2664803 **Population Density:** 1,102/km<sup>2</sup> (2,855 sq. mi) **Area:** 94,163km<sup>2</sup> (36,357 sq mi) **HDI:** 0.367 **HDI Rank:** 13<sup>th</sup> **Literacy:** 63.82 % **Official Language:** Hindi & Urdu **Sex Ratio:** **Caste Breakup:** SC: 15.7% ST: 0.9% **Poverty Level:** 35% **Life Expectancy at Birth:** 60.4 **Infant Mortality Rate:** 53<sup>33</sup>

## LEGAL AID

*Table 12: Number of legal aid cases dealt with by the Bihar LSAs from 2006 to 2010* <sup>34</sup>

Year	SC	ST	BC	Women	Children	In custody	General	Total
2006	1167	211	2259	1099	226	64	3727	8753
2007	315	55	874	460	29	107	1200	3040
2008	374	2	982	602	142	168	1116	3386
2009	707	4	1053	323	75	160	1415	3737
2010	163	7	280	171	37	148	452	1258

### *Legal aid lawyers*

At the time of conducting the study, (according to DLSA officials), the panel for lawyers was being reconstituted. In the interim, people seeking legal assistance were asked to choose their own lawyers from the Bar Association. The lawyer who consents to represent a client is paid Rs. 500 at the conclusion of the case.

### *Legal aid clients*

The MARG researcher was not able to trace any legal aid clients in Gaya as there was no record of their cases. The researcher faced resistance in getting access to the register of legal aid cases. Finally one client was interviewed, a woman in Patna. Her case involving

<sup>33</sup> [www.censusindia.gov.in](http://www.censusindia.gov.in)

<sup>34</sup> NALSA records

domestic violence is pending. She did not complain about the progress of the case, but said she had to pay the lawyer a few hundred rupees.

### ***Paralegals***

According to LSA officials the Paralegal Volunteer Scheme was affected by lack of clear guidelines. Initially there was a requirement of one PLV per panchayat. This changed to two (a total of 664 for 332 panchayats). This again changed to 150 more. No NGOs are involved in this process. There is at present no list of paralegals as the process of their empanelment is underway.<sup>35</sup>

### ***LSA officials***

According to the Member Secretary of Bihar SLSA and officials of DLSA (Patna and Gaya) there are usually 30 to 40 panel lawyers per district. For selection to the panel, lawyers must have a minimum of three years' practice in civil or criminal matters. They are then recommended by District or Sessions Judges on the basis of their experience. The procedure for empanelment also involves an interview, after which lawyers are recommended by the Bar Association. An amount of Rs.500 per case is paid to panel lawyers on conclusion of the case. While some officials said that there was no training program for panel lawyers, another said that training of lawyers was carried out by the Bihar Judicial Academy and the DLSA. No information was given regarding case management, compilation of data, case evaluation and recording of feedback.

No details of cases handled under Section 12 were given. Cases are not taken up on a suo moto basis. No PILs have been filed by the LSA. Records of applications for legal aid and cases filed were stated to be maintained by the DLSA. This is done in a register where the name of the applicant is recorded, along with date of application, and to which lawyer the case has been sent. Thereafter there is no system of tracking cases. The lawyer is expected to take care of the case and collect his fee when the case is disposed of.

Senior lawyers are engaged for serious cases and paid between Rs. 5,000 and Rs. 20,000. It was stated that there was a monthly meeting of all district officials for the purpose of compiling information. No information was given regarding recording of feedback and redress of grievances of legal aid clients. The income ceiling for clients seeking free legal aid under the category of economic vulnerability is Rs. 50,000 p.a.

### ***Legal Aid vis-à-vis Government Agencies, NGOs***

#### **➤ *State Human Rights Commission***

Rajinder Pandit (Member) of the SHRC said that neither paralegals nor lawyers from LSAs provide any legal assistance in any of the cases. However, the Commission is in great need of such assistance. Although the exact number of cases was not disclosed, the respondent said that many human rights violations were taking place in the state and LSAs could be of major help in such matters.

<sup>35</sup> The Member Secretary of Bihar SLSA stated at the validation meeting that in the period following MARG's field study 8,169 paralegal volunteers have been trained

➤ ***State Commission for Women***

Kahakashan Parveen (Chairperson) said that the main problems coming to them were dowry related problems, cruelty to wife, matrimonial disputes, etc. Around 400 cases reach them every year. No help is received from LSA lawyers or paralegals. These cases were taken care of by SCW's "own mechanism" i.e. counselling of both the parties. No suggestions were made on linkages with the LSAs.

➤ ***State Commission for Scheduled Castes***

Shyamlal (Deputy Secretary) said that they received around 100 to 200 cases in a month. As far as dealing with cases which require legal assistance is concerned, the Commission approaches the nodal office i.e. the Welfare Department. Lawyers/paralegals from LSAs do not provide legal assistance in any of the cases. Cases of atrocities and discrimination against people from Scheduled Castes are a serious issue in the state. The Commission suggested that an LSA panel lawyer should visit the Commission regularly at a fixed time. "The community at large will be hugely benefited if a competent lawyer provides free legal service."

➤ ***State Commission for Minorities***

Farook Zame, an official in the Commission, said that the Commission asks the victim to engage a lawyer. The cost is borne by the victim/client. Lawyers/paralegals from LSA do not provide legal assistance in any of the cases. While the number of cases was not mentioned, it was said that the main problems being faced by the minorities are discrimination in employment, violence and implication in false cases. The Commission would greatly benefit if LSA lawyers were to visit at least twice a week.

➤ ***State Commission for Disability***

Mohan Ram (Additional Commissioner) said that for dealing with cases requiring legal assistance, the Commission does not have its own panel lawyer nor do they approach any NGO or LSA. In fact the Commission has no knowledge about the LSAs. The main problems affecting people with disabilities are insults, violence, discrimination and exclusion in the workplace. The LSA "could be a major help in such matters".

➤ ***Jail Authorities***

Vinod K Singh (Jailor, Gaya Jail) said that representatives of the LSA do not visit the jail. Prisoners are not aware of their rights. They are not getting requisite cooperation from the LSA.

➤ ***Women's Home Authorities***

Sangita Prasad, Superintendent, Women's Home (Gai Ghat, Patna) said that residents of the home require legal assistance but are not getting any from the LSAs.

➤ ***Children's Home Authorities***

P. K. Tiwari (Superintendent), Children's Home (Gai Ghat, Patna), said that representatives from the LSAs visit the home twice a week. They provide legal aid, but more help is needed from them.

## ➤ NGOs

A total of 20 NGOs were present at the FGDs held in Patna (February 5, 2012) and Gaya (February 12, 2012). 50% of them were aware that the LSA is a centre which provides legal help to the needy and marginalised sections of society. All the respondents agreed that people from their work area require legal assistance. In such cases, some take the help of professional lawyers, others approach lawyers attached to NGOs. Most of them said they do not get any help from LSAs. Those organizations which were aware about LSA programmes felt that the quality of service provided by LSA should be improved. They felt they would benefit from legal aid from the LSAs and that the LSAs could play a critical role in spreading awareness on such issues as the PCPNDT Act, Right to Information Act, implementation of Right to Education Act, etc.

### COMMENT

As per NALSA records (based on data sent by Bihar SLISA), the number of cases of legal aid and advice has gone down significantly from 8,753 in 2006 to 1,258 in 2010. This is the lowest in terms of numbers among the 7 states studied (Uttar Pradesh being next lowest with 2,032). One of the reasons for this could be the present state of flux as the process of empanelment of both lawyers and paralegals is still under process, though this may not account for the consistent drop in number of cases through the years. There has however been an increase in the number of cases dealing with persons in custody (64 in 2006 to 148 in 2010).

There was also confusion expressed among officials on the requirements of paralegals. As in the other states, there is no regular system of tracking progress in cases, performance of lawyers or client feedback. Although technically the clients have the option of complaining to the DLSA, this is not explicitly informed to them. Clients from marginalised and weaker sections are not very likely to complain against their lawyers if they fear this may harm their case. Clearly the provisions of the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, are not being followed closely.

NGOs and various state agencies have expressed that they need legal aid and help from the LSAs. The State Disability Commission and half the NGOs interviewed were not even aware of the LSAs. Interacting with these state agencies would make a significant change in the number of legal aid cases dealt with by the Bihar LSAs.

## LEGAL AWARENESS

As per NALSA records, 9,037 legal literacy camps have been held in Bihar as on 31.01.2012. MARG researchers observed one legal awareness camp in Gaya.

### *Legal awareness camp*

Around 70 workmen (no women) attended the legal awareness camp held in Daya Engineering Works, Gaya, on February 12, 2012. They said that land rights, employment, child rights, food rights, violence against women, caste atrocities, health issues, illiteracy, exploitation by employer, etc. were the main issues affecting them. Issues pertaining to labour rights were dealt with in the camp. The attendees found the topic relevant to them.

The resource persons (3 judicial officers) were rated as Average /Good. Participants benefited from the camp as they got to know about their rights. They were not consulted on the choice of the topic. They were not given any material like posters or pamphlets. The camp was over in 45 minutes. The participants stated that they were satisfied with the legal awareness camp.

According to various LSA officials, radio programmes and booklets are being used for legal awareness. Legal awareness camps for specific issues such as loan matters and for specific groups such as people with mental illness, women, and unorganized labour are conducted. Topics for camps are selected on the basis of the types of cases pending in the courts as well as the kinds of offences common in the area. The local community is not involved in the selection of topics for the camps. 3-4 camps were said to be held every month. Legal awareness camps are held at block and panchayat level. They are held according to the calendar provided by the SLA. Resource persons are usually judicial officers, lawyers and NGO members, who are paid an honorarium of Rs. 500 (in addition to other expenses). It was stated that no feedback was taken directly by participants, but the DLSA present reports of these activities to the SLA. TV interviews were also said to be used for legal awareness.

### ***Women from community***

38 women from Patna and 16 women from Gaya from lower income groups were interviewed. The women included Hindus, Muslims and Christians, with education levels ranging from matriculation to women with a Master's degree. Around 70% of them have heard about LSAs, the remaining 30% having no idea about them. But even among this 70%, the knowledge of LSAs was very sketchy. 60% of them had a general idea that the LSAs provide free legal aid, the remaining 10% had heard of the LSAs but had no idea about what they do.

### **COMMENT**

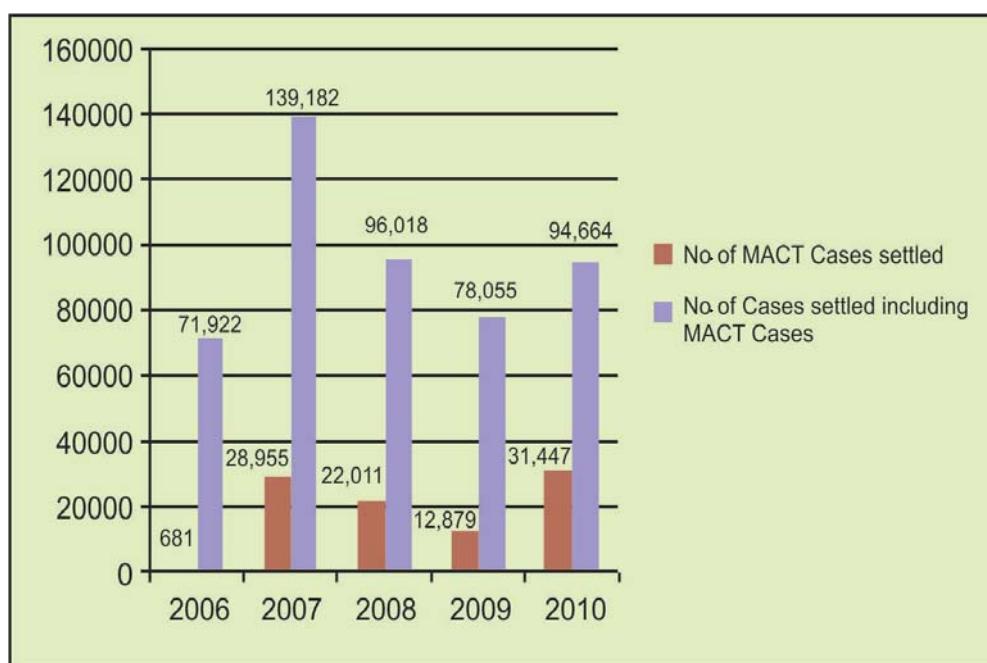
As in the states of Madhya Pradesh and Jharkhand, legal awareness camps are being held, but not in conformity with the guidelines in NALSA's vision document. The community is not consulted on choice of topic. No feedback is taken from them either. The resource persons are usually judicial officers, and the sessions delivered in the style of lectures. Single session legal awareness camps, such as the one held in Gaya, have their limitations in effectively providing information on legal rights due to the limitation in time and the lack of any refresher session. This can be offset by a structured approach which provides for interaction, practical sessions and materials for future reference. These would have enhanced the workshop in Gaya, which got over in only 45 minutes (rather a short time to deal with the broad issues of labour rights). Interviews with women from the community show that though there is some awareness of the LSAs in Bihar, common people are not fully aware of the role of LSAs or how to approach them.

## LOK ADALATS

*Table 13: Lok Adalats in Bihar* <sup>36</sup>

Year	No. of Lok Adalats held	No. of MACT <sup>37</sup> cases settled	No. of cases settled including MACT cases	Compensation paid in MACT cases (in Rs.)
2006	2,631	681	71,922	49,272,356
2007	2,479	28,955	139,182	42,522,839
2008	1,872	22,011	96,018	40,857,200
2009	1,595	12,879	78,055	95,186,832
2010	2,677	31,447	94,664	85,580,309

*Figure D: Lok Adalats in Bihar*



From interviews with LSA officials it was found that Continuous and Special Lok Adalats were held, as well as Mobile Courts, twice a month. The panel for Lok Adalats is composed of judicial officials, two lawyers and social workers. Members of civil society are appointed to the panel. The ADR mechanism facilitated by the SLSA was stated to comprise Conciliation and Arbitration proceedings, with the consent of parties, and Mediation proceedings, if the judge believed a settlement was possible.

On the subject of special schemes of ADR, no details were given. It was stated that ADR was only used for marriage issues. The schedule and panel for Lok Adalats was decided by the SLSA. Members of civil society are involved. ADR mechanisms include conciliation and mediation facilities. Cases are referred to the Lok Adalat after the parties petition the court for this.

<sup>36</sup> NALSA records

<sup>37</sup> Motor Accident Claims Tribunal

### ***Observation of Lok Adalats***

MARG researchers observed 2 Lok Adalats in Bihar. The Lok Adalat observed in Patna was held on 12<sup>th</sup> November, 2011 at Civil Court, Patna. The Lok Adalat observed in Gaya was held on 13<sup>th</sup> February, 2012 at Civil Court, Gaya. Questionnaires were prepared for Lok Adalat members<sup>38</sup>, clients and lawyers.

### ***Lok Adalat members***

One Lok Adalat member in Gaya and one in Patna (both male) responded to the questionnaires. They both were appointed as members of the Lok Adalat panel. They had applied for it and were appointed after interviews. They both said that it takes an average of more than three sessions to reach a settlement in cases. It takes an average of 30 minutes to deal with a case. Remuneration for services was received ranging from Rs. 250 to Rs. 500 per day. It was stated that this was not sufficient and that an amount of Rs.1,500 would be reasonable. No training for Lok Adalat members was conducted by the LSA. However the respondent from Gaya said that he had attended training in Bhopal at the National Judicial Academy. Problems faced in Lok Adalats include non-cooperation from the advocates and the court.

### ***Lok Adalat clients***

15 Lok Adalat clients were interviewed in Patna (including 5 women) and 10 in Gaya (including 2 women). The client profile in both these Lok Adalats was a mixed sample of SC and OBC. 40% fall in the over Rs 5,000 pm income category, 40% fall in the Rs.3, 500-5,000 pm slot, and remaining in less than Rs. 3,500 pm income category. Occupation-wise, most of the respondents come from a business background. Almost 75% have attended 1 Lok Adalat as a party before, rest have attended 2-5.

Almost all the cases were settled. 35 % of the cases of the respondents got settled in 2-3 sittings, 25 % in one sitting, and the remaining took more than three sittings. In 90% of the cases, the Lok Adalat allotted less than five minutes in each case. The time was deemed sufficient by the respondents. In 60% of the cases it is the lawyer who advised clients to approach the Lok Adalat. All the clients interviewed said they were happy with the result of Lok Adalat, but almost 45% did not know that once an award is passed it is final and binding and no appeal lies against it. All of them were of the view that Lok Adalat is a good platform for easy and timely disposal of matters.

### ***Lok Adalat lawyers***

9 legal aid lawyers (all male) interviewed said that in majority of the cases it takes one sitting to reach a settlement/compromise. They felt sufficient time is spent on each case. All the respondents were happy with the result of the Lok Adalat. All of them unanimously responded that they would recommend people to settle disputes through Lok Adalats.

<sup>38</sup> Persons presiding over Lok Adalats are called members

## COMMENT

There has been an overall increase in the number of Lok Adalats held and the number of cases settled in 2010 as compared to 2006. 94,664 cases were settled in 2,677 Lok Adalats held in 2010 as against 71,922 cases settled in 2,631 Lok Adalats held in 2006. It was only in 2007 that the number shot up considerably: 139,182 cases settled in 2,479 Lok Adalats. Lawyers and clients interviewed at the Lok Adalats expressed satisfaction with the process and outcomes. However, it is a concern that usually not more than 5 minutes are spent on each case and nearly half the clients interviewed were not aware that when a matter is settled in a Lok Adalat, it is final.

## MISC (WEBSITE, PUBLICATIONS, BUDGETS, PHYSICAL RESOURCES)

*Table 14: Amount allocated by NALSA to Bihar State Legal Services Authority for implementation of various legal aid schemes and programmes framed under the LSA Act <sup>39</sup>*

2006-2007	2007-2008	2008-2009	2009-2010	2010-2011
Rs. 5,00,000	Rs. 13,00,000	Rs. 36,68,000	Rs. 52,00,000	Rs. 96,00,000

*Table 15: Allocation of grants under the 13th Finance Commission (in Rs. Crores) to Bihar State Legal Services Authority for improving delivery of justice for the period 2010 – 15 (portions in red show funds that can be used for LSA activities)<sup>40</sup>*

No. of Sane- tioned courts	No. of Judicial District	Morning/ Evening Courts	Lok Adalat and Legal Aid	Training of Judicial Officers	Training of Public Prosecu- tors	Heritage Court Buildings	State Judicial Academy	ADR Cent- res	Court Mana- gers	Total
1307	30	214.32	25.72	21.43	12.86	38.58	15	40.76	16.30	384.97

According to LSA officials, funds come from the state government in the form of grants-in-aid, from NALSA, and as per the directions of the 13<sup>th</sup> Finance Commission. No break-up of expenses on various activities (e.g. legal awareness camps, panel lawyers' fees, etc.) were provided. It was estimated that the expenses were around Rs. 3,000 per camp, Rs. 3,000 per Special Lok Adalat and Rs. 25,000 per Mega Lok Adalat. Most of the expenditure was on legal awareness activities. LSA officials said that there was underspending. Funds are not being fully utilized and this is because of holidays, non-cooperation of administration, and shortage of judicial officials. Release of money by the Government was said to take time, especially grants in aid. Regarding the Plan of Action for 2011-12, it was stated that legal aid clinics could not be held due to lack of funds. It was said that the Paralegal Volunteer Scheme was also handicapped by the lack of funds.

<sup>39</sup> NALSA records

<sup>40</sup> fincomindia.nic.in

No details were provided with respect to budget planning, implementation and monitoring.

Auditing is done by the Auditor General (Bihar).

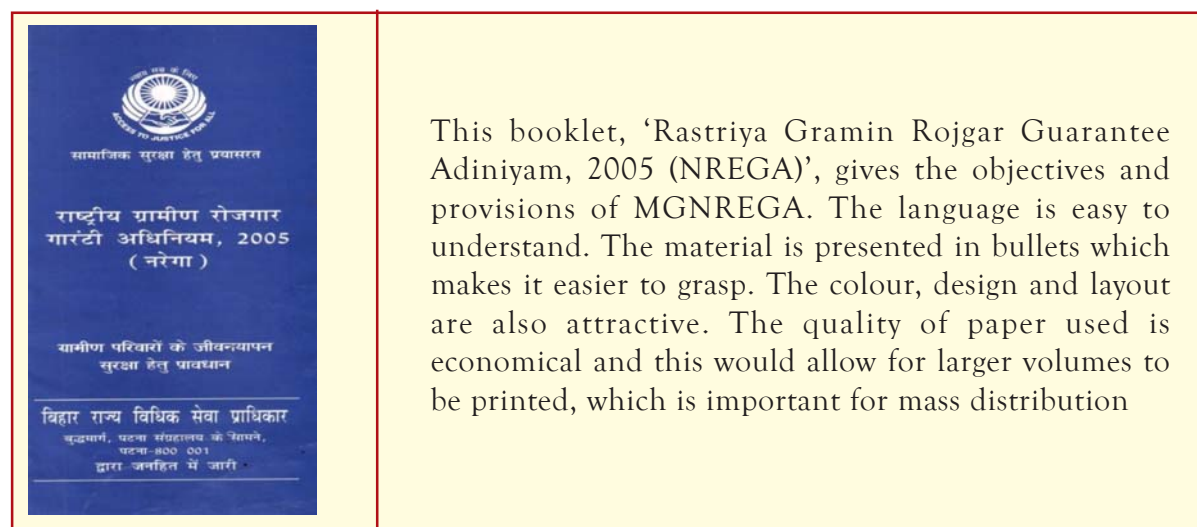
Suggestions offered by LSA officials to improve the functioning of the LSAs are:

- ❖ better budgeting
- ❖ basic training for all staff
- ❖ setting up an accounting wing for budgetary matters. Training of Member Secretaries for the purpose of involvement in budgetary matters was stated to be impractical, as they are frequently transferred.

Infrastructure is needed especially in Gaya, where there is no proper facility to conduct legal aid activities due to lack of space, and absence of telephone connection, photocopy machine, fax, etc. There is also shortage of manpower.

The State Legal Services Authority has not yet launched its website<sup>41</sup>.

There are brochures in Hindi containing information on LSA schemes and programmes. There are brochures on mediation, Lok Adalat, rights of people with disabilities, MGNREGA and plea bargaining. Some are attractive and easy to read but some are difficult to understand.



This booklet, 'Rastriya Gramin Rojgar Guarantee Adiniyam, 2005 (NREGA)', gives the objectives and provisions of MGNREGA. The language is easy to understand. The material is presented in bullets which makes it easier to grasp. The colour, design and layout are also attractive. The quality of paper used is economical and this would allow for larger volumes to be printed, which is important for mass distribution

### COMMENT

According to LSA officials there is a problem both of underspending and shortage. There is underspending in areas such as legal awareness camps and payment of panel lawyer fees. But there are not enough funds for paralegals and legal aid clinics. It was expressed that training in budgeting would be useful, and ideally a separate accounts wing should be set up. There is need for strengthening infrastructure in terms of space as well as equipment (telephone, computer). Shortage of staff is also a problem.

As the website is yet to be launched, the Bihar LSA can ensure that the website has detailed information (e.g. calendar of activities, list of lawyers/paralegals, decision making processes, complaints mechanism, e-filing of cases) and is accessible to persons with disabilities (e.g. large font and auditory option for visually disabled). Legal literacy materials are of a good standard but need to be widely distributed at legal awareness camps.

<sup>41</sup> The Member Secretary of Bihar SLISA stated at the validation meeting that in the period following MARG's field study the website has been launched



## CHAPTER SIX

# UTTAR PRADESH

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## CHAPTER SIX

# UTTAR PRADESH

State	Districts Selected	No. of Tehsils/ Taluks
Uttar Pradesh	Lucknow	Mohanlalganj, Mahilabad
	Mahoba	Charkhari, Kulpahar

**Capital:** The state's High Court is based at Allahabad with a bench in state capital Lucknow. **Population:** 200 million Mahoba: Lucknow: **Population Density:** 828 persons per km<sup>2</sup> (2,146 per sq mi.) **Area:** 93,933 sq mi (243,290 km<sup>2</sup>) **HDI:** 0.388 **HDI Rank:** 14<sup>th</sup> **Literacy Rate:** 69.72% **Official Language:** Hindi **Sex Ratio:** 909 **Caste Breakup:** SC: 21.05% **Poverty Level:** 40% **Life Expectancy at Birth:** 60.0 years **Infant Mortality Rate:** 67 **Unemployment:** 6%<sup>42</sup>

## LEGAL AID

*Table 16: Number of legal aid cases dealt with by the Uttar Pradesh LSAs from 2006 to 2010*<sup>43</sup>

Year	SC	ST	BC	Women	Children	In custody	General	Total
2006	850	67	863	967	258		1,605	4,610
2007	529	26	557	674	215		1,261	3,262
2008	497	73	592	857	208		1,260	3,487
2009	847	69	933	1,210	178		2,110	5,347
2010	310	9	290	354	67		1,002	2,032

### *Legal aid lawyers*

24 panel lawyers (including one woman lawyer) from Mahoba and Lucknow were interviewed. They all said there is no standard selection process for empanelment of lawyers. They are paid Rs. 700 per case. This amount was said to be insufficient. They have not undergone any training.

### *Legal aid clients*

No legal aid clients could be interviewed as they were not identified.

### *Paralegals*

According to LSA officials, paralegal training is being carried out by DLSAs but due to shortage of funds, the appointment of the requisite two

<sup>42</sup> [www.censusindia.gov.in](http://www.censusindia.gov.in)

<sup>43</sup> NALSA records

paralegals per block could not be done. Lawyers are being empanelled as paralegals.

### ***LSA officials***

Three LSA officials stated that a 24 hour hotline was in operation and an average of 200–300 calls were received per month. Calls are attended to by three lawyers. There are on an average 15 panel lawyers at the district level. No suo moto case has been taken up and no PIL has been filed. The Bar Association gives a list of lawyers for empanelment. Advocates having experience of more than three years are selected for empanelment. There is no provision for training of lawyers. According to LSA officials, district lawyers receive Rs.5,000/- per month, while taluk level lawyers get Rs.3,000/- per month. The activities of panel lawyers are monitored and reported to the SLSA on a monthly basis. Senior lawyers are appointed for serious cases.

It was reported that a management system and information bank for legal aid cases was maintained but no details were given on how it functioned. No mechanism for recording feedback from legal aid clients is in place. Evaluation of lawyers and redress of grievances of clients was said to be handled by the DLSA. The income ceiling for clients seeking free legal aid under the category of economic vulnerability is Rs. 1,00,000 p.a.

### ***Legal Aid vis-à-vis Government Agencies, NGOs***

#### ➤ ***State Human Rights Commission***

[No response received]

#### ➤ ***State Commission for Women***

Anita Verma, Secretary of the SCW, said that they have around 20,000 complaints pending with them. They have not received any help from LSA lawyers or paralegals. They have their own panel of lawyers to deal with these cases. There was no expression of any need of assistance from the LSAs, except that they would appreciate if the LSAs would work on the issue of spreading legal awareness.

#### ➤ ***State Commission for Scheduled Castes/Scheduled Tribes***

The Director of the Commission, Dr. Devendra Bhasak, said that the Commission received many complaints every month, but no legal assistance was received from the Legal Services Authorities. There are 4,000 cases pending in various courts. The Commission has its own panel of lawyers who take care of these cases.

#### ➤ ***Women's Home Authorities***

The in-Charge of the Government Women's Home, Lucknow one Smt. Nisha, said that there were 65 women resident in the home at the time. Legal Services Authority representatives were reported to visit the home once a month. A DLSA advocate provides legal assistance to the residents of the home. Many cases were said to be pending in Lucknow court(s).

#### ➤ ***Children's Home Authorities***

Maya, the in-charge of the Government Children's Home in Moti

Nagar, Lucknow, said that the LSAs do not visit the children's home. However, she said that they have no cases and no need of assistance from the LSAs.

➤ **NGOs**

Focus group discussions among NGOs were held at Charkhari, Mahoba, on 12<sup>th</sup> February, 2012 and in Lucknow on 22<sup>nd</sup> February, 2012. 15 NGOs working on issues ranging from Scheduled Castes/Scheduled Tribes, disability, minorities, women, children etc. participated. About 60% of them had heard of the LSAs. They all agreed that there is little or no awareness at the grassroots level on LSAs. When required, NGOs turned to other NGOs or private lawyers for legal assistance. They were eager for help from the LSAs in both legal aid and legal awareness.

### COMMENT

Information provided by the UPSLSA shows that there has been a considerable drop in number of legal aid cases dealt with by LSAs in UP in 2010. While around 4,610 cases were reported in 2006, this has dropped by more than half in 2010 (2,032). This figure belies the claim that the 24 hour hotline attends to around 200 to 300 cases in a month. As presumably LSA representatives would not misrepresent in a study of this kind, there is probably some disconnect in the documentation of these cases.

There is no systematic method of selecting panel lawyers. The only criterion seems to be 3 years practice, which of itself will not ensure a cadre of public spirited lawyers following rights based approach to social justice issues affecting the poor and the marginalised. There is also no provision for training of panel lawyers. No feedback is taken from clients. Although a management system and information bank for legal aid cases was said to be maintained, no information was provided on this. Interviews with panel lawyers did not suggest that there was any formal process of performance appraisal of lawyers or case tracking system.

It was pointed out by LSA officials that lawyers are being empanelled as paralegals. NALSA's vision document envisages creating a pool of paralegals drawn from the community who can serve as a link between the community and the LSAs. They are not required to function as lawyers, and they are expected to refer the cases that come to them to LSA lawyers. The reliance on paralegals is occasioned by the difficulty of getting sufficient lawyers in rural areas to provide adequate free legal aid. If the LSAs in UP have been able to identify lawyers from the community willing to offer their services at the lower rates offered to paralegals, this is a blessing for the state, and must be made best use of by redesigning the programme so that there are not merely paralegals, but lawyers, at the doorstep of each village. It would be a waste of resources to restrict these lawyers to the role of paralegals.

The few state agencies interviewed did not require further help from the LSAs. The SCW hoped that the LSAs would do more to spread legal awareness. NGOs working among the marginalised expressed the need for legal aid and that their stakeholders would be greatly benefitted from assistance from the LSAs.

## LEGAL AWARENESS

As per NALSA records, 49,072 legal awareness camps have been held in Uttar Pradesh as on 31.01.2011. MARG researchers observed legal awareness camps in Mahoba and Lucknow.

### *Legal awareness camps*

A legal awareness camp was held in Mahoba on November 26, 2011, on the occasion of Law Day. The topic included Women Empowerment as well as Fundamental Rights (particularly Article 21). There were around 50 participants, mostly lawyers. Various officials of the DLSA spoke on their experiences with legal aid. Judicial officers from DLSA were resource persons. It went on for 3 hours.

A legal awareness camp on 'Save the Girl Child' was organised by the District Legal Service Authority at Girls Home Moti Bagh, Lucknow, on March 3, 2012. Around 40 – 50 girls participated in this camp. The awareness camp was presided over by the DLSA Secretary. The camp was held from 2.30 pm to 3.45 pm. The sessions covered issues of discrimination against the girl child and the falling sex ratio. The MARG researcher (a lawyer) was also asked to speak on the issue. The session also covered various aspects of the Right to Information Act. They also distributed awareness materials amongst the girls. No feedback was taken, nor had the participants been consulted on the topic.

Interviews with LSA officials, particularly the SLSA, revealed that legal awareness activities are being conducted according to the national plan of action and as per convenience of the DLSA. Topics for legal awareness camps are similarly selected according to the national plan. Resource persons are usually drawn from judicial officers (including retired officials) and NGO functionaries.

### *Community women*

133 community women were interviewed in Lucknow and Mahoba. It was a mixed sample of Hindu and Muslim women. Most of them (52%) are matriculate, 18% are graduates, a handful of them possess a masters degree and very few of the women were uneducated. None of them had heard about the LSA.

### COMMENT

Under Section 4(l) of the LSA Act the LSAs should spread legal awareness particularly among the weaker sections about their rights, entitlements and privileges. In this context, a legal awareness camp (as the one organised in Mahoba) attended only by lawyers is inappropriate. The camp in Lucknow organized for girls at the Girls' Home was better conceived. However, the fact that the MARG researcher (who was present to observe the camp) was also asked to speak on the topic shows a somewhat unstructured approach and willingness to take on resource persons not trained or specifically prepared to take a session in a legal awareness camp. The girls had not been consulted on the choice of topic and their feedback was not taken at the end of the camp.

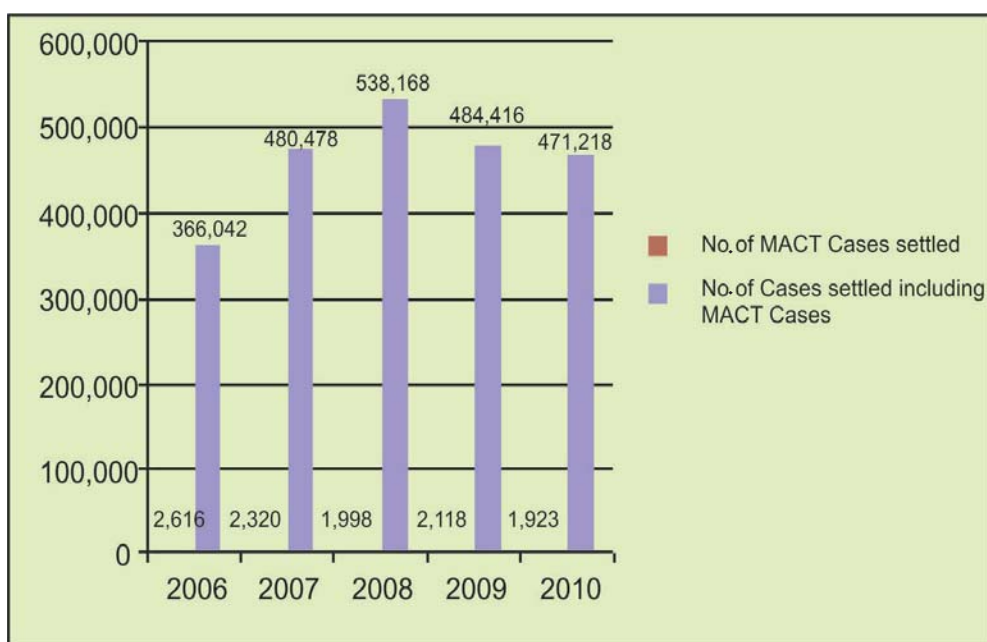
Interviews with women from the community showed that none of them have heard about the LSAs. Greater visibility the LSAs is required among the general public

## LOK ADALATS

*Table 17: Lok Adalats held in Uttar Pradesh <sup>44</sup>*

Year	No. of Lok Adalats held	No. of MACT cases settled	No. of cases settled including MACT cases	Compensation paid in MACT cases (in Rs.)
2006	4,593	2,616	366,042	386,856,506
2007	4,179	2,320	480,478	244,442,397
2008	3,973	1,998	538,168	418,784,123
2009	3,496	2,118	484,416	295,367,788
2010	3,015	1,923	471,218	307,834,921

*Figure E: Lok Adalats in Uttar Pradesh*



### *Observation of Lok Adalats*

MARG researchers observed two Lok Adalats in Uttar Pradesh. The Lok Adalat observed in Lucknow was held on 30<sup>th</sup> October, 2011. The Lok Adalat observed in Mahoba was held on 20<sup>th</sup> November, 2011. Questionnaires were prepared for Lok Adalat members<sup>45</sup>, clients and lawyers.

### *Lok Adalat members*

Four members said that it normally takes less than three sessions to reach a settlement. They do not get any remuneration. Only one had attended a training organized by the LSA, which was considered very useful.

<sup>44</sup> NALSA records

<sup>45</sup> Persons presiding over Lok Adalats are called members.

### ***Lok Adalat clients***

A total of 25 Lok Adalat clients were interviewed, 11 from the Lok Adalat held in Lucknow, and 14 from the Lok Adalat held in Mahoba. 52% of them were in the 'under Rs. 1,000 per month' income bracket. 14 reported that their cases had not been resolved (11 reported that they had been resolved). 11 were happy with the outcome of the proceedings of the Lok Adalat, 10 were not.

There were seven cases related to domestic violence (seven were related to other matters, 11 did not answer). Each respondent had previously attended at least one Lok Adalat session. Most reported that the average time spent on their cases was between 5-20 minutes, with an average of 2-3 Lok Adalat sessions per case. 17 had been informed of the Lok Adalat at least one month in advance. 13 reported that they had not come to the Lok Adalat voluntarily (10 had come voluntarily, while two did not respond to this question). 20 out of 25 did not know that the award of the Lok Adalat was final and binding

### ***Lok Adalat lawyers***

A total of 25 Lok Adalat lawyers (including one woman lawyer) were interviewed: 18 from Lucknow and 7 from Mahoba. 10 persons had attended between 11 to 50 Lok Adalats previously. 6 had fewer than 10 cases settled in the Lok Adalat previously, 6 had between 11-50, while 4 reported having had 51-100 cases settled. The majority said that it took 2-3 Lok Adalat sessions to reach a settlement. An average of between 5-20 minutes was spent on their cases on that day. Almost all said the amount of time spent on their cases was insufficient. Most had been informed of the Lok Adalat one month in advance. Most (9) said they had had enough time to prepare their cases, while six said they had not. Half of them said they were happy with the outcome of the proceedings of the Lok Adalat, while the other half said they were not. Most recommended the settling of disputes in the Lok Adalat.

### ***LSA officials***

As per the LSA officials, Permanent and Continuous Lok Adalats are held once a month. Mega Lok Adalats on specific issues and pre-litigation Lok Adalats for operations like mobile companies and banks are also held. The schedule for Lok Adalats is decided by the SLISA.

### **COMMENT**

Although the number of Lok Adalats has come down from 4,593 in 2006 to 3,015 in 2010, the number of cases settled has actually increased from 366,042 in 2006 to 471,218 in 2010. Majority of the lawyers and clients expressed satisfaction with the Lok Adalats, but most of the clients said they did not know that the award is final and binding. It being the duty of lawyers and the Lok Adalat members to specifically inform the clients about this, training on this issue, particularly of members, might remedy the situation. Most of the lawyers felt that not enough time was given to their cases.

## MISC (WEBSITE, PUBLICATIONS, BUDGETS, PHYSICAL RESOURCES)

*Table 18: Amount allocated by NALSA to Uttar Pradesh State Legal Services Authority for implementation of various legal aid schemes and programmes framed under the LSA Act <sup>46</sup>*

2006-2007	2007-2008	2008-2009	2009-2010	2010-2011
Rs. 40,71,000	Rs. 79,00,000	Rs. 80,80,000	Rs. 97,00,000	Rs. 46,00,000

*Table 19: Allocation of grants under the 13th Finance Commission (in Rs. Crores) to Uttar Pradesh State Legal Services Authority for improving delivery of justice for the period 2010 – 15 (portions in red show funds that can be used for LSA activities) <sup>47</sup>*

No. of Sane- tioned courts	No. of Judicial District	Morning/ Evening Courts	Lok Adalat and Legal Aid	Training of Judicial Officers	Training of Public Prosecu- tors	Heritage Court Buildings	State Judicial Academy	ADR Cent- res	Court Mana- gers	Total
2174	70	340.84	40.90	34.08	20.45	61.35	15	95.11	38.04	645.78

According to the Member Secretary, UPSLSA, 60-70% of NALSA funds are spent on panel lawyers' fees, legal awareness camps, organizing Lok Adalats, and training of lawyers. 90% of state funds are spent on panel lawyers. The budget for legal aid and Alternate Dispute Resolution activities is Rs.15,000 per month for Lok Adalats; Rs.5,000 per legal awareness camp; Rs.10,000 – 15,000 per mela; and Rs.15,000 per Mega Lok Adalat.

On the subject of utilization of funds it was reported that there was underspending. The large number of sources of funds was confusing to the DLSAs. Overall there were no major financial problem faced by the SLSAs, especially after the 13<sup>th</sup> Finance Commission. The state is releasing funds on time.

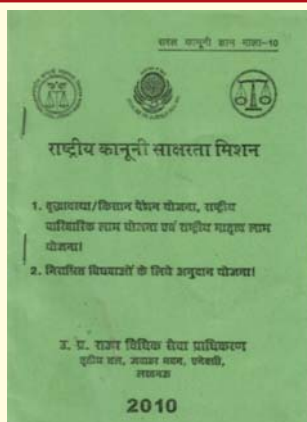
The main problem reported was a shortage of manpower. Many districts do not have permanent secretaries. Lack of vehicles is a major problem for DLSAs.

As per LSA officials, the SLSA maintains the website which is updated whenever an activity is conducted. The website is informative and well managed. It can be improved by adding necessary information e.g. list of panel lawyers/para-legals with their contact details, calendar of activities, feedback and list of NGOs working for legal aid. There is no case tracking system which could help the legal aid clients know the status of their cases. The other important missing element is displaying the 'Grievance Redress Mechanism' on the website. Information under Section 4 of RTI Act is also not provided. The website is not disabled friendly.

<sup>46</sup> NALSA records

<sup>47</sup> fincomindia.nic.in

UPSLSA has pamphlets and booklets on laws related to women, juvenile justice, rights of Scheduled Castes/Scheduled Tribes, domestic violence, maintenance, criminal justice procedures, information on various schemes, dowry, prisoners' rights, etc.



The Uttar Pradesh State Legal Services Authority has published a number of booklets with respect to various laws. The content is clear and easy to understand. They could be improved by enhancing the paper quality and inserting illustrations.

### COMMENT

Funding from NALSA has consistently increased from 2006 to 2009, but has dropped by over half in 2010. The allocation for 2009-10 was Rs. 97, 00,000, whereas in 2010-11 it came down to 46,00,000. According to NALSA, allocations are made on the basis of performance of the SLSA. The drop in allocation has to be understood accordingly. The LSAs in UP have stated that there is no shortage of funds. There is underspending at times. Multiple sources of funding was said to cause some confusion, for which training/assistance in finance/budgeting would help. There is also shortage of manpower and infrastructure e.g. vehicles. The website is functional and effective but can be enhanced by including more information, a case tracking system, complaints mechanism, and making it disabled friendly. Legal literacy materials are also of good quality. In view of underspending, more could be invested in improving the quality of the paper and adding illustrations to make the material more appealing and easy to understand.

## CHAPTER SEVEN

# ODISHA

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# ODISHA

State	Districts Selected	No. of Tehsils/ Taluks
Odisha	Cuttack	Athagarh, Tigria
	Kendujhar	Anandpur, Champua

**Capital:** Bhubaneswar; **High Court in** Cuttack **Population:** 41,947,358 **Population Density:** 269.2/km<sup>2</sup> (697.2/sq mi) **Area:** 155,820 km<sup>2</sup> (60,162.4 sq mi) **HDI:** 0.452 **HDI Rank:** 27th (2005) **Literacy:** 83.45% **Official Language:** Oriya **Sex Ratio:** 972 **Caste Breakup:** SC: 16.5% ST: 22.1% **Poverty Rate:** 47.13% **Life Expectancy at Birth:** 57.7 **Infant Mortality Rate:** 53 **Unemployment Rate:** 7.4%<sup>48</sup>

## LEGAL AID

*Table 20: Number of legal aid cases dealt with by the Odisha LSAs from 2006 to 2010<sup>49</sup>*

Year	SC	ST	BC	Women	Children	In custody	General	Total
2006	375	165	42	1,157	7	168	642	2,556
2007	291	170	105	1,252	9	150	499	2,476
2008	304	142	64	1,326	13	132	563	2,544
2009	306	256	160	1,113	3	269	662	2,769
2010	328	291	109	854	3	1,103	572	3,560

### Legal aid lawyers

12 panel lawyers were interviewed including one woman lawyer. Some of the lawyers have 11-12 years of experience while some have 4-5 years. They said their motivation to join the panel was to help the poor. There is no formal selection procedure to select panel lawyers. There is no formal procedure for assigning cases. Cases are generally assigned in a rolling manner among the lawyers who are on the panel. All the respondents unanimously said that the fee structure is not sufficient (they get Rs. 500 per case). The lawyers complained that they were not actually getting their fees<sup>50</sup>. None of the respondent lawyers have undergone any training since they have joined the LSA Panel.

<sup>48</sup> [www.censusindia.gov.in](http://www.censusindia.gov.in)

<sup>49</sup> NALSA records

<sup>50</sup> The Member Secretary of Odisha SLA stated at the validation meeting that they have not received any complaint of legal aid lawyers not getting their fees

### ***Legal aid clients***

(MARG researchers were not able to trace legal aid clients for interview)

### ***Paralegals***

Only 5 paralegal volunteers from Kendujhar, all men, participated in the FGD held on 31<sup>st</sup> January 2012. In qualification they were graduates and above. They have been functioning as paralegals for the last six months to one year. Reasons cited for agreeing to be a paralegal volunteer were desire to educate poor, backward and tribal people about their rights and provide them legal support. The function of a paralegal volunteer was seen to be that of a medium of communication and coordination between people and the Legal Services Authority, as well as a provider of legal aid to poor and backward people. Work assigned to them included promoting legal awareness among the people in the locality and conducting seminars about legal issues and rights. No financial help was received. They sought an honorarium of Rs. 1,000/- per month.

Two paralegals reported that they had received training from the LSA. The training programs with respect to information provided, group activities, materials used and personnel were reported to be good on the whole. Two said that the LSA provides a good work environment.

Suggestions for improving the functioning of the LSA included setting up of workshops in rural areas, better coordination of paralegal volunteers, setting up of legal aid clinics, regular reporting, financial support to paralegal volunteer, and co-ordination with the administration and district authorities in legal awareness programmes.

An FGD was also held on February 1, 2012 for paralegals. 12 paralegals from Cuttack attended, including five women. All were law graduates. They joined as paralegals to serve the marginalised. They seemed aware of their duties. Three of them have not been assigned any task by LSA. Others have been assigned the task of spreading legal awareness. They are not given any remuneration, except a nominal amount for commuting. Other assistance includes reference books, demo classes etc. They have not undergone any training. Many people are approaching them for legal assistance. They do not have any office, and require that arrangements be made for them to function.

### ***LSA officials***

Three LSA officials were interviewed. The SLISA does not have any helpline or toll free number for legal aid. Its office telephone numbers are used by people for seeking information and legal services during working hours. These calls are answered by the Member Secretary, Deputy Secretary and office staff of OSLISA. At district and taluk levels, the Chairpersons, Secretaries and retainers (lawyers), answer such calls.

Panel lawyers are selected in consultation with the local Bar Association. There is no training for panel lawyers. The selection of panel lawyers is done as per the NALSA guidelines and there are 10 panel lawyers at the district and 5 at the taluk level. Cases are not taken up on suo moto basis. Feedback from legal aid clients was reportedly taken through phone,

email, in writing or in person. To evaluate the processing of each case, there is an Evaluation Committee at district & taluk levels as per the NALSA Scheme on 'free and competent legal services'. Public grievances are handled by front office paralegal volunteers and panel lawyers. In case of complaints, the lawyers are changed and a new lawyer appointed at the option of the applicant. The income ceiling for clients seeking free legal aid under the category of economic vulnerability is Rs. 50,000 p.a.

Legal Aid vis-à-vis Government Agencies, NGOs

➤ ***State Human Rights Commission***

[No response received]

➤ ***State Commission for Women***

[No response received]

➤ ***State Commission for Protection of Child Rights***

Saraswati Hembram, Chairperson of Odisha SCPCR, said since this Commission is new and very few are aware of it, few cases have been received. Till date there are only 4-5 Cases. The Commission has its own lawyer. It has not approached LSA yet, but will do so if required. It would be helpful if the LSA would have more programmes on right to education and the Juvenile Justice Act.

➤ ***State Commission for Scheduled Castes***

[Not set up in Odisha]

➤ ***State Commission for Scheduled Tribes***

Rama Kanti Mishra, Asst. Director (in charge of regional office) said the Commission receives around 250-300 cases per year. The Commission has no lawyer and sometimes takes the help of NGOs. It has never approached the LSAs and has no linkages with it. The major problems being faced by Scheduled Tribes in the state are cases of atrocities. 11,000 cases are pending. Most cases end in acquittal (80%) due to delay and lacunae in investigation. Help is sought from LSA both for legal aid and legal awareness programmes.

➤ ***State Commission for Minorities***

[Not set up in Odisha]

➤ ***State Disability Commission***

Kasturi Mohapatra (Chairperson) and Sanyal Behra (Coordinator) said the Commission was recently established in April 2010 but cases received within this period are more than 450 in number. Cases requiring legal assistance are dealt with by one lawyer and one retired District Judge. It was said, "the behaviour of LSA towards this Commission is really disappointing." The main problems being faced by people with disabilities in the state are education, social security and employment. In all these areas they felt the LSA could actually be of great help.

➤ ***Jail Authorities***

Interviews with three jail authorities including Jailor and Jailor-cum-Superintendent of Anandpur and Champua sub jail took place in Kendujhar. The representatives of LSAs visit these jails every month and hold legal awareness programmes quarterly in a year. In Anandpur Jail, a legal awareness programme is organized once a year. According to the respondents the quality of these legal awareness programmes is good. The LSA also provides legal assistance to the prisoners by giving legal advice, representation in Court, contacting family members, etc. In their opinion legal assistance should be increased by having more lawyers so that legal assistance can be made available to most of the prisoners. Lok Adalats are not being held in all jails. The main problems being faced by the prisoners are non-availability of witnesses and arrangement of securities for their bail. The jailors are satisfied with the work of LSA in providing legal assistance to the prisoners.

➤ ***Women's Home Authorities***

Manoja Manjori Nayak, the Supervisor of Mamata Short Stay Home, Nuasai, Bidansi, Cuttack, stated that representatives of the Legal Services Authority visit this women's home from time to time and conduct various programmes. The residents of this women's home require legal assistance which is provided to them through lawyers or paralegals of LSAs and NGOs.

➤ ***Children's Home Authorities***

Rini Mohanti, an official of the children's home, Basundhara, in Cuttack, said that in the last four years, the representatives of LSAs have visited twice. The LSAs invite officials of this home to attend LSA meetings. The Secretary of the home is a member of the LSA. Legal assistance to the residents i.e. children, is provided through the home's own panel of lawyers (3-4 in number). These lawyers are being paid for their services. No assistance has been received yet from the lawyers or paralegals of LSA.

➤ ***NGOs***

FGDs with NGOs were held in Cuttack and Kendujhar and attended by 20 NGOs working on issues ranging from Scheduled Castes/Tribes, women, disability, rural communities, etc. 70% of the NGOs were aware of the role of LSAs. 80% said that their stakeholders require legal assistance and they approach other NGOs or a private lawyer in such cases. Few have approached the LSAs. They are not getting help from paralegals, but are optimistic that as the number of paralegals increases, they will be better able to reach the communities. They felt most people do not know about LSAs and there is need for greater LSA presence.

### COMMENT

The total number of legal aid cases has increased from 2,556 in 2006 to 3,560 in 2010. There is no formal procedure for empanelment of lawyers and no training is provided to them. In case of any complaint, the lawyer is changed and another lawyer is assigned to the case. There was no mention of client feedback or a grievance mechanism explained to persons seeking legal assistance. As in other states, the LSA has data on the contact details of the client and the lawyer to whom the case is assigned. But after that there is no systematic tracking of cases or performance appraisal of lawyers. The lawyers complained that the fees they received was insufficient, and sometimes they did not receive any remuneration at all.

The SCPCR said it would approach the LSAs for legal assistance. It hoped the LSA would spend more time in legal awareness on such issues as the right to education and juvenile justice. Legal assistance is sought by the State Commissions for Scheduled Tribes as well as the women's homes. The State Commission for Disability expressed dissatisfaction with the services of the LSAs, alleging lack of cooperation and demand for money by lawyers. The children's homes have their own panel of lawyers. The jail authorities have expressed satisfaction with the services of the LSAs. Most of the NGOs interviewed have heard of the LSAs and are aware of their functions. Most require legal aid for their stakeholders, but very few have approached the LSAs for this.

### LEGAL AWARENESS

As per NALSA records, 6,087 legal literacy camps have been held in Odisha as on 31.01.2011. MARG researchers observed one camp organized in Kendujhar.

#### *Legal awareness camps*

The legal awareness camp held in Kanjhipani Seva Ashram Balika Vidyalaya, Kendujhar, on February 26, 2012, was on the topic, 'Dowry, domestic violence, rape laws and child rights'. Various DLSA officials (judicial officers) were resource persons. 27 participants were interviewed, out of whom 14 were OBC and others from Scheduled Tribes. 14 were women. They said the issues affecting the community were land rights, violence against women, alcoholism etc. Issues dealt with in the camp were relevant to them. No legal literacy materials were given to them. The organizers did not take feedback from the participants. The camp went on for 2 to 2<sup>1/2</sup> hours.

Discussions and questionnaires with LSA officials revealed that legal awareness camps are publicized by advertisement in the local press as well as hoardings. The topics are chosen from the different laws and schemes as specified by NALSA. Legal literacy classes and mobile legal services are conducted every week in every taluk (and at district levels almost every month). Materials such as pamphlets, booklets, posters are distributed among participants. In the periodical programmes no honorarium is paid to the resource persons, but in workshops at state level/ regional level an honorarium of Rs. 1,000/- to Rs. 2,000/- is paid depending upon budgetary provisions.

Resource persons are selected from among judicial officers, revenue officers, police, renowned advocates, press personalities, etc. It was stated that legal awareness camps are held every month for spreading legal awareness in interior villages, jails, schools, hospitals etc. Special programmes are also done as per Action Plan of NALSA.

### **Community Women**

To determine the awareness about LSAs among community women, a small survey was conducted of women from the weaker economic sections in Kendujhar. Nearly all the 32 respondents were SC/ST/OBC. All but two had not passed matriculation. These two women were graduates and engaged in social service. The women were not at all aware of legal aid provided by the LSA in their region. A similar study was done in Cuttack. 50 women from SC/ST/OBC categories were interviewed. 92% of them had not heard about the LSAs.

#### **COMMENT**

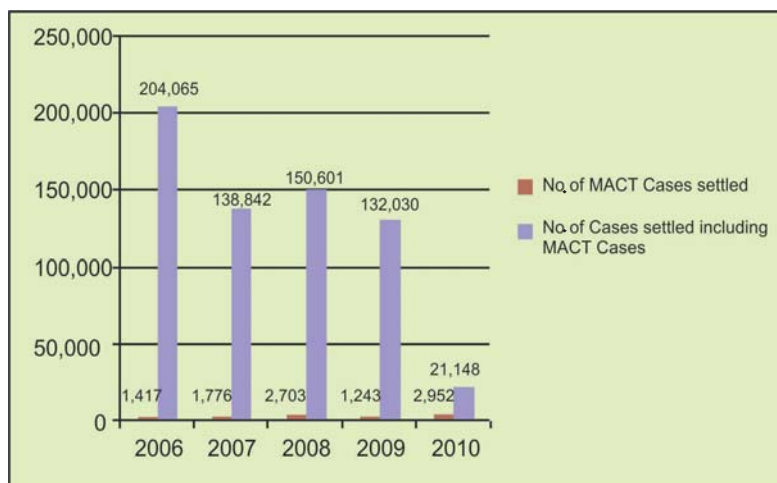
The community is not consulted on the topic of the camp, but the topic selected for the camp held in Kendujhar, ('dowry, domestic violence, rape laws and child rights') was found to be relevant by the participants. One concern is whether so many issues can be effectively dealt with in the span of 2 to 2½ hours, especially since the participants are laypersons with little orientation on legal issues. The resource persons were all judicial officers, as is the case with other states. As pointed out earlier, judicial officers may well be excellent resource persons, but as the task of spreading legal awareness among laypersons is very different from the usual work of a judicial officer, an orientation/training would be beneficial. This was not found to be done. Although OSLSA has considerable legal literacy materials, none were distributed among the participants. Distribution of materials and feedback from participants are effective ways of enhancing the quality of awareness camps. There is almost no awareness of LSAs among the general public both in Kendujhar and Cuttack, as was reflected in the interviews with community women from these places.

## **LOK ADALATS**

*Table 21: Lok Adalats in Odisha* <sup>51</sup>

Year	No. of Lok Adalats held	No. of MACT cases settled	No. of cases settled including MACT cases	Compensation paid in MACT cases (in Rs.)
2006	724	1,417	204,065	153,994,455
2007	713	1,776	138,842	167,346,300
2008	789	2,703	150,601	280,182,791
2009	799	1,243	132,030	174,945,541
2010	1,090	2,952	21,148	341,583,999

<sup>51</sup> NALSA records

*Figure F: Lok Adalats in Odisha*

### *Observation of Lok Adalats*

MARG researchers observed two Lok Adalats in Odisha. The state level Lok Adalat held at the District and Sessions Court Campus in Cuttack on January 7, 2012 and the district level Lok Adalat held on 19<sup>th</sup> February, 2012, at Cuttack were observed. Questionnaires were prepared for Lok Adalat members<sup>52</sup>, clients and lawyers.

### *Lok Adalat members*

Four members were interviewed, including one woman. The member in Cuttack had responded that he had attended less than 10 Lok Adalats. According to him, to reach a settlement/compromise it takes only one session, spending just 5-10 min on each case. He said that the fact that Lok Adalat judges are not paid remuneration is disappointing. Other problems faced include non-cooperation of the parties to settle the matter. It was suggested that there is a need to create mass awareness among the people/parties for settlement of their litigation outside courts. The other three members interviewed also said that it normally takes 5-10 minutes to deal with each case in a Lok Adalat. They are not getting any remuneration for their service. They have not undergone any training.

In a year, five Mega Lok Adalats and 10-12 periodical Lok Adalats take place in the district. Before the actual Lok Adalat session, under NALSA's (Lok Adalats) Regulations, 2009 there is a provision for pre-trial hearings and so far 15 pre-trial sessions in DLSA and 2 sessions in both the taluks have been held.

### *Lok Adalat clients*

Most of the cases in these Lok Adalats related to motor vehicle accidents, loan recovery and insurance issues. 41 respondents (37 men, four women) were interviewed. They are from different socio-economic classes, their income varying from below Rs.1, 000 p.m. to above Rs. 5,000 pm. They got their civil suits settled in just one sitting of their first Lok Adalat

<sup>52</sup> Persons presiding over Lok Adalats are called members.

session in less than 20 minutes. They were informed about the Lok Adalat 3-7 days in advance. They were aware that once an award is passed it is final and binding and no appeal lies against this award. They were quite happy with the result and would recommend people to settle their disputes in Lok Adalats.

18 clients were interviewed in the Lok Adalat held in the District Court, Kendujhar on 12th February, 2012. Six out of these 18 (15 men, three women) are from below Rs 1,000 p.m. income group, four fall in the income slot of Rs. 2,200 – Rs.3,500 p.m. 50% said they are happy with the result. Almost 23% do not know about the binding nature of the award.

#### ***Lok Adalat lawyers***

5 out of 20 lawyers interviewed have attended 51-100 Lok Adalats previously. In most cases the lawyers expressed that sufficient time was spent on their cases. In a few cases 10-20 minutes were spent on each case in the Lok Adalat, which the lawyers found insufficient. They all said they had enough time to prepare their cases. Majority were happy with the outcome of the Lok Adalat and were willing to refer more matters in the future to Lok Adalats. Five lawyers (all men) in Kendujhar were also interviewed. They said too little time was spent on each case.

#### ***LSA officials***

Interviews with various LSA officials showed that the schedule of Lok Adalat is fixed as per annual conference drawn at state, district and taluk levels and the panel is selected as per the Lok Adalat Regulations made by NALSA. Civil society members are also appointed to the panel. Cases having the prospect of settlement of dispute through conciliation or resolution are referred by the concerned courts to Lok Adalat.

### **COMMENT**

As per OSLSA's records, 1,090 Lok Adalats were held in 2010, an increase from 724 in 2006. The number of Lok Adalats held every year has consistently increased from 2006 to 2010. However the number of cases settled has come down over the years from 204,065 in 2006 to 138,842 in 2007 and 21,148 in 2010. Lok Adalat clients and lawyers have generally expressed satisfaction with the outcome of their Lok Adalat cases. A matter of concern is that the lawyers in Kendujhar said too little time was spent on their cases. The Kendujhar clients also expressed that they did not know that the award in Lok Adalats is binding in nature. LSA members particularly at the taluk level expressed dissatisfaction over lack of remuneration while district and state level Lok Adalat members were given remuneration. The need was expressed for training of members as well as spreading awareness among the general public on the usefulness of Lok Adalats.

## MISC (WEBSITE, PUBLICATIONS, BUDGETS, PHYSICAL RESOURCES)

*Table 22: Amount allocated by NALSA to Odisha State Legal Services Authority for implementation of various legal aid schemes and programmes framed under the LSA Act <sup>53</sup>*

2006-2007	2007-2008	2008-2009	2009-2010	2010-2011
Rs. 22,00,000	Rs.70,00,000	Rs.89,40,000	Rs.66,00,000	Rs.86,00,000

*Table 23: Allocation of grants under the 13th Finance Commission (in Rs. Crores) to OSLSA for improving delivery of justice for the period 2010 – 15 (portions in red show funds that can be used for LSA activities) <sup>54</sup>*

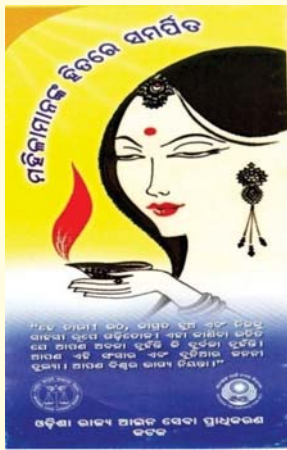
No. of Sane- tioned courts	No. of Judicial District	Morning/ Evening Courts	Lok Adalat and Legal Aid	Training of Judicial Officers	Training of Public Prosecu- tors	Heritage Court Buildings	State Judicial Academy	ADR Cent- res	Court Mana- gers	Total
531	30	83.25	9.99	8.32	4.99	14.98	15	40.76	16.30	193.61

Interviews with various LSA officials revealed that the sources of funding are through budgetary allotment of Government of Odisha, grants from NALSA and other government agencies. Funds are fully utilized at state and district level. There is some underspending at taluk level. The reason for this is that the budget is at times received at the end of the financial year. Budget planning and monitoring is done by the Executive Chairman and Member Secretary of the SLSA. Officials at all levels said that there is a need to increase manpower and infrastructure.

The OSLSA website is pleasant, informative, and user friendly. It offers solutions online through e-form as well as a helpline phone number. It provides good legal literacy materials. Additional information would enhance it: List of panel lawyers with their contact details, list of NGOs working for legal aid, updated calendar of activities, case tracking system, information under Section 4 of the RTI Act. The website is not disabled friendly.

<sup>53</sup> NALSA records

<sup>54</sup> fincomindia.nic.in



The OSLSA has attractive and easy to read publications on a variety of issues. The publications are in Odia. The sample leaflet on the left provides information on protection of rights of women e.g. dowry, maintenance. The language used is simple and easy to understand. The design is also attractive and presentable.

### COMMENT

LSA officials pointed out that there is no shortage of funds. There is no underspending either, except at the taluk level, this being because the fund sometimes reaches them towards the end of the year. The funds allocated for state and district activities are fully spent. There is shortage of manpower and infrastructure at various levels of the LSAs.

The website is functional and informative, and can be even better with added information e.g. list of lawyers, calendar of activities, status of legal aid cases, information on budgets, etc. (as required under the RTI Act).

The legal literacy materials are of a good standard and should be made widely available among the masses for spreading awareness.

## CHAPTER EIGHT

# RAJASTHAN

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## CHAPTER EIGHT

# RAJASTHAN

State	Districts Selected	No. of Tehsils/ Taluks
Rajasthan	Jaipur	Sangner and Bassi
	Jhalawar	Aklara and Khanpur

**Capital:** Jaipur **Population:** 68,621,012 (2011) **Bilaspur:** 2,662,077 **Kanker:** 24,485 (2001) **Population Density:** 200.5/km<sup>2</sup> (519.3/sq mi) **Area:** 342,269 km<sup>2</sup> (132,150.8 sq mi) **HDI:** 0.637 **HDI Rank:** 21st (2005) **Literacy:** 68% (20rd) **Official Language:** Hindi **Sex Ratio:** 921 **Caste Breakup:** SC: 17.2% ST: 12.6% **Poverty Rate:** 15.28% **Life Expectancy at Birth:** 59.3(2001) **Infant Mortality Rate:** 59.0 **Unemployment Rate:** 5.5%<sup>55</sup>

### LEGAL AID

*Table 24: Number of legal aid cases dealt with by the Rajasthan LSAs from 2006 to 2010*

Year	SC	ST	BC	Women	Children	In Custody	General	Total
2006	1166	1375	851	960	39	1771	961	7123
2007	508	731	454	564	22	1194	547	4020
2008	577	709	532	725	27	1734	534	4838
2009	569	486	496	501	56	1314	345	3767
2010	633	606	526	685	55	1905	552	4962

#### *Legal aid lawyers*

Around eight lawyers were interviewed (all men). In Jaipur the panel lawyers were not aware that their names were on the current list. An advocate helped the researchers trace them. Five lawyers in Jaipur and three in Jhalawar district were interviewed. They said that there was no particular selection process for appointment of panel lawyers. They were selected because of their experience. They deal with all types of cases. Cases are not assigned systematically on the basis of expertise or ability. Fees for lawyers range from Rs 600/1,000/2,000 per case depending on the type of case<sup>56</sup>. Only two lawyers in Jaipur said that they have claimed their fees. The others said that the process is very lengthy and time consuming. In Jhalawar district all of them received their fees. The lawyers have

<sup>55</sup> [www.censusindia.gov.in](http://www.censusindia.gov.in)

<sup>56</sup> The Member Secretary of Rajasthan SLA stated at the validation meeting that in the period following MARG's field study the fees for lawyers have been increased to range from Rs. 3,000/4,500/5,500 plus Rs. 500/1,000 as expenses.

received no training from DLSA. They all said the LSA is a good platform to help people.

### ***Legal aid clients***

(MARG researchers could not trace legal aid clients for interview)

### ***Paralegals***

According to the Member Secretary of Rajasthan State Legal Service Authority, the SLSA is again starting the process of identification of paralegals under the Paralegal Volunteer Scheme of NALSA. Previously, lawyers had been identified as paralegal volunteers. Currently, the process of selection of paralegal volunteers is underway.

### ***LSA officials***

No details were given regarding cases taken up by the LSA in the various categories listed in Section 12 of the LSA Act. Cases are not taken up on a suo moto basis. No PILs have been filed by the LSA. No feedback from legal aid clients is taken. Though it was stated that there was constant monitoring, it was not elaborated as to how this was done. The income ceiling for clients seeking free legal aid under the category of economic vulnerability is Rs. 1, 25,000 p.a.

### ***Legal Aid vis-à-vis Government Agencies, NGOs***

#### **➤ *State Commission for Women***

Ajay Aggarwal, Legal Assistant, said that they received approximately 40 cases a year related to violation of women's rights. It was stated that no assistance had been provided by lawyers or paralegals from the Legal Services Authority. But no details were given as to whether the LSAs had been approached for help in dealing with these cases. Education, labour, exploitation, sexual harassment and trafficking of children for labour were listed as the problems faced by women.

#### **➤ *State Commission for Protection of Child Rights***

Surender Kumar, Deputy Commissioner, said that they receive more than 55 cases a year relating to the violation of the rights of children. They do not have their own panel of lawyers and take help from NGOs in cases requiring legal assistance. No help from lawyers or paralegals from the LSA is received.

#### **➤ *State Commission for Disability***

G.B. Pariek, Deputy Commissioner, stated that 56 cases relating to violation of rights of people with disabilities were pending. The Commission has no panel of lawyers and legal assistance is taken from NGOs. No assistance is received from lawyers and paralegals from the Legal Services Authority. LSA help is needed in legal aid as well as in spreading awareness on disability rights.

#### **➤ *Jail Authorities***

Kailash Shashe, Jailer, Central Jail, Jaipur, said that Legal Services Authority representatives visited the jail five times a month. He said that there is no legal awareness programmes in place for prisoners,

and no Lok Adalat has been held in the jail. No suggestions were made regarding improvement of measures by the LSA to secure rights of prisoners<sup>57</sup>.

➤ **NGOs**

Six NGOs attended the FGDs held in Jaipur on January 27, 2012, and Jhalawar on January 31, 2012. All the participants knew about the free legal services provided by the LSAs. However they have not approached the LSAs for legal aid for their stakeholders. In some cases they take the help of private lawyers. These private lawyers charge fees, which makes it difficult as cases are filed on behalf of the marginalised who are not able to bear this burden. In such circumstances the LSAs can play a pivotal role by providing free legal aid. All the participants agreed that LSAs can play a great role in helping the marginalised access justice through panel lawyers and paralegals.

**COMMENT**

The number of legal aid cases in 2006 were considerably higher than in the following years. From 2007 onwards the numbers have been more or less consistent. A surprising fact was the difficulty in tracing panel lawyers. Some of the lawyers said they did not know they were on the latest list. There is no systematic way of empanelment of lawyers and the chief criterion seems to be experience. While experience is a relevant factor it cannot be the only factor. Such criteria as attitude toward the marginalised, record of public service or experience in social justice issues, and belonging to marginalised sections, need to be kept in mind. While the lawyers did not complain about insufficient fees, they did say that the process for getting the fees is cumbersome, and some of them have not got their fees in a long time. They get no training from the LSAs, but feel being a panel lawyer is a good way to help people. Paralegals could not be interviewed as the process for selecting them is underway. As in other states, it was difficult to trace legal aid clients and the LSAs were not able to provide details on the progress of cases. Although it was stated by LSA officials that there is monitoring of progress of cases, no details were provided as to how. No feedback is taken from clients and the lawyers interviewed did not allude to any system of checking on the progress of cases. Among the state agencies interviewed, the State Commission for Disability and the SCPCR expressed need of legal aid from LSAs. NGOs too expressed need of legal aid for their stakeholders. While the state agencies and NGOs are aware of the LSAs, they have not directly approached them. While no reasons are offered for this, it would become the LSAs to take the initiative and proactively approach these agencies for collaboration.

<sup>57</sup> The Member Secretary of Rajasthan SLSA disputed this at the validation meeting stating that “the Executive Chairman of RLSA himself has attended a number of legal awareness camps organized in jails in various districts.”

## LEGAL AWARENESS

According to NALSA records, 52,400 legal literacy camps have been held in Rajasthan as on 31.01.2011. MARG researchers observed one such camp in Jhalawar.

### *Legal Awareness Camp*

Taluk Legal Services Committee (TLSC) organized a legal awareness camp in Government Girls' High School at Soomar village, Khanpur, Jhalawar, on February 19, 2012. 27 people participated in this camp, majority of them being men. The camp was presided over by TSLSC Chairman and around 11 panel lawyers also attended. The camp was held from 11 am to 11.45 am. The issues dealt with in the camp were the Protection of women from Domestic Violence Act 2005 and Protection from Witch Practices Act 1999. Most of the participants were men, as were all the resource persons. No feedback was taken from participants.

Transgenders present at the awareness camp were informed about their legal rights and how they could avail themselves of benefits of various government schemes like old age pension and ration cards. To boost their morale, they were given examples of people from the transgender community who have become MLAs and mayors in many places in the country. The MARG researcher (also a lawyer) was asked to speak on criminal law procedures (how to file FIRs, etc.). No materials were provided to the participants.

Various LSA officials said that leaflets in the local language and posters were being used as legal awareness materials in reaching out to people. NGO/CBOs were involved in legal service/awareness. Such camps were held regularly at least two or three times in a month. The SLSA decides on the honorarium and provides the budget to the DLSA.

### *Community women*

76 women selected from weaker economic sections in Jaipur and Jhalawar were interviewed to gauge their awareness on LSAs. Majority of the women interviewed were from the Muslim community i.e. 70 women. Most had not passed matriculation. None of the respondents were aware of the LSA, much less what they do or how they can be approached.

### COMMENT

Legal awareness camps are being held, but not in conformity with the guidelines in NALSAs vision document. The community is not consulted on choice of topic, nor is feedback taken from them. The legal awareness camp held in Khanpur was over in 45 minutes. This is too brief a period to deal with the myriad of topics dealt with which ranged from domestic violence, 'witch practices', the rights of transgenders, filing of FIRs and other criminal law processes. There were no women present in the camp although the main topic was domestic violence. Legal awareness camps organized particularly at the taluk level are a critical opportunity to reach marginalised sections, and effective planning, training of resource persons on how to reach the most affected stakeholders, will ensure greater efficacy. Although providing legal awareness materials

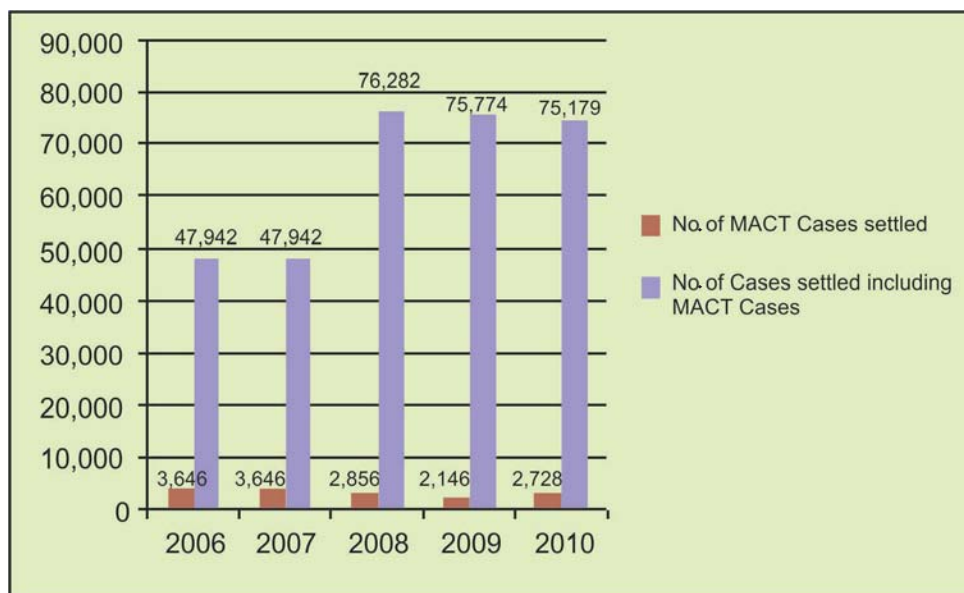
was stated to be a standard practice, participants at the camp observed did not receive any. There is no particular training given to resource persons to make the awareness programme engaging. The resource persons are usually judicial officers, and the sessions delivered in the lecture mode. Random interviews with women from the community showed that they have not heard about the LSAs. There is need to focus on spreading awareness among the general public on the role and functioning of LSAs.

## LOK ADALATS

*Table 25: Lok Adalats in Rajasthan*<sup>58</sup>

Year	No. of Lok Adalats held	No. of MACT cases settled	No. of cases settled including MACT cases	Compensation paid in MACT cases (in Rs.)
2006	5,972	3,646	47,942	300,417,800
2007	5,972	3,646	47,942	300,417,800
2008	8,389	2,856	76,282	245,902,855
2009	8,829	2,146	75,774	239,908,770
2010	8,371	2,728	75,179	343,290,290

*Figure G: Lok Adalats in Rajasthan*



### Observation of Lok Adalats

MARG researchers observed one Lok Adalat in Rajasthan. The Mega Lok Adalat held in Jaipur High Court on 19 November 2011 was observed. Questionnaires were prepared for Lok Adalat members<sup>59</sup>, clients and lawyers.

<sup>58</sup> NALSA records

<sup>59</sup> Persons presiding over Lok Adalats are called members.

### ***Lok Adalat members***

(Lok Adalat members were not willing to be interviewed)

### ***Lok Adalat clients***

A total of seven Lok Adalat clients were interviewed in the Mega Lok Adalat held in Jaipur High Court on 19 November 2011. Three were women and three in the Below Poverty Line category. Five were earning less than Rs. 1,000 per month, and two were earning between Rs. 1,000 and Rs. 2,200 per month. Four were employed. The most noticeable feature of the group was that almost all (six out of seven) were unhappy about the outcome of the proceedings. 5 out of 7 reported that their cases had not been settled. Out of the two who had their cases settled, one was unhappy as the amount of compensation received was not enough.

### ***Lok Adalat lawyers***

16 lawyers were interviewed, all of them men. On the whole, the response of the panel lawyers was positive. Most had their cases disposed of/settled amicably and were happy with the outcome of the proceedings of the Lok Adalat. Even those who did not have their cases settled recommended bringing cases to the Lok Adalat for settlement. Most of them had been informed of the Lok Adalat at least two weeks in advance, some up to a month in advance. Most of them said they had sufficient time to prepare their cases. The average time spent on their cases was usually between 10 and 20 minutes. On an average it takes 2-3 sessions for cases to be settled.

### ***LSA officials***

Lok Adalat judges are selected out of available judges, taking into account the nature of cases and according to jurisdiction. Three members of civil society are on the Lok Adalat panel. In terms of problems faced, it was reported that organizers of camps often invited local dignitaries who then turn out to be litigants and then try to misuse this in settlement of their cases.

### **COMMENT**

The number of Lok Adalats held and the number of cases settled has increased over the years. 47,942 cases were settled in 5,972 Lok Adalats held in 2006. 75,179 cases were settled in 8,371 Lok Adalats in 2010. Most of the Lok Adalat clients interviewed were unhappy that their cases were not settled on that day. One client was unhappy even after the case was settled. This is a cause for concern as the client had the choice of not settling the matter. It is for the Lok Adalat members to ensure that the clients are satisfied with the outcome and there is no coercion. The lawyers interviewed were satisfied with the proceedings.

## MISC (WEBSITE, PUBLICATIONS, BUDGETS, PHYSICAL RESOURCES)

*Table 26: Amount allocated by NALSA to Rajasthan State Legal Services Authority for implementation of various legal aid schemes and programmes framed under the LSA Act<sup>60</sup>*

2006-2007	2007-2008	2008-2009	2009-2010	2010-2011
Rs.12,00,000	Rs.58,00,000	Rs.32,72,000	Rs.67,00,000	Rs.86,00,000

*Table 27: Allocation of grants under the 13th Finance Commission (in Rs. Crores) to Rajasthan SLA for improving delivery of justice for the period 2010 – 15 (portions in red show funds that can be used for LSA activities)*

No. of Sane- tioned courts	No. of Judicial District	Morning/ Evening Courts	Lok Adalat and Legal Aid	Training of Judicial Officers	Training of Public Prosecu- tors	Heritage Court Buildings	State Judicial Academy	ADR Cent- res	Court Mana- gers	Total
824	34	129.34	15.52	12.93	7.76	23.28	15	46.20	18.48	268.51

According to LSA officials, budget planning, implementation and monitoring are carried out by the SLA. Money for planned activities is distributed through NALSA. Funds were reported to be over allotted. There is sometimes underspending. Budget is at times received at the end of the financial year which creates difficulty.

There is no functional website<sup>61</sup>.

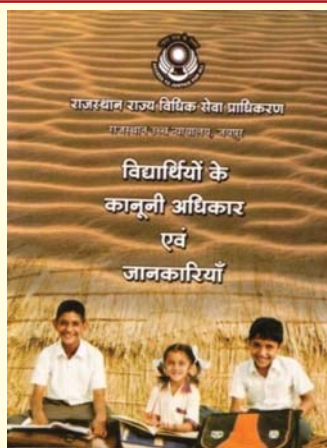
The following materials have been printed:

- ❖ Rights of Senior Citizens and schemes (booklet)
- ❖ Rights of Children (pamphlet)
- ❖ Telephone Directory of district Jhalawar
- ❖ NALSA Action Plan and Calendar of activities (booklet)
- ❖ Students rights and duties (booklet)
- ❖ Legal Service Guidelines, 2011 (booklet)
- ❖ Prisoners' Rights (pamphlet)
- ❖ Hostel Scheme (pamphlet)

<sup>60</sup> NALSA records

<sup>61</sup> The Member Secretary of Rajasthan SLA stated at the validation meeting that in the period following MARG's field study the website has been launched.

This booklet (right) on the rights of students is a fine example of an effective legal literacy material. Presentable and attractive, the writing is easy to understand and complemented by several useful illustrations. It deals concisely with a range of issues: from the fundamental rights, to environment protection, to laws regarding birth and death.



Though this pamphlet (left) provides information on the LSAs, it is not easy to understand. The use of difficult vocabulary will make it difficult to reach a wider audience, particularly the poor and marginalised, most of whom will not be highly educated.

## COMMENTT

There is no problem of shortage of money. In fact underspending is sometimes an issue. Receiving funds at the end of the year makes it difficult to spend the amount sanctioned. No other problems were expressed by the LSAs regarding infrastructure. There is no functional website. The SLSA would do well to launch a website that provides all the relevant information (e.g. contact details of lawyers and paralegals, calendar of events, legal resource materials, system for e-filing, status of cases). For the sake of transparency, the information required under Section 4 of the Right to Information Act should be provided (budgeting, decision making processes, remuneration, etc.). Some of the legal literacy materials are of a good standard. They need to be widely distributed, particularly at legal awareness camps. Materials should be in simple language that is accessible to all, particularly those with rudimentary levels of literacy.

## CHAPTER NINE

# CHHATTISGARH

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# CHHATTISGARH

State	Districts Selected	No. of Tehsils/ Taluks
Chhattisgarh	Bilaspur	Kota and Takhatpur
	Kanker	Charama and Bhanupratappur

**Capital:** Raipur **Population:** 25,540,196 (2011) Bilaspur: 2,662,077 Kanker: 24,485 (2001) **Population Density:** 188.9/km<sup>2</sup> (489.3/sq mi) **Area:** 135,194 km<sup>2</sup> (52,198.7 sq mi) **HDI:** 0.516 **HDI Rank:** 23rd (2005) **Literacy:** 64.7% (23rd) **Official Language:** Hindi, Chhattisgarhi **Sex Ratio:** 989 **Caste Breakup:** SC: 11.6% ST: 31.8% **Poverty Rate:** 63% **Life Expectancy at Birth:** 64.0 (2001) **Infant Mortality Rate:** 85.0 **Unemployment Rate:** 6.7%<sup>62</sup>

## LEGAL AID

*Table 28: Number of legal aid cases dealt with by the Chhattisgarh LSAs from 2006 to 2010*<sup>63</sup>

Year	SC	ST	BC	Women	Children	In custody	General	Total
2006	445	367	674	271	3	2,173	315	4,248
2007	325	510	546	403	8	2,599	234	4,625
2008	374	543	461	458	7	2,129	211	4,183
2009	432	382	540	572	10	1,584	287	3,807
2010	853	916	1242	1,627	56	2,531	667	7,892

### Legal Aid Lawyers

21 lawyers (all men) were interviewed. Seven lawyers were interviewed in Bilaspur (four in Takhatpur and three in Kota), and the rest from Kanker. Most of the cases handled by them were criminal cases. Most of these lawyers have joined the panel recently. They said their reason for joining the LSA was to help the poor. According to them the selection process was based on their experience as there is no particular procedure laid down for the selection of a legal aid lawyer. They have not received any fees so far, which they found very disappointing. These lawyers do not get any kind of additional assistance from the LSA in their work. Only one had undergone training on legal aid clinics. The lawyers

<sup>62</sup> [www.censusindia.gov.in](http://www.censusindia.gov.in)

<sup>63</sup> NALSA records

could not show the researchers the case papers, as they were not maintaining records of their legal aid cases. All of them uniformly demanded increase in their remuneration in legal aid cases.

### ***Legal Aid clients***

In both districts the list of legal aid beneficiaries were provided by the DLSA. However as in many cases the addresses of the clients are not fully mentioned, it was difficult to trace them. At the taluk level, it is even more difficult to keep track of legal aid clients, as they do not maintain any register of legal aid beneficiaries. The reason given for this is lack of staff.

In Bilaspur district, the researchers were given a list of 24 legal aid clients who were provided legal aid in the last three years. Out of these, the addresses of two had full details. Out of these two, one client of SC community in Bilaspur district was interviewed. He had approached the DLSA in 2009 for help in a land related case. The lawyer never informed him on the progress of the case, although he was paid Rs. 5,000 as fees. The client was later unable to trace the lawyer, and has since engaged a private lawyer to attend to the case.

A list of 37 clients was provided in Kanker district. Out of these the addresses of six clients in Kanker had full details. Out of these six, one beneficiary could be traced and was interviewed. She said the panel lawyer charged her an amount of Rs 500 for getting bail for her son in a case of theft. Her son was released, but has again been arrested for another crime and is in jail for the last six months. Exasperated by her son's behaviour, she has decided not to spend any more money on lawyers and so is not approaching the LSA.

### ***Paralegals***

In Kanker district the DLSA provided a list of 16 paralegal volunteers. All of them were requested to attend the FGD on February 12, 2012, but only two of them turned up. Seven more were subsequently interviewed separately. Most of the nine paralegal volunteers were unaware that their names were in the paralegal volunteer list of Kanker DLSA. But all of them said that they had been invited by the previous Secretary of DLSA more than two years ago. During that meeting they were urged to work as a link between the LSA and the community. After that no meetings were held. The selected paralegal volunteers are well known in their communities (teachers, principals, lawyers, traders, a nurse, a Deputy Mayor of the Municipality, and a Municipal Councillor). Many said they had no idea about legal rights and felt incapable of providing legal assistance. None of them understood their roles and responsibilities as paralegals and sought intensive training.

### ***LSA officials***

According to the three LSA officials interviewed, the average number of panel lawyers at Takhatpur is seven. In Kota there was no panel lawyer last year, and this year's list has been sent for recommendation. For the empanelment of lawyers, "DLSA procedure" is adopted. The lawyer's

experience is primarily considered. LSAs of both the taluks in Bilaspur do not maintain case records for different reasons. The TLSC Secretary in Kota said that due to lack of staff and huge workload they are unable to maintain these records. The Takhatpur Secretary stated that as it is newly established, there is no list available. Further, no separate register is maintained as “matters usually get resolved on the same day”. There is no system for getting feedback from the recipients of legal aid. The income ceiling for clients seeking free legal aid under the category of economic vulnerability is Rs. 1, 00,000 p.a.

### ***Legal Aid vis-à-vis Government Agencies, NGOs***

#### ➤ ***State Human Rights Commission***

Y.K.S Thakuri (Acting Chairperson) and Rama Krishnan Behar (Member) did not indicate the number of cases they receive requiring legal assistance. They approach LSA for help as and when required.

#### ➤ ***State Women’s Commission***

Vibha Rao, the Chairperson of State Women Commission, said that out of total 2,660 cases on violation of rights of women, 2,554 have been decided and 106 are pending. They have not taken help from any paralegals or lawyers from LSA so far, but they realize the potential role LSAs can play in dealing with cases and also spreading legal awareness.

#### ➤ ***State Commission for Protection of Child Rights***

Yashwant Jain, Chairperson, said the Commission receives around 40 cases every year. They do not have lawyers, but instead they take help of Childline (1098 helpline) to deal with cases. They were non-committal on linkages with LSAs.

#### ➤ ***State Commission for Scheduled Castes***

[No response received]

#### ➤ ***State Commission for Scheduled Tribes***

Devlal Dugga, Chairperson, said they do not have any linkages with lawyers or paralegals of the LSAs. Although they get cases, they do not “feel the need to take any kind of help from LSA”. They deal with cases needing legal assistance “as per rules and procedures.” Police help is taken sometimes.

#### ➤ ***State Commission for Minorities***

Mohammad Rafiq Khan, Chairperson, said that they do not require help of the LSAs as there is a legal advisor from the High Court in the Commission. They are also going to appoint a lawyer for the Commission.

#### ➤ ***State Commission for Disability***

Inder Chopra, Chairperson, said they are getting good assistance from the LSA which provides prompt and effective service.

#### ➤ ***Jail Authorities***

S.K Mishra, Superintendent of Central Jail, Bilaspur, said that

representatives of Legal Services Authorities visit their jail every month and conduct legal awareness programmes for the prisoners which are of 'good' standard and beneficial for the prisoners. Some of the prisoners have received legal assistance in terms of advice as well as representation in court. Jail adalats (Lok Adalats held in jails) have also been held in this jail by the LSAs. He said that LSAs are doing a satisfactory job in providing legal assistance to the prisoners.

S. L. Netam, Jailor in Kanker District Jail, said that LSA has good rapport with the jail authority and they are being regularly contacted for legal aid. The LSAs organize legal awareness camps and jail adalats at frequent intervals. The only problem is that cases are not being disposed of on time. They have formed a Jail Legal Services Committee, in which the jail authority and two panel lawyers of DLSA are members.

➤ ***Women's Home Authorities***

Smt. Soni, the in-charge of a short stay home run by Sanskar Sikshan Gyanpeeth Samiti of Raipur, said that representatives of LSA do not visit the home, but they do take help of the LSAs whenever required. In addition to legal assistance from LSAs, the women's home also takes the help of its own advocates, family courts and NGOs. In Kanker district the women's short stay home run by Adim Jati Sevak Sangh under the aegis of Women and Child Development Ministry, said they take help from the LSAs as and when required and found their help satisfactory.

➤ ***Children's Home Authorities***

Sharda Jaiswal, Superintendent of Children's Home, Bilaspur, said that representatives of the LSAs visit the home regularly. According to her, the LSAs provide good service and conduct camps and programmes. However, in some cases the parents of the children resident in the children's home arrange for private lawyers. This is more a personal choice of individual parents. Where parents do not insist on private lawyers, the LSA is approached, as the home does not have its own advocate.

Rina Laria of the Children's Home (for girl child) at Kanker, run by Bal Kalyan Parishad, Raipur, said that all 36 children there had been referred by the Child Welfare Committee. They are children in need of care and protection, not in conflict with law. Therefore, they have not felt any need of legal help from the LSAs.

***NGOs***

FGDs for NGOs were held in Bilaspur and Kanker on 10<sup>th</sup> and 12<sup>th</sup> February, 2012. Around 18 NGOs working on such issues as women, children, economic rights of weaker sections, tribal rights and environmental rights were present. 50 of the participants had never heard about the LSA. When legal aid is required by their stakeholders, they intervene directly or take the help of private lawyers. 80% of them said their stakeholders require legal aid.

### COMMENT

As per data provided by the Chhattisgarh SLISA, the number of legal aid cases in all categories has increased consistently over the years. There is no systematic procedure for empanelment of lawyers, the only criterion being experience. The lawyers interviewed are new on the panel and most have received no training on following a rights based approach in dealing with legal aid clients. They have not received any fees. There seems to be no supervision of their work and they are not maintaining the records of the legal aid cases they are dealing with. The LSAs do not maintain a system of tracking the progress of legal aid cases. Even the contact details of clients are not properly maintained. No feedback is taken from clients. In fact the clients are difficult to trace. The few clients interviewed said they had to pay the LSA lawyers. They did not think of making a formal complaint. The LSAs do not particularly inform the clients as to what they should do if they face any problems from lawyers.

The paralegals interviewed are indeed from the community but have no idea of what is expected from them as paralegals. They were scarcely aware that they are on the current list of paralegals. The DLSA will have to ensure that the teachers, principals, nurses, etc. engaged by them as paralegals are able to devote the requisite amount of time for paralegal activities. All of them felt the need for intensive training.. Lawyers willing to function as paralegals can be given a larger role as they can do more than just be a link between the community and the LSA lawyers. The state agencies interviewed either did not need help from the LSAs or are satisfied with the help they are getting from them. NGOs are largely unaware of LSAs. They turn to private lawyers for legal assistance and would benefit greatly from legal aid provided by the LSAs.

### LEGAL AWARENESS

As per NALSA records, 12,823 legal literacy camps have been held in Chhattisgarh as on 31.01.2011. MARG researchers observed one such camp held in Bilaspur.

#### *Legal awareness camps*

A legal awareness camp was organized by Bilaspur DLSA in Ameri village on February 12, 2012. It was held in the local panchayat bhawan. Judicial officers from Bilaspur were the resource persons. The village sarpanch was present with some of the ward members of the panchayat. The camp was meant to be held from 11am to 2pm.

While waiting for the participants to turn up, the LSA officials told the MARG researchers about the problems faced with regard to legal awareness programmes. It was said that local people hesitate to discuss their legal problems in front of judges. So it is better if judges are not involved in legal awareness camps. Rather, there should be a panel of lawyers at every Gram Panchayat, so that local lawyers are available to provide legal awareness at people's doorstep. It should also be a part of the school curriculum. There should be a national level legal literacy campaign involving Government officials since most of the problems and issues raised by the villagers during the camp can be solved by them.

Till about 1 o'clock only 13 persons turned up for the programme. The

Sarpanch and those present said that the villagers were always busy working in the fields from morning till evening, and as “law comes later than livelihood” there were very few present. At 1pm the workshop started. The topic of the workshop was ‘Social Security and Benefit schemes’. One of the judicial officers initiated the discussion on relevancy of law in villages, free legal aid, and the process of alternative dispute resolution and mediation. After 10 minutes the other judicial officer delivered his lecture in the local language i.e. Chattisgarhi. In his half an hour lecture, he spoke on the importance of law in daily life, the Motor Vehicles Act, police, domestic violence, forestry law, caste atrocities, Tonhi (witchcraft), problem of alcoholism, right to information, etc. After this there was a question- answer session but only one villager asked a question on appointment on compassionate ground. A few legal awareness materials (leaflets) of District Legal Services Authority of Bilaspur, were distributed to the participants at the end.

Interviews with various LSA officials showed that the LSAs use pamphlets, posters and booklets as legal awareness materials. The topics selected for legal awareness camps were said to be related to the requirement of villagers e.g. FIR, road accident, domestic violence, dowry, property, etc. These camps are held twice a month at various levels such as schools, colleges and villages. LSA officials try to involve panel lawyers and local lawyers as resource persons. No honorarium is given to resource persons.

### ***Community women***

In both the districts women from backward economic sections were interviewed to assess their knowledge about LSAs. 48 women from Bilaspur and 50 from Kanker were approached. None of them had heard about the LSAs.

### **COMMENT**

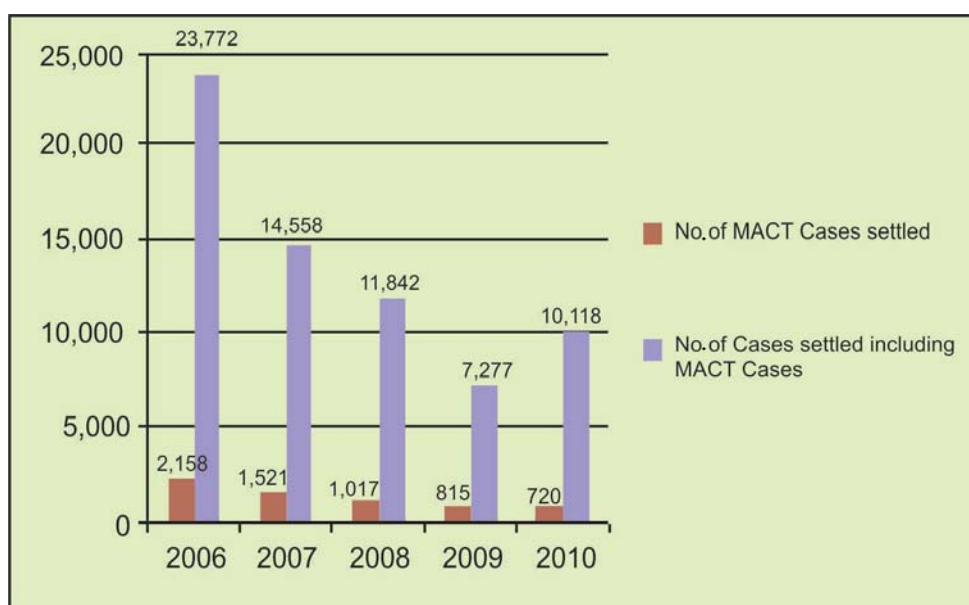
The legal awareness camp observed in Bilaspur revealed that although the LSA officials are approaching this aspect of LSA activity with great earnestness, devoting much time and energy, there is not much positive impact. This is possibly due to the design of the camp. A legal awareness camp for the community must be designed in close collaboration with the community. They should be held only at such times as are convenient for the people to attend. Organising camps at a time when most people are busy tending to their fields will lead to poor attendance. Judicial officers are not automatically the best resource persons and other resource persons trained in dealing with the community and spreading legal literacy can be explored. Also, compressing a host of issues (Motor Vehicles Act, police, domestic violence, forestry law, caste atrocities, Tonhi (witchcraft), problem of alcoholism, right to information) in one session may be overwhelming and difficult for participants to understand and fully benefit from. Interviews with women from the community showed that there is very little awareness among the general public on the LSAs. None of the women interviewed had heard of the LSAs.

## LOK ADALATS

*Table 29: Lok Adalats in Chhattisgarh*

Year	No. of Lok Adalats held	No. of MACT cases settled	No. of cases settled including MACT cases	Compensation paid in MACT cases (in Rs.)
2006	2,631	681	71,922	49,272,356
2007	1,069	1,521	14,558	84,577,425
2008	1,655	1,017	11,842	69,320,909
2009	1,498	815	7,277	118,428,837
20010	1,593	720	10,118	73,456,722

*Figure H: Lok Adalats in Chhattisgarh*



### *Observation of Lok Adalats*

MARG researchers observed two Lok Adalats in Chhattisgarh. The monthly Lok Adalat held on 21<sup>st</sup> January 2012 organised by the Kanker DLSA and held in the District Court premises at Kanker was observed. The second Lok Adalat observed was the monthly Lok Adalat held on 5<sup>th</sup> February 2012 and organized by the DLSA in the District Court premises in Bilaspur. Questionnaires were prepared for Lok Adalat members, clients and lawyers.

### *Lok Adalat members*

On 21<sup>st</sup> January 2012 the Kanker DLSA organized the monthly Lok Adalat in the District Court premises at Kanker. Only seven cases were for listed including three civil cases, three claim cases and one criminal case. Only three cases were disposed including one criminal and one claim case. In the other cases, neither the clients turned up, nor their lawyers. The members<sup>64</sup> of this Lok Adalat said that lawyers do not take interest in Lok Adalats

<sup>64</sup> Persons presiding over Lok Adalats are called members.

and never encourage their clients to settle matters in Lok Adalats. His suggestion was to increase awareness on the benefits of Lok Adalats among the community. He also said that Lok Adalat should not be organized on holidays.

On 5<sup>th</sup> February 2012 the DLSA organized the monthly Lok Adalat in the district court premises in Bilaspur. 26 cases were listed for disposal including civil cases, claim and criminal cases. Only 5 cases were disposed including one criminal, one bank recovery and 2 claim cases. Here again, neither the clients nor their lawyers appeared for the other cases. Two members of this Lok Adalat were interviewed. Here also it was said that lawyers do not take interest in Lok Adalats and never encourage their clients to approach Lok Adalats.

#### ***Lok Adalat clients***

Three Lok Adalat clients (all male) in Kanker were interviewed. They are from different socio-economic strata, their income varying from below Rs. 1,000 to above Rs. 5,000 pm, with 6-7 members in the household. They got their cases settled in just one sitting of their first Lok Adalat session in less than 60 minutes. They were informed about the Lok Adalat one month in advance. Five Lok Adalat clients were interviewed in Bilaspur. The respondents interviewed were from different socio-economic strata, their income varying from below Rs. 3,500 to above Rs. 5,000 pm, with 3-6 members in the household. They got their cases settled after more than three Lok Adalat sittings.

#### ***Lok Adalat lawyers***

(No lawyer agreed to be interviewed)

#### **COMMENT**

Since 2006 the number of Lok Adalats held has increased, but there has not been a proportionate increase in the number of cases settled. In 2006, 23,772 cases were settled in 813 Lok Adalats. In 2010, the number of Lok Adalats held went up to 1,593 while the number of cases settled was 10,118. The Lok Adalats observed in Bilaspur and Kanker showed similar patterns. Few cases were listed before the Lok Adalats, and most of the clients and lawyers did not attend the Lok Adalats. Very few cases were settled as a consequence. The members/judges of the Lok Adalats said that lawyers discourage settlement of cases in Lok Adalats. They suggested that spreading awareness among the community may help make a difference. Lawyers and clients alike need to understand the benefits of settling matters in Lok Adalats.

## MISC (WEBSITE, PUBLICATIONS, BUDGETS, PHYSICAL RESOURCES)

*Table 30: Amount allocated by NALSA to Chhattisgarh State Legal Services Authority for implementation of various legal aid schemes and programmes framed under the LSA Act <sup>65</sup>*

2006-2007	2007-2008	2008-2009	2009-2010	2010-2011
Rs. 38,08,000	Rs. 59,22,250	Rs. 21,48,000	Rs. 37,00,000	Rs. 76,00,000

*Table 31: Allocation of grants under the 13th Finance Commission (in Rs. Crores) to Chhattisgarh SLA for improving delivery of justice for the period 2010-15 (portions in red show funds that can be used for LSA activities) <sup>66</sup>*

No. of Sanc-tioned courts	No. of Judicial District	Morning/ Evening Courts	Lok Adalat and Legal Aid	Training of Judicial Officers	Training of Public Prosecu-tors	Heritage Court Buildings	State Judicial Academy	ADR Cent-res	Court Mana-gers	Total
348	16	54.56	6.55	5.46	3.27	9.82	15	21.74	8.70	125.09

According to LSA officials, the SLA and DLSA decide on budget planning, implementation and monitoring. The State Government was said to release money on time for all the planned activities. The major problems faced by the LSAs are lack of staff. There are no telephones, fax machines or computers at the taluk level. The solutions to these problems as suggested by the Secretaries are advance budget, appointment of more staff, provision of vehicles and computers, separate legal aid cells, legal literacy materials in Hindi etc.

There is a functional website, but there are certain technical problems. Some pages do not open. The website is in English. It is not available in Hindi or Chhattisgarhi. It needs to provide more information e.g. list of panel lawyers with their contact details, calendar of activities, budgets, status of cases, etc. There is no provision for filing complaints or making inquiries. The website is not disabled friendly.

Chhattisgarh SLA's Legal Literacy Mission information booklet provides information related to the various schemes of the SLA. However it only mentions the name of the schemes and objectives. It does not provide other information e.g. who is eligible, whom to approach to apply under the scheme. The SLA also has booklets on the rights of prisoners, labour laws, including MGNREGA scheme.

<sup>65</sup> NALSA records

<sup>66</sup> fincomindia.nic.in



The booklet named 'Nyaya Jagriti' is an effective capsule on various laws. It deals with various aspects e.g. human rights, women's rights within marriage, protection from domestic violence, child marriage, dowry, inheritance, female foeticide, trafficking and sexual harassment at the workplace. It also gives a brief idea about the process of mediation as an alternate dispute redress mechanism and the facilities provided for legal aid and legal awareness. The language used is simple Hindi which makes it easy to understand.

### COMMENT

As in other states the problem faced is not lack of funds. There is need for more staff and infrastructure particularly at the taluk level. Computers, telephones, fax machines and vehicles are required to improve services. The website is functional but needs to be regularly upgraded and more informative e.g. contact details of panel lawyers, calendar of activities, status of cases, etc. It should be available in Hindi/Chhattisgarhi. The SLSA has publications on various issues. Materials are distributed at legal awareness camps.

CHAPTER TEN

# GOOD PRACTICES IN TWO SELECTED STATES

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# GOOD PRACTICES IN TWO SELECTED STATES

In order to identify good practices among the LSAs, questionnaires were sent to all Member Secretaries in the country. They were asked to mention good practices in their respective LSA. Responses were received from 215 states and Union Territories.

*Table 32: Responses from Member Secretaries regarding good practices<sup>67</sup>*

	STATE	STATED BEST PRACTICE
1.	Uttar Pradesh	Toll free helpline no. 1800 419 0234 since August 2009 Launch of website jailbandi.com in pursuance of High Court order to give legal aid to life convicts Rescue operation mediation
2.	Haryana	Toll free no. 1800 180 2057.....30-40 calls per month Documentary film 'beti' Legal aid prosecution counsel scheme....lady advocate in police station Student legal literacy mission
3.	Madhya Pradesh	None
4.	Kerala	Toll free no. 98647 00100.....300 calls per month
5.	Tamil Nadu	Free helpline 25342441.....30 calls per month
6.	Assam	Legal aid clinic in jail
7.	Himachal Pradesh	None
8.	Karnataka	Filed 2 PILs Legal literacy mobile chariot buses
9.	Gujarat	Monitoring committees set up in almost all legal institutions
10.	Maharashtra	Mobile van for Lok Adalat
11.	Odisha	School legal literacy clubs
12.	West Bengal	Disaster management plan for Aila affected
13.	Chandigarh	Proactively seeking persons needing legal aid.....visiting hospitals, institutions
14.	Sikkim	Short film on access to justice
15.	Mizoram	None
16.	Chhattisgarh	None
17.	Punjab	None
18.	Andhra Pradesh	Panel discussion on Saturday at E-TV 2 channel legal literacy clubs in educational institutions
19.	Delhi	Toll free number Partnership with mission convergence Secretaries contact litigants to get feedback Summer and winter internships for law students
20.	Dadra And Nagar Haveli	None
21.	Daman And Diu	None

<sup>67</sup> The Table reproduces responses of the Member Secretaries. All the listed best practices have not been verified or studied. Only the best practices of the selected states have been studied and dealt in this report.

The shaded portions in the table above seemed on the face of it to be good practices which could be replicated by other LSAs. As it was not practical to explore good practices in all the states, Delhi and Haryana were identified as two states with the maximum number of good practices. This is not to say that the practices listed below are being followed exclusively by the LSAs in Delhi and Haryana. Nor is this an exhaustive list of all possible good practices that can be followed by LSAs. The practices listed below are suggestive of what LSAs may be inclined to follow if a practice is found suitable and is not already being followed.

## **DELHI STATE LEGAL SERVICES AUTHORITY**

### **Partnership with Mission Convergence Programme**

Mission Convergence is a programme of the State Government of Delhi to improve the quality of life of its citizens. It was started especially for the most vulnerable and disadvantaged sections of society. The main objective of the programme is to make sure that entitlements reach people through a single window system in a hassle free manner. Under the Mission Convergence programme, the Government of Delhi and the Delhi Legal Services Authority function as partners.

Gender Resource Centres (GRCs) have been set up all over Delhi to help the community on such issues as health, sanitation, legal empowerment, etc. The legal empowerment component is taken care of by the Delhi Legal Services Authority. Delhi Legal Services Authority lawyers sit in the GRCs and spread the awareness on legal issues and provide legal assistance.

People from the community regularly bring cases on such issues as domestic violence, maintenance, matrimonial disputes, property, etc. to the GRCs. Lawyers from the Delhi Legal Services Authority visit the GRC three times a month. People from the community can then directly discuss their cases with these lawyers at the GRC. The lawyers first try to resolve the problem through counselling. If the parties cannot come to an agreement, the matter is referred for litigation through the Delhi Legal Services Authority. In court the Delhi Legal Services Authority provides legal help to the persons eligible for legal aid under Section.12 of the LSA Act and Rules.

There is no formal system to monitor the lawyers who visit in the GRC but the Member Secretary time to time visits the GRC, checks the register and enquires about the performance of the lawyers. The GRC coordinators also give feedback on the lawyers. In the event of any complaint against a lawyer, the Delhi LSA conducts a fact finding enquiry, recording statements of both the lawyer and complainant. After collecting the necessary facts, if Delhi LSA finds the lawyer guilty, s/he is removed from the panel. The Bar Council is also informed about this development.

There is a Legal Aid budget under the Mission Convergence Programme. The expenses of the lawyers who visit the GRCs are met under this budget head. If the matter results in litigation, the Delhi Legal Services Authority bears the expenses of the case.

## Training Programme of Panel Lawyers

The Delhi Legal Services Authority regularly organise training for their panel lawyers. Resource persons include retired judges, senior lawyers and sitting judges. The duration of the training depends on the topic. The course content covers civil and criminal matters. Sometimes the lawyers themselves suggest what topic/s they need training on. The Delhi LSA also provides law books for panel lawyers. It also arranges for books for lawyers from the court library. The expenses of training are borne by the Delhi SLSA that has a budget for training. As internal trainers and court premises are used for training, the overall cost of training is nominal.

## Paralegal Training

The Delhi SLSA has three types of paralegals:

- ❖ **Community Paralegals** are chosen by the Delhi SLSA with the help of GRC Coordinators. These paralegals are trained in 24 sessions over a period of 6 months. Topics of training range from fundamental rights, governance structures, the rights of the vulnerable (women, children, Dalits, tribals, people with disabilities, people living with HIV/AIDS), criminal law processes, food rights, RTI, redress mechanisms, etc.
- ❖ **Student Paralegals** are chosen from among college students willing to work for society. They are trained by the Member Secretary and SLSA lawyers for two days.
- ❖ **Jail Inmates Paralegals** are selected from among jail inmates. Delhi SLSA officials visit the jail and identify paralegals on two criteria (i) those who are expected to remain in the jail for a long time, and (ii) their willingness to provide help to jail inmates on legal issues. They are trained by the Member Secretary and other Delhi LSA officials.

The expenses for these paralegal trainings are borne by the funding from NALSA.

## Internship Programme

The main objective of this programme is to sensitise students on socio-legal realities. Colleges send a list of students interested in internship. In 2011 there were approximately 200 students under the internship programme. The duration for internship is four weeks. The interns receive an honorarium of Rs. 1,000/-. The interns assist in organizing Lok Adalats, legal awareness camps, etc. They also visit courts and GRCs to assist the community. There is usually a spurt in the number of cases coming to the Delhi SLSA during the internship programme, which is a tribute to both the efficacy of the programme and the enthusiasm of the students.

## Help to rape victim

Delhi LSA also provides help to rape survivors. It collects the copy of FIRs from the police station. If the survivors require any legal help, this is provided by Delhi LSA<sup>68</sup>.

<sup>68</sup> This has been done following directions by the Delhi High Court in *Crl Apl 5/2000 Khemchand v State of Delhi*

### **Missing child**

Delhi LSA collects information on missing children from the police stations. It then keeps a track on the progress of the case.

### **Video Conferencing in Jail**

Delhi LSA has fixed dates for video conferencing with inmates to provide legal help. The inmates talk through video conferencing and share their problems. Panel lawyers also visit the jails daily and provide legal help to inmates. Many inmates who had been granted bail but were not able to pay bond amount have been released by them on personal bond.

## **HARYANA STATE LEGAL SERVICES AUTHORITY**

### **Toll free helpline**

Around 30 - 40 calls are received by the helpline every month. A Legal Assistant receives the calls in the SLSA. This Legal Assistant is appointed by the Haryana SLSA and must be a law graduate. When a call is received, the Legal Assistant provides the helpline number of the relevant DLSA. Sometimes the SLSA also informs the concerned DLSA in advance about the case. The SLSA keeps a record of these cases in a register which also contains the contact details of the applicants. Most of the applicants have been women seeking assistance on such issues as dowry, domestic violence, property disputes, etc.

One of the problems being faced is that people are not aware about the helpline. Initially there were many calls but now the number of calls is decreasing. It was suggested that a national level helpline should be started to provide legal assistance, with a three digit number as in the case of Fire, Police, etc.

### **Legal Aid Prosecution Counsel Scheme**

Haryana State Legal Services Authority has a Model Scheme for Legal Aid Prosecution Counsel for victims of rape and other crimes against women and children. Under this scheme, the list women lawyers on the panel of the DLSA are given to the SHO of each police station. When any case involving a crime against a woman or a child is reported in the police station, the SHO informs the DLSA lawyer. The lawyer then visits the police station to provide the required legal assistance to the woman or child concerned. The purpose of this scheme is to provide prompt help to the affected person as soon as the crime is reported.

This scheme was started in the year 2009. A woman lawyer must have at least three years of experience to be appointed to provide assistance under this scheme. The lawyer is paid Rs. 500/- per visit.

### **Student Literacy Mission**

The Student Literacy Mission seeks to involve students in spreading legal awareness. Under this scheme 1,544 student clubs have been established in Government Senior Secondary Schools, 75 Government Colleges and 96 Government Aided Colleges. In these clubs, the students are made aware of the legal rights and duties of citizens.

Under this scheme, senior students are chosen by teachers and they participate in legal awareness competitions. Haryana LSAs then train the teachers, who in turn spread the information on law amongst the student club members. The training is for a duration of 6 days.

This scheme is run in collaboration with the Education Department of Haryana.

### **Paralegal Scheme**

Paralegals are selected by the Sarpanch and the DLSA. The NALSA guidelines are kept in mind in making this selection. The paralegals are trained by lawyers who in turn were trained by the Judicial Academy. Six days trainings are organised by the Haryana SLSA for paralegals.

Paralegals assist the DLSA in organising legal awareness camps and Lok Adalat. They sit in the Legal Aid clinic in their respective villages. Work is assigned to the paralegals on the basis of their performance and by rotation. They send reports to the DLSA on their paralegal activities. The DLSA accordingly gives them honorarium for their work. Paralegals get Rs. 250/ for per event.

### **Website**

The Haryana website is relatively informative and up-to-date. HALSA has a technician exclusively to maintain the website. The website is accordingly updated regularly by this technician. However, the website of Haryana SLSA too is not disabled friendly.

### **Legal Aid Clinics**

Haryana SLSA has opened Legal Aid Clinics in each district with the help of the Haryana DLSAs. They have opened 20 Legal Aid clinics in each district. The trained paralegals and panel lawyers sit in these clinics twice a week (every Wednesday and Sunday) to provide legal assistance to the community.



## CHAPTER ELEVEN

# KEY FINDINGS

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# KEY FINDINGS

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## General Findings (Applicable to all states)

### Legal Aid

- ❖ From 2006 to 2010 the seven states together have provided legal aid in 144,881 cases to the various categories of persons mentioned in Section 12 of the LSA Act. [Madhya Pradesh = 37,055; Jharkhand = 5,544; Bihar = 20,174; UP = 18,738; Odisha = 13,905; Rajasthan = 24,710; Chhattisgarh = 24,755]
- ❖ The National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, spells out the processes to be followed by LSAs in the area of legal aid. Some of its provisions with regard to selection criteria of panel lawyers, Monitoring Committees, front offices, etc. are yet to be fully functional in all the states.
- ❖ Legal aid lawyers
  - o All the states have a functional panel of LSA lawyers. Lawyers are selected on the basis of their experience. There is no process for training of these lawyers on the rights based approach to legal aid or developments in law. There is no particular emphasis on empanelling lawyers from marginalised sections e.g. women, Dalits, persons with disabilities, etc.
  - o Feedback is not taken from clients on their experience with LSA lawyers. There is no system in place to inform clients of a complaints mechanism in case there is dissatisfaction with the services of the lawyer.
  - o There is no central database available with LSAs showing progress of cases. The case is left to the panel lawyer to take care of entirely. There is no appraisal of performance of lawyers. Once the case is passed on to the lawyer, there is no institutional follow-up either with the lawyer or the client. There being no evaluation process, there are no identified criteria of evaluation.
  - o Many lawyers are not getting their fees. Most lawyers get Rs. 500/- per case, which they complained is insufficient.
- ❖ Legal aid clients
  - o There is no system of tracking case progress. Legal aid clients, and even the LSA officials, have to depend entirely on panel lawyers for information on case progress.

#### ❖ Paralegals

- o LSA paralegals are expected to be the bridge between the community and the LSAs. NALSA's Quinquennial Vision Document of 2010, envisages paralegals as playing a key role in removing barriers to justice. Many paralegals are not clear on what their role is, and have received no training.
- o Paralegals range from law students, NGO workers, teachers and principals, anganwadi workers, etc. Lawyers are also being empanelled as paralegals. There is no training module for paralegals with a clear articulation of the role of paralegals, their code of conduct, do's and don'ts.
- o There is confusion among paralegals on remuneration. Some believe they will get nothing, while some are expecting Rs. 7,500 per month.

#### ❖ Legal Aid vis-à-vis Government Agencies, NGOs

- o Although the LSA Act directs SLSAs to work closely with government agencies and NGOs to "promote the cause of legal services to the poor" (which in this study is being construed to include other marginalised sections), many state agencies (e.g. Disability Commissions, Minority Commissions) requiring legal aid have not been proactively approached by the LSAs. NGOs also seem reluctant, perhaps due to lack of familiarity with the LSAs, and are instead spending money on private lawyers to deal with cases.

### **Legal Awareness**

- ❖ Legal awareness camps are being held, but not in conformity with the guidelines in NALSA's vision document. Topics, dates and timings are decided without direct consultation with the target community. Sessions are not structured systematically and often too much is packed in too short a time. The sessions are always in lecture mode with little scope for interaction except questions at the end of the session. No feedback is taken from the participant. Resource persons are usually judicial officers and panel lawyers who do not receive any particular training to be resource persons.
- ❖ The general population is unaware of the LSAs. Nearly all the women from economically weaker sections who were interviewed had no idea about the function of LSAs and how they could approach them for help. Most of them had not even heard about the LSAs.

### **Lok Adalats**

- ❖ From 2006 to 2010 the seven states together have settled 55,90,080 cases in Lok Adalats. [Madhya Pradesh = 16,66,133; Jharkhand = 66,402; Bihar = 4,79,841; UP = 23,40,332; Odisha = 6,46,686; Rajasthan = 3,23,119; Chhattisgarh = 67,567]
- ❖ Clients and lawyers are by and large happy with the outcome of Lok Adalats.

### Misc (Websites, Publications, Budgets, Physical Resources)

- ❖ The 13th Finance Commission together with funds from NALSA have made funds available for various activities. However there is both underspending as well as insufficient amount for training of paralegals, setting up legal aid clinics, etc. One of the reasons for this mismatch is lack of expert assistance in accounts/financial management and budgeting. Understaffing has made it difficult to carry out all required activities and manage large funds.
- ❖ The offices in taluk and district levels lack infrastructure e.g. computers, telephones, vehicles.
- ❖ The websites do not have the following: provision for e-filing, case tracking by legal aid clients, grievance mechanism. They are not designed to be accessible to persons with disabilities. Information as required under Section 4 of the Right to Information Act is not fully provided e.g. powers and duties of officers and employees; description of procedure followed in the decision making process, including channels of supervision and accountability; directory of officers and employees; monthly remuneration received by officers and employees, including the system of compensation; budget allocated, indicating the particulars of all plans, proposed expenditures and reports on disbursements made; names, designations and other particulars of the Public Information Officers
- ❖ All the LSAs have legal literacy materials on various topics. Most are of a good standard. Some are difficult to understand due to the use of difficult words.

### State specific Findings

## MADHYA PRADESH

### Legal Aid

The MPSLSA has good links with the Madhya Pradesh State Human Rights Commission, the State Commission for Scheduled Tribes, and children's homes. Legal assistance from the LSA is sought in the State Commission for Scheduled Castes, the State Commission for Minorities, and the State Commission for Disability. The State Commission for Women and women's homes require legal aid but have had negative experiences with the LSAs. At the same time, LSA records show a drop in the number of legal aid cases to women in the state. Legal aid is being given in jails but jail authorities complain of poor quality of lawyers. Many NGOs need legal aid for their stakeholders among the marginalised.

### Legal Awareness

Legal literacy materials are not regularly distributed among participants at legal awareness camps. Legal awareness camps are also being held where all the participants are lawyers.

## JHARKHAND

### Legal Aid

According to the paralegals interviewed there is a six day training for paralegals. They have not started functioning as paralegals as yet. The Disability Commission and jail authorities are satisfied with LSA help. Legal aid is sought by the State Commission for Human Rights, State Commission for Women, Minorities Commission and NGOs.

### Legal Awareness

Legal literacy materials are not generally distributed among participants in legal awareness camps.

## BIHAR

### Legal Aid

The number of cases of legal aid and advice has gone down significantly from 8,753 in 2006 to 1,258 in 2010. This is the lowest in terms of numbers among the 7 states studied. The LSAs in Bihar are providing legal assistance in children's homes. The State Commission for Women, the state Commission for Scheduled Castes, the State Disability Commission, jail authorities, women's homes and NGOs require legal aid. The State Human Rights Commission and Minorities Commission require legal aid urgently.

### Lok Adalats

Usually not more than five minutes are spent on each case in Lok Adalats. Nearly half the clients interviewed were not aware that when a matter is settled in a Lok Adalat, it is final.

## UTTAR PRADESH

### Legal Aid

- ❖ There has been a considerable drop in number of legal aid cases dealt with by LSAs in UP in 2010. While around 4,610 cases were reported in 2006, this has dropped by more than half in 2010 (2,032).

The few state agencies interviewed did not require legal assistance from the LSA. NGOs working among the marginalised expressed the need for legal aid and that their stakeholders would be greatly benefitted from assistance from the LSAs.

### Legal Awareness

Lawyers are the sole participants in some legal awareness camps.

### Lok Adalats

Some clients are not aware that settlement in Lok Adalat is binding. The lawyers were satisfied with their cases but felt that not enough time is spent on each case.

### Misc. (Websites, Publications, Budgets, Physical Resources)

Funding from NALSA has consistently increased from 2006 to 2009, but has dropped by over half in 2010. The allocation for 2009–10 was Rs. 97,00,000, whereas in 2010–11 it came down to 46, 00,000. According to NALSA, allocations are made on the basis of performance of the SLSA.

## ODISHA

### Legal Aid

Jail authorities and women's homes are satisfied with help from LSA. Legal assistance is sought by the SCPCR, the State Commissions for Scheduled Tribes, as well as the women's homes. The State Commission for Disability expressed dissatisfaction with the services of the LSAs, alleging lack of cooperation and demand for money by lawyers. Most of the NGOs interviewed have heard of the LSAs and are aware of their functions. Most require legal aid for their stakeholders, but very few have approached the LSAs for this.

### Legal Awareness

Although OSLSA has good legal literacy materials, they are not regularly distributed among participants in legal awareness camps.

### Lok Adalats

The number of Lok Adalats held every year has consistently increased from 2006 to 2010. However the number of cases settled has come down over the years from 204,065 in 2006 to 138,842 in 2007 and 21,148 in 2010. Lok Adalat clients and lawyers have generally expressed satisfaction with the outcome of their Lok Adalat cases. However, the lawyers in Kendujhar said that too little time was spent on their cases. The Kendujhar clients also did not know that the awards in Lok Adalats are binding in nature. DLSA level members get remuneration for attending Lok Adalats, whereas taluk level members do not.

## RAJASTHAN

### Legal Aid

- ❖ The number of legal aid cases in 2006 was considerably higher than in the following years. From 2007 onwards the numbers have been more or less consistent.

- ❖ Some of the panel lawyers said they did not know they were on the latest list. Paralegals could not be interviewed as the process for selecting them is underway.
- ❖ Among the state agencies interviewed, the State Commission for Disability and the SCPCR expressed need of legal aid from LSAs. NGOs too expressed need of legal aid for their stakeholders.

### **Legal Awareness**

Legal literacy materials are not regularly distributed among participants at legal awareness camps.

### **Lok Adalats**

Some clients were not happy with the result although many had cases settled.

## **CHHATTISGARH**

### **Legal Aid**

The State Human Rights Commission, the State Commission for Disability, and jail authorities are satisfied with the assistance they are getting from the LSAs. The State Commission for Scheduled Tribes and the State Minorities Commissions said they do not need help from the LSAs. The NGOs are largely unaware of LSAs. They turn to private lawyers for legal assistance and would benefit greatly from legal aid provided by the LSAs.

### **Lok Adalats**

The Lok Adalats observed in Bilaspur and Kanker showed similar patterns. Few cases were listed before the Lok Adalats, and most of the clients and lawyers did not attend the Lok Adalats. Very few cases were settled as a consequence. The members of the Lok Adalats said that lawyers discourage settlement of cases in Lok Adalats.

Table 33: Expectations and Key Findings

STRUCTURE		
EXPECTATION		FINDINGS
State Legal Services Authority → District Legal Services → Taluk Legal Services Committee Authority		Structure is in place. Sufficient funds available. Infrastructure required: support staff (including accounts), telephones, computers and vehicles particularly at district and taluk level. Websites do not have all required information.
FUNCTIONS		
EXPECTATION		FINDINGS
LEGAL AID	LSAs to have a front office to be manned by a panel lawyer and one or more para-legal volunteer	Process underway. Cadre of paralegals trained to run front offices not ready yet. Shortage of infrastructural support (computer, telephone, etc). General public not aware of front offices
	Lawyers with minimum 3 years' practice and commitment to social justice to be empanelled	No systematic, formal process of empanelment. Lawyers selected on basis of experience. No particular effort to empanel lawyers from marginalised sections, or means to verify social justice commitment among potential panel lawyers
	Some panel lawyers to be designated as Retainers	Under process
	Panel to be re-constituted after every three years	No systematic review of panel lawyers and reconstitution of panel
	Monitoring Committee to maintain a register to check progress of legal aid cases	No case tracking system in place
	DLSA and TLSC to submit copies of the bi-monthly reports of their Monitoring Committees to the Executive Chairman of the State Legal Services Authority	DLSA and TLSC not aware of outcome of legal aid cases only panel lawyers are aware of this
	SLSAs to send consolidated half-yearly reports of the Monitoring Committees, indicating the success or failure of each of the legal aided cases to NALSA	Process of setting up Monitoring Committees underway

	DLSAs to run legal aid clinics in jails.	Legal assistance successfully provided in some jails. Some jails not covered.
	A strong base of paralegals to be developed.	Under process
	Taluk Legal Services Committee (TLSC) to select PLVs.	Under process
	PLVs should assist the DLSA/TLSC in organizing legal awareness camps	Done in few areas. Calendar of activities, evaluation process to be prepared after selection and training of paralegals completed
	PLVs should act as a bridge between the people and Legal Services Authorities.	-do-
	PLVs to inform the TLSC of legal issues in their area	-do-
	They should assist the DLSA/TLSC in organizing legal awareness camps	-do-
	SLSAs to act in coordination with other governmental agencies, NGOs, etc. engaged in promoting legal services to the poor.	Satisfactory assistance given to some Commissions, homes, etc. Legal aid sought by many others. NGOs need legal aid for their marginalised stakeholders, but rarely approach LSAs
	SLSAs to establish Legal Aid Centre (s) attached to the Juvenile Justice Boards (s) in State capitals	(not examined in this study)
LEGAL AWARENESS	Legal awareness camps particularly among the weaker sections about their rights, entitlements	Legal awareness camps are being held. Sometimes all the participants are lawyers
	Suitable resource persons should be selected	Judicial officers and panel lawyers are resource persons. They do not undergo any particular training to function as resource persons in community legal awareness programmes
	Feedback to be taken from the participants	No feedback taken
	Topics to be selected on the basis of the needs of the local people	Community is not consulted on topics.
	the LSAs should become a household name	General public not aware of LSAs

Members of the Lok Adalats not to pressurize any of the parties to compromise/settle cases	One instance found of client feeling pressurized to settle the matter. Few lawyers felt not enough time given to their cases
Members to ensure that the parties affix their signatures only after fully understanding the terms of settlement	Generally being done. In some cases, clients did not know the award reached at Lok Adalats is final
Members to ensure that the terms of settlement are not unreasonable, unconscionable, illegal or one-sided.	Generally being done. Nearly all lawyers and clients satisfied with results
Members to make sure that the parties have entered into settlements voluntarily and not on account of threat, coercion or undue influence.	No specific complaint by any client or lawyer in this regard



## CHAPTER TWELVE

# **RECOMMENDATIONS**

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# RECOMMENDATIONS

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Based on the key findings, the following recommendations are made:

## Legal Aid

### Legal aid lawyers

*Development of a systematic empanelment process for lawyers:*

This empanelment of lawyers should have a clearly identified selection criteria. The National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010, provide for choosing lawyers with “commitment to social justice”. This needs to be highlighted in the selection process, and means developed to verify the same in candidates. As an organization dedicated to social justice and equity, preference should be given to certain categories of lawyers e.g. women, SC/ST, people with disabilities, etc.

As such the following may be kept in mind in the empanelment process:

- ❖ Transparent system for receiving applications for empanelment through advertising in the official language of the state in at least two newspapers with wide circulation in the state, as well as notices in court premises
- ❖ Potential panel lawyers to be interviewed by Member Secretaries and Chairpersons of LSAs
- ❖ Selection of lawyers on the following criteria:
  - o Lawyers with minimum three years of experience, due regard given to additional years of experience. Preference to be given to lawyers with experience on cases affecting persons mentioned in Section 12 of the LSA Act (Members of Scheduled Castes/ Scheduled Tribes; victims of trafficking in human beings or begar; women; children; persons with disabilities; persons under circumstances of undeserved want e.g. victims of a mass disaster/ ethnic violence/ caste atrocity/ flood/ drought/earthquake/industrial disaster; industrial workmen; persons in custody; economically vulnerable persons)
  - o Lawyers with proven track record of commitment to social justice.

This can be measured by experience in social justice issues e.g. pro bono assistance to marginalised, association with state agency/ NGO committed to social justice

- ❖ Preference to be given to lawyers from marginalised sections e.g. women, members of Scheduled Castes/ Scheduled Tribes, minorities, people with disability, etc.
- ❖ Process to be completed within 3 months
- ❖ New panel to be constituted every 3 years, with existing panel continuing till replaced by new one. Panel lawyers can be re-appointed subject to satisfactory performance.

*Monitoring and evaluation of lawyers:*

Monitoring and evaluation can be done through a combined process of case tracking and client feedback. This can be done by the following system:

- ❖ Setting up of Monitoring Committees (as stipulated in the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010) at state, district and taluk levels to monitor progress of litigation in legal aid cases. These committees will comprise of the Chairperson, Member Secretary (or Secretary) and a lawyer to be nominated by the Patron-in-Chief of the LSA.
- ❖ LSA lawyers should provide monthly reports on the status of their legal aid cases. Paralegals/lawyers managing front offices to daily update the register of cases in front offices. Paralegals should also send monthly updates on their activities. Payments to lawyers and paralegals should be made only on satisfactory reporting.
- ❖ The Monitoring Committee will maintain a register for legal aid cases to record the progress and end result. The Monitoring Committees should submit bi-monthly reports containing their assessment of the progress of the legal aid cases and the performance of the panel and retainer lawyers. These reports should be submitted to the Executive Chairman or Chairman of the Legal Services Authority. The District Legal Services Authorities and Taluk Legal Services Committees should submit copies of the bi-monthly reports of their Monitoring Committees to the Executive Chairman of the State Legal Services Authority. The State Legal Services Authorities should send consolidated half- yearly reports of the Monitoring Committees, indicating the success or failure of each of the legal aided cases, to the Central Authority (NALSA).
- ❖ Status of cases to be updated at least once a month on the LSA website.
- ❖ Clients approaching the LSA for legal aid should be specifically informed about where they can complain if they face problems from the lawyer. Information on the complaints mechanism should be visibly displayed in a prominent part of the front office/LSA office. Feedback should be taken from clients on their experience. Randomized cross-checking with clients and inspection of case records is recommended.
- ❖ Complaints received to be dealt with promptly by appropriate authorities.
- ❖ An annual assessment of lawyers and paralegals should be made on

such criteria as number of cases with due regard to complexity of cases, time spent on LSA activities, feedback from clients/ peers.

#### *Training of panel lawyers:*

Legal aid lawyers need training not only on developments in the law, but in attitudes towards marginalised sections. They need to be oriented towards social justice issues and the rights based approach to legal aid. A structured training of even two days in a year will suffice. Orientation training of a longer duration is recommended for newly appointed lawyers. The training session should include a refresher on developments in law with reference to the categories of persons mentioned in Section 12 of the LSA Act.

#### *Regular payment of fees:*

Payment of dues to lawyers and paralegals as per rules should be settled on a monthly basis subject to receipt of status/activity reports. Complaints on non-receipt of dues should be made to the relevant LSA.

### **Legal aid clients**

#### *Grievance redress mechanism:*

Persons seeking legal assistance should be informed about the scope of the legal aid being offered (e.g. categories of persons mentioned under Section 12 of the LSA Act as being entitled to free legal aid, paralegals and lawyers of the LSA are not to paid separate fees, procedure for filing complaints if a client is dissatisfied with quality of legal assistance provided). A leaflet can be prepared for the purpose and handed to each person who approaches the LSAs for assistance. Information on the complaints mechanism should be visibly displayed in a prominent part of the front office/LSA office.

#### *Feedback:*

Clients should be approached after three months from date of their seeking legal aid and every 6 months thereafter for feedback on the assistance they have received from lawyers, paralegals.

### **Paralegals**

#### *Selection and training of paralegals:*

Paralegal volunteers are required to play a significant role both in providing legal assistance and in providing basic information on law. As they are likely to be the first point of contact between the public and the LSAs, the importance of selecting appropriate and suitable paralegals cannot be overemphasized. The role of the paralegals should be clearly articulated in terms of Do's and Don'ts. As spelt out in the NALSA vision statement, a paralegal is one who would not be in a strict sense giving legal advice to an individual but assist an individual in obtaining the services of NALSA and other Legal Services Authorities in case of necessity. Such a person would be expected to have some rudimentary knowledge of the basic rights of individuals, functioning of courts, functioning of Legal Services Authorities and the functioning of some of the organizations

such as Municipal Corporations and District Administration.

Paralegal training should include the following:

- ❖ Understanding the role and requirements of paralegal volunteers (NALSA vision of paralegals; Do's and Don'ts for paralegals)
- ❖ Standard operating procedures (documenting cases, client briefings, maintaining client confidentiality, proactive intervention in necessary cases)
- ❖ Common problems faced by paralegals and how to deal with them
- ❖ Key provisions of rights of marginalised sections, particularly those mentioned in Section 12 of the LSA Act
- ❖ Basic governance structures and redress mechanisms

A comprehensive paralegal manual/handbook with these aspects as well as course content should be developed. In preparation of this, inputs should be taken from those with experience in the matter of paralegals e.g. NGOs, academics, paralegals themselves.

Additionally, several organizations are working on paralegal development and there is a pool of trained paralegals who can be absorbed in the LSA cadre of paralegals. A test could be developed to verify their knowledge and suitability to function as LSA paralegals.

### **Legal Aid vis-à-vis Government Agencies, NGOs**

*Coordination with Government Agencies and NGOs:*

The LSAs should proactively approach various state agencies e.g.

- ❖ State Human Rights Commission
- ❖ State Commission for Women
- ❖ State Commission for Protection of Child Rights
- ❖ State Commission for Scheduled Castes/Scheduled Tribes
- ❖ State Commission for Minorities
- ❖ State Commission for Disability
- ❖ Jail Authorities
- ❖ Women's Home Authorities
- ❖ Children's Home Authorities
- ❖ NGOs working on the rights and welfare of the marginalised

The LSAs can develop as the 'one stop shop' for legal aid and legal assistance for the marginalised and such organizations/agencies as represent them. This is also the direction the Supreme Court is taking in its directions involving the LSAs. Thus, in *Sampurna Behrua v. Union of India & Ors.* [W.P.(C) No.473/2005], the Supreme Court directed the National Legal Services Authority to put in place Legal Aid Centres attached to the Juvenile Justice Board (s) in the State capitals where there is a high pendency.

Legal awareness programmes could also be conducted in coordination with these organizations/agencies, thereby leading to better institutional linkages. The LSAs should be the natural referral point for institutions/organizations dealing with the rights of the poor and the marginalised. NGOs working with these sections should be encouraged to approach the LSAs for legal aid. In case there is any doubt regarding the credentials of an NGO verification can always be done with the help of the police.

### **Legal Awareness**

Spreading legal awareness at the community level has to meet the challenge of reaching an uninitiated audience in a limited frame of time and providing information on law in a way that can be easily understood and remembered. These camps should be carefully designed keeping in mind the following:

- ❖ Topics for the legal awareness camp should be decided in consultation with the local community. This also gets them involved in the process.
- ❖ The timings should be reasonable and at the convenience of the participants rather than the resource persons.
- ❖ Sessions should be structured systematically. Packing in too much information in too short a time leads to confusion rather than awareness. Resource persons should be encouraged to use films, role play and other interactive methods rather than only lectures.
- ❖ The role of resource persons should not automatically be thrust on LSA officials and panel lawyers. A pool of suitable resource persons should be developed. Resource persons should be selected on their knowledge of the subject as well as communication skills. If required, they can be trained on interactive techniques.
- ❖ Legal literacy materials on the issue should be invariably distributed among the participants for future reference.
- ❖ Feedback should be taken from the participants at each legal awareness camp. This can be done by feedback forms if the participants are adequately literate, or by oral recording. Suggestions should be taken from participants for improvement.

NALSA's Quinquennial Vision Document of 2010 aspires that LSAs should be a household name in each state. The general populace is largely unaware of the existence of LSAs, much less their functions and how to approach them. An effective publicity campaign involving mass media (especially radio and TV) should be launched to make people aware of the LSAs.

### **Lok Adalats**

Although Lok Adalats have been fairly effective in all the states, their efficacy can be enhanced by spreading awareness among the public on the usefulness of Lok Adalats. Meetings can also be held with lawyers and Bar Associations to reduce the reluctance among some lawyers to encourage their clients to settle matters in Lok Adalats. Lok Adalat

members should be trained/briefed on the relevant provisions of the LSA Act and the provisions of the National Legal Services Authority (Lok Adalats) Regulations, 2009.

### **Websites, Publications, Budgets, Physical Resources**

- ❖ An urgent need is enhancing the financial management and budgeting skills of the LSAs by a combination of training of staff as well as appointment of accounts staff/establishment of accounts wings.
- ❖ Infrastructure in the offices particularly at the taluk and district levels needs to be developed with adequate numbers of computers, telephones, vehicles and particularly staff. A competent person/consultant should be appointed to manage the website.
- ❖ LSA websites should have the following:
  - o Calendar of activities
  - o Contact details of lawyers and paralegals
  - o Annual reports
  - o LSA Act, Rules and Regulations
  - o LSA Schemes
  - o Legal literacy materials
  - o Provision for e-filing of applications
  - o Updated status of legal aid cases
  - o Complaints mechanism to register any grievance on-line
  - o Web accessibility so that the website is disabled friendly: A set of globally accepted standards called WCAG – Web Content Accessibility Guidelines – has been established by WAI (Web Accessibility Initiative) which is part of W3C (World Wide Web Consortium)<sup>69</sup>. Following is a quick glance at some of the more important requirements for an accessible website:
    - § Provide text alternatives for non-text content
    - § Provide captions and other alternatives for multimedia
    - § Create content that can be presented in different ways, including by assistive technologies, without losing meaning
    - § Make it easier for users to see and hear content
    - § Make all functionality available from a keyboard
    - § Give users enough time to read and use content
    - § Do not use content that causes seizures
    - § Help users navigate and find content
    - § Make text readable and understandable
    - § Make content appear and operate in predictable ways
    - § Help users avoid and correct mistakes
    - § Maximize compatibility with current and future user tools (including assistive tools)
- ❖ Information as required under Section 4 of the Right to Information e.g.
  - o Particulars of organization, functions and duties
  - o Powers and duties of officers and employees

<sup>69</sup> The most recent version of WCAG is 2.0 which can be accessed in detail at the following link - <http://www.w3.org/TR/WCAG20/>

- o Description of procedure followed in the decision making process, including channels of supervision and accountability
- o Directory of officers and employees
- o Monthly remuneration received by officers and employees, including the system of compensation as provided in its regulations
- o Budget allocated to each of its agencies, indicating the particulars of all plans, proposed expenditures and reports on disbursements made
- o Names, designations and other particulars of the Public Information Officers

Legal literacy materials should be printed in sufficient quantities for dissemination at legal awareness camps. Materials should be available on the rights of all categories mentioned in Section 12 of the LSA Act. For new materials, pre-testing should be done with marginalised sections and feedback taken on appropriateness, simplicity, etc. Materials should be printed only after incorporating suggestions emerging from pre-testing.

Films are an engaging method of spreading legal literacy. LSAs should explore making legal literacy films of 15-20 minutes each on the rights of the various marginalised sections as set out in Section 12 of the LSA Act.

# EPILOGUE

The study was validated at a workshop held in Delhi on October 31, 2012. National and State Legal Services Authorities across the country participated in the event. The study was well received. The discussion was constructive. It was very encouraging to know that in the period following the conclusion of the field study there has been a spurt in activities of the selected State Legal Services Authorities. A number of positive steps have been taken by the LSAs. The Member Secretary of Jharkhand SLISA stated that in the period following MARG's field study, the fee structure for lawyers has increased by almost 3 to 4 times. The Member Secretary of Bihar SLISA stated that in the same period 8,169 paralegal volunteers have been trained. The SLISAs of Bihar and Rajasthan have also since launched their own websites. The fee structure for lawyers in Rajasthan has also increased substantially.

Apart from validating the study, the workshop also reassured us that the LSAs are sensitive to feedback and willing to take steps to improve delivery of services. This also reinforces the need for periodic assessment of services delivered by LSAs based on the feedback received from the recipients of these services.

**MARG**

Table 34: COMPARISON OF EXPECTATIONS, FINDINGS and RECOMMENDATIONS		
STRUCTURE		
EXPECTATIONS	FINDINGS	RECOMMENDATIONS
State Legal Services Authority District Legal Services Authority → Taluk Legal Services Committee →	Structure is in place. Sufficient funds available. Infrastructure required: support staff (including accounts), telephones, computers and vehicles, particularly at district and taluk level. Websites do not have all required information	Training in financial management to LSA staff. Accountancy wing/support to be provided to all LSA offices. Infrastructure required: support staff (including accounts), telephones, computers, and vehicles, particularly at district and taluk level. Websites to be updated and made accessible for persons with disabilities.
LEGAL AID		
EXPECTATION	FINDINGS	RECOMMENDATIONS
All LSAs to have a front office to be managed by a panel lawyer and one or more PLVs	Process underway. Cadre of paralegals trained to run front offices not ready yet. Shortage of infrastructural support (computer, telephone, etc). General public not aware of front offices	Room with necessary support (stationery, furniture) to be made available in at least all taluks. Training of paralegals and lawyers to be conducted including on administration of front office (documentation, reporting). Publicity required to spread awareness among public on LSA front offices and services
Lawyers with minimum 3 years’ practice and commitment to social justice to be empanelled	No systematic, formal process of empanelment with checklist of criteria and means to verify social justice commitment	Formal process of empanelment with checklist of criteria and means to verify social justice commitment to be put in place. List of panel lawyers to be visible (website, court premises, front offices). Regular training of lawyers. Orientation training for new lawyers. Evaluation/ performance appraisal of lawyers to be put in place
Some panel lawyers to be designated as retainers	Under process	Process to be completed and list made visible. Training and evaluation of retainers to be put in place
Panel to be re-constituted after every three years	No systematic review of panel lawyers and reconstitution of panel	Assessment of lawyers every year with systematic feedback from clients
Monitoring Committee to maintain a register to check progress of legal aid cases.	No case tracking system in place	Case tracking system to be developed with feedback from clients, lawyers. Lawyers to update LSA on progress in cases. Random cross checking to be done of court record, clients. Clients to be informed of complaints mechanism
DLSA and TLSC to submit copies of the bi-monthly reports of their Monitoring Committees to the Executive Chairman of the State Legal Services Authority.	DLSA and TLSC not aware of outcome of legal aid cases. Only panel lawyers are aware of this	Case tracking system to be developed (above)
The SLSAsto send consolidated half- yearly reports of the Monitoring Committees, indicating the success or failure of each of the legal aid cases to NALSA	Process of setting up Monitoring Committees underway	Case tracking system to be developed (above)
DLSAs to run legal aid clinics in jails	Legal assistance successfully provided in some jails. Some jails not covered	All jails to be listed and proactively approached. Systematic feedback to be taken from jail authorities and prisoners
A strong base of paralegals to be developed	Under process	Systematic selection criteria and procedure to be identified. Paralegal training manual to be developed
Taluk Legal Services Committee (TLSC) to select PLVs	Under process	-do-
PLVs should assist the DLSA/TLSC in organizing legal awareness camps	Done in few areas. Calendar of activities, evaluation process to be prepared after selection and training of paralegals completed	-do-
PLVs should act as a bridge between the people and Legal Services Authorities	-do-	-do-
PLVs to inform the TLSC of legal issues in their area	-do-	-do-
PLVs should assist the DLSA/TLSC in organizing legal awareness camps	-do-	-do-
SLSAs to act in coordination with other governmental agencies, NGOs, etc. engaged in promoting legal services to the poor	Satisfactory assistance given to many Commissions, homes, etc. Legal aid sought by many others	Relevant governmental agencies to be listed and proactively approached. Relevant registered NGOs in the state to be encouraged to approach LSA for legal aid
SLSAs to establish Legal Aid Centre (s) attached to the Juvenile Justice Boards (s) in State capitals	(not examined in this study)	(not examined in this study)
LEGAL AWARENESS		
EXPECTATIONS	FINDINGS	RECOMMENDATIONS
Legal awareness camps particularly among the weaker sections about their rights, entitlements	Legal awareness camps are being held	Topics to be designed in consultation with community, carefully designed with effective methods to reach an audience with little knowledge of law, interactive methods to be used
Importance of choosing good resource persons	Judicial officers and panel lawyers are resource persons. They do not undergo any particular training to function as resource persons in community legal awareness programmes	Resource persons to be chosen on basis of knowledge of law as well as communication skills. Training can be given to enhance skills
Feedback to be taken from the participants, resource materials distributed	Resource materials distributed occasionally, and then not in sufficient numbers. Feedback is not taken, nor suggestions for improvement	Feedback mechanism (feedback forms, etc.) to be designed and used regularly section for suggestions
Topics to be selected on the basis of the needs of the local people	Community is not consulted on topics	Community to be consulted in choice of topics
LSAs should become a household name	General public not aware of LSAs	Massive publicity campaign to be launched using mass media
LOK ADALAT		
EXPECTATIONS	FINDINGS	RECOMMENDATIONS
Members of the Lok Adalat not to pressurize any of the parties to compromise/settle cases	Lok Adalats by and large functioning well.	Members to be trained /briefed on relevant provisions of the LSA Act and the provisions of the National Legal Services Authority (Lok Adalats) Regulations, 2009
Members to ensure that the parties affix their signatures only after fully understanding the terms of settlement	-do-	-do-
Members to ensure that the terms of settlement are not unreasonable, unconscionable, illegal or one-sided.	-do-	-do-
Members to make sure that the parties have entered into the settlement voluntarily and not on account of any threat, coercion or undue influence.	-do-	-do-

# ANNEXURES

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## QUESTIONNAIRES

<b>NALSA – DOJ – UNDP – MARG SLA Study</b>
<b>NEED ASSESSMENT STUDY ON STATE LEGAL SERVICES AUTHORITIES IN INDIA</b>
<b>QUESTIONNAIRE FOR BEST PRACTICES OF SLAs</b>

Date:

State:

Name of respondent:

Official position within SLA:

<b>A. LEGAL AWARENESS:</b>		
Does your SLA have a functional website?	When was the website first made available to the public?	What kind of legal awareness materials do you use in reaching out to people? (pamphlets, posters)
Do you have a helpline or toll free number for legal aid?	If yes, how many calls (approx) do you get on this number every month?	Do you involve NGOs/ CBOs for legal awareness? If yes, please explain their involvement.
What programs do you have for spreading legal awareness? Please describe the components of such programs, if any.		

<b>B. LEGAL AID</b>		
What is the average number of lawyers on a district panel in your state?	What is the average number of lawyers on the board at the taluk/ subdivisonal level in your state?	What are the criteria based on which you choose the lawyers who are on these panels?
Which issue, sets of issues are prioritized by the SLA? ( e.g. Dalit, tribal atrocities, violence against women, police torture, juvenile justice, encounter death, prisoners, disappeared persons, people with disabilities, sexual minorities, right to food, persons living with HIV/ AIDS)		
Do you take up cases suo moto? If yes, how many and what kind of cases have been referred to you by the High Court or District Judge in the past year?		
Is there any case management system or information bank on legal aid provided? Please specify.		
Is there any system for getting feedback from the recipients of legal aid, on the lawyer assigned to them, the quality of assistance received and so on? Please specify.		
Is there any system to evaluate the manner in which each case is handled, the strategies used in litigation and the relief obtained from the court? Please specify.		

<b>C. ALTERNATIVE DISPUTE RESOLUTION MECHANISM</b>	
Do you have any specific program for conducting Lok Adalats? How do you fix the schedule for Lok Adalats?	How do you select the panel for the Lok Adalat? Are any civil society members appointed to the panel? Please specify.
Please describe the components of Alternative Dispute Resolution mechanisms facilitated by the SLSA.	
On what basis are cases referred for mediation (ADR)? What system or procedure do you have in place for this process?	
Does your SLSA face any financial/ manpower constraints in maximizing its potential? Please indicate the areas where financial aid is urgently required.	
<b>D. BEST PRACTICES</b>	
What initiatives have been taken by your SLSA? Do you think these initiatives are really working well and should be replicated by other SLSAs?	
Do you have any suggestions to make the functioning of the SLSA more effective?	

<b>NALSA - DOJ - UNDP - MARG SLA Study</b> <b>NEED ASSESSMENT STUDY ON STATE LEGAL SERVICES AUTHORITIES IN INDIA</b> <b>QUESTIONNAIRE FOR LSA OFFICIAL</b>
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Date:

Name of the interviewer:

State:

PLEASE NOTE: Collect copies of the LSA Annual Reports (2006-2011) and annual budget with different budget heads (2006-2011)

Name of respondent:

Designation of the respondent:

<b>LEGAL AWARENESS:</b>		
1. Does your SLA have a functional website? Yes / No  2. When was the website first made available to the public? Year / Month  3. When it was last updated? Year / Month	4. Do you have a helpline or toll free number for legal aid? If yes, please mention number with STD code.  2. What are the timings for the helpline? (everyday, 24/7, part time etc)  3. How many calls (approx) do you get on this number every month? Who answers these calls? Is he/she trained to assist people in distress? If yes, please explain.	4. What kind of legal awareness materials do you use, in reaching out to people? (Please collect copies of all the existing awareness material)  ■ Pamphlets (when was pamphlets last printed?) ■ Posters (when was posters last printed?) ■ Radio programs (when?) ■ Booklets (when last printed) ■ Ad in local press (when) ■ Hoardings ■ Others
5. Do you involve NGOs/ CBOs for legal awareness? If yes, please provide contact details and explain their involvement.		
6. What programs do you have for spreading legal awareness? Please describe the components of such programs, if any.		
7. How do you select topics for legal awareness camps?		
8. Is the community where the camp is going to be held, involved in the process of selection of topics?		
9. How often are they held?		
10. How do you select resource persons? How much honorarium do you provide to them?		
11. Do you take feedback from participants?		

FINANCIAL BUDGETING AND ANALYSIS		
15. What is the source of funding? (state legal aid fund, district legal aid fund)		
16. How much budget was spent on each activity last year? e.g. panel lawyers' fees, legal awareness camps, organizing Lok Adalats, training of lawyers		
17. What percentage of the total budget is spent on activities pertaining to legal aid and ADR?		
18. Are funds fully utilized? (overspending/underspending),		
19. Who decides and how on the amount allocated to budget planning, implementation and monitoring?		
20. Who sanctions the SLSA, DLSA and Taluk level overall budget and expenditures?		
21. What is the auditing process?		
22. Do your SLSA face any financial/ manpower / infrastructure constraints in maximizing its potential? Please indicate the areas where financial aid is urgently required.		
23. What improvements in terms of budgeting process could be made to help overcome those constraints?		
24. Do Member Secretaries require training for this purpose? Is there an urgent need to undertake such training in your state?		
25. Do state government release money in time for all the planned activities? Please give relevant details.		

LEGAL AID		
26. What is the average number of panel lawyers at the district in your state?	27. What is the average number of panel lawyers at the taluk in your state?	28. What are the procedure based on which you choose the lawyers who are on these panels? Are there any specified criteria for empanelment?
29. Which issues are prioritized by the SLSA? ( e.g. dalit, tribal atrocities, violence against women, police torture, juvenile justice, encounter death, prisoners, disappeared persons, people with disabilities, sexual minorities, right to food, persons living with HIV/AIDS)		
30. How many cases has your LSA dealt with on the following: <ul style="list-style-type: none"> <li>■ Scheduled Caste</li> <li>■ Scheduled Tribe</li> <li>■ Victim of trafficking</li> <li>■ Women</li> <li>■ Children</li> <li>■ Person with disability</li> <li>■ Disaster Victim</li> <li>■ Industrial workman</li> <li>■ Persons in custody</li> <li>■ Those earning less than Rs. 9000/12000, as the case may be</li> </ul>		

<p>31. Do you take up cases on a suo moto basis? If yes, how many and what kind of cases have been taken up in the past year? Any PILs filed by the LSA? Please provide details</p> <p>Number of cases :</p> <p>Nature of cases :PILs:</p>
<p>32. Are records of the following maintained?</p> <ul style="list-style-type: none"> <li>■ Number of applications for asking for assistance</li> <li>■ Number of cases filed</li> <li>■ Number of cases settled at the counselling stage</li> </ul>
33. What is the procedure for empanelment of lawyers?(Remember to get a list of lawyers)
34. How many applications do you receive (average) from lawyers for empanelment?
35. What is the profile of lawyers?
36. What is the fee structure?
37. What is the procedure for allotting cases to the lawyers?
38. Is there any provision for training of the lawyers?
39. If no, do you think such trainings are needed?
40. Is there a system for monitoring the work of the panel lawyers?
41. Is there any system in place for dealing with emergency cases?
42. Are senior lawyers engaged for 'heavy' cases?
43. Is there any case management system or information bank on legal aid provided? Please specify.
44. How often is the information compiled? (once a year, monthly, quarterly etc)
45. At which level is it compiled? (taluk, district, state)
46. Who compiles the legal aid cases?
<p>47. Please mention any proactive measures taken by SLSA to take their services to people by:</p> <ul style="list-style-type: none"> <li>a) Visiting prisons, short stay homes and observation homes</li> <li>b) Assistance to rape survivors, rescue and rehabilitation of children and others in difficult circumstances</li> <li>c) Enhancing awareness of people on availability of free legal services i.e. reaching out to people</li> </ul>
48. Is there any system for getting the feedback from the recipients of legal aid, on the lawyer assigned to them, the quality of assistance received and so on? Please specify.
49. Is there any system to evaluate the manner in which each case is handled, the strategies used in litigation and the relief obtained from the court? Please specify.
<p>50. Are there any grievance redress mechanisms for people who :</p> <ul style="list-style-type: none"> <li>a. Are unhappy with the services of lawyers provided to them. Do you get such complaints? What is done in such cases? If there are complaints of lawyers demanding money is any action taken? What kind of action?</li> <li>b. Are you aware of possible beneficiaries who wish to avail legal services but are unable to do so? Who do they complain to? Does the LSA office clearly exhibit the availability of grievance redress systems?</li> </ul>

<b>ALTERNATIVE DISPUTE RESOLUTION MECHANISM</b>	
51. Do you have any specific program/scheme for conducting Lok Adalats?	53. How do you select the panel for the Lok Adalat?
52. How do you fix the schedule for Lok Adalats?	54. Are any civil society members appointed to the panel? Please specify.
55. Please describe the components of Alternative Dispute Resolution mechanisms facilitated by the SLSA.	
56. On what basis are cases referred for Lok Adalat? What system or procedure do you have in place for this process?	

<b>PLAN OF ACTION 2011-2012</b>
57. What initiatives have been taken by your SLSA on the Child Rights Scheme specified in the Plan of Action 2011-12? Please record in detail.
58. Do you think the initiatives taken by your LSA are working well and should be replicated by other SLSAs? How do you measure the impact of those interventions (study, feedback, targets etc)?
59. Please tell us about the Legal Aid Clinics that have been created over the past 5 years. How many were created in your State? How are they run? How many people have approached these clinics? Do you think they have been effective?
60. How is your Paralegal Volunteer Programme progressing? How do you select paralegals? How are they trained?
61. Are you involving NGOs in this process? Has this been effective?

<b>BEST PRACTICES</b>
62. What other interesting initiatives have been taken by your SLSA?
63. Do you think these initiatives are really working well and should be replicated by other SLSAs?
64. Please give suggestions to make the functioning of the SLSA more effective in the following areas:- <ul style="list-style-type: none"> <li>■ Budgeting</li> <li>■ Capacity building/ training</li> <li>■ Panel lawyers (selection, monitoring)</li> <li>■ Lok Adalats</li> <li>■ Reporting and documentation of cases and interventions</li> <li>■ Publicizing the SLSA's work (website, RTI, suo moto disclosure etc).</li> <li>■ Paralegal programme</li> <li>■ Enhancing awareness about the availability of free legal services</li> <li>■ Any other initiatives</li> </ul>

<b>NALSA – DOJ – UNDP – MARG SLISA Study</b> NEED ASSESSMENT STUDY ON STATE LEGAL SERVICES AUTHORITIES IN INDIA <b>QUESTIONNAIRE FOR LEGAL AID LAWYERS</b>
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Date:  State:  Name of the interviewer:  Name of the legal aid lawyer:  Professional background of lawyer: <ul style="list-style-type: none"> <li>■ Age:</li> <li>■ Qualification:</li> <li>■ Years of practice:</li> <li>■ Areas of specialisation, if any:</li> </ul> Name of client: Client profile (brief): Case profile (brief):
1) Since when have you been a panel lawyer with the Legal Services Authority?
2) Why did you agree to be on the panel of the LSA?
3) What was the selection process that you had to go through? Please explain.
4) What kind of cases have you handled so far?
5) On what basis are cases assigned to you? Is there any procedure for this? Please explain.
6) What fees do you receive from the LSA for a case?
7) Is it sufficient? If not, how much should it be?
8) What kind of additional assistance do you get from the LSA in your work? Please explain.
9) Have you undergone any training on any area of law, after you started working with the LSA?
10) What were the topics of the training?
11) Do you think the LSA provides good work environment or learning prospects to lawyers?
12) Do you have any specific suggestion for improving the potential of the LSAs to function more effectively?

**NALSA – DOJ – UNDP – MARG SLISA Study**  
**NEED ASSESSMENT STUDY ON STATE LEGAL SERVICES AUTHORITIES IN INDIA**  
**QUESTIONNAIRE FOR THE RECEIPT OF LEGAL AID (Client)**

Date:

State:

Name of the interviewer:

Name of client:

Name of the legal aid lawyer:

Client profile (brief):

SC	ST	Person with Disability	Woman	OBC	BPL	Other

Income (household):

Less than Rs. 1,000pm	Between 1,000-2,200	2200 – 3,500	3,500-5,000	Over 5,000

Occupation:

Number of members in household:

Case profile (brief):

- Please explain the circumstances of your approaching the Legal Services Authority for legal aid (e.g. how you knew about it, did anyone advise you to approach them, etc)
- What is the status of your case?

Disposed	If disposed, how long did it take to get disposed
Or	
Pending	If pending, for how long has it been pending?
- What was the outcome of the case? Are you satisfied with the outcome?
- Are you satisfied with the lawyer who was assigned to you?
- At any point during your case, did you have to spend any money from your pocket?
- If yes, on what? Please give details.
- Did you know what procedure to follow if you had any grievance with the lawyer who was doing your case? If yes, how did you get this information?
- Would you recommend others to go to the Legal Services Authority, if they needed legal assistance?

## NALSA – DOJ – UNDP – MARG SLISA Study

### NEED ASSESSMENT STUDY ON STATE LEGAL SERVICES AUTHORITIES IN INDIA

#### QUESTIONNAIRE FOR PARALEGAL VOLUNTEERS

Date:

State:

Name of the MARG representative(s):

Name of the paralegal volunteer:

Professional background:

- Age:
- Qualification:
- Gender:
- Personal Work Experience (brief details):
- Legal aid problems in your area:

Since when have you been a Paralegal Volunteer with the Legal Services Authority? What was the selection process that you had to go through? Please explain.

Why did you agree to be a Paralegal Volunteer of the LSA?

Do you understand your role as a para legal volunteer? (Please mention)

What kind of work has been assigned by LSA so far? (Please mention)

Do you get any honorarium/financial help in performing the work assigned by LSA? If yes then how much? Is it sufficient? If not, then how much it should be?

What kind of additional assistance do you get from the LSA in your work? Please explain.

Have you undergone any training in any area of law, after you started working with the LSA? If yes what were the topics of the training?

Please rate below as per its quality ( ✓ )	Bad	Average	good	Very good	Excellent	Not available
1. Information of law on the issue						
2. Group work/activities						
3. Slide show and Power-Point presentation						
4. Lecture delivered by resource persons						
5. Materials provided during the Workshop						

Do you think the LSA provides good work environment or learning prospects as community worker/volunteer?

Do you have any specific suggestion for improving the potential of the LSAs to function more effectively?

<b>NALSA – DOJ – UNDP – MARG SLA Study</b> <b>NEEDS ASSESSMENT STUDY OF 7 STATE LEGAL SERVICES AUTHORITIES IN INDIA</b> <b>STATE HUMAN RIGHTS COMMISSION Questionnaire</b>
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Observation Sheet No. Date

Name of the researcher:

State:

Location of interview:

Name of respondent:

Designation of respondent:

### QUESTIONS

- ❖ How many cases come to you in a year on human rights violation?
- ❖ How do you deal with cases requiring legal assistance (e.g. approach LSA, own panel of lawyers, approach NGOs, etc)?
- ❖ Have lawyers/paralegals from the Legal Services Authority provided legal assistance in any of these cases? What is your opinion of the quality of the legal assistance provided by them? How can they be improved?
- ❖ What are the main human rights problems being faced in this area? Can the Legal Services Authority be of any assistance in this?
- ❖ Can you suggest ways how the Legal Services Authority can better serve cause of human rights?

Observation Sheet No. Date

Name of the researcher:

State:

Location of interview:

Name of respondent:

Designation of respondent:

### QUESTIONS

- ❖ How many cases come to you in a year on violation of rights of women?
- ❖ How do you deal with cases requiring legal assistance (e.g. approach LSA, own panel of lawyers, approach NGOs, etc)?
- ❖ Have lawyers/paralegals from the Legal Services Authority provided legal assistance in any of these cases? What is your opinion of the quality of the legal assistance provided by them? How can they be improved?
- ❖ What are the main problems being faced by the women? Can the Legal Services Authority be of any assistance in this?
- ❖ Can you suggest how the Legal Services Authority can better serve cause of women's rights?

# NALSA – DOJ – UNDP – MARG SLISA Study

## NEEDS ASSESSMENT STUDY OF 7 STATE LEGAL SERVICES AUTHORITIES IN INDIA

### STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS Questionnaire

Observation Sheet No. Date

Name of the researcher:

State:

Location of interview:

Name of respondent:

Designation of respondent:

### QUESTIONS

- ❖ How many cases come to you in a year on violation of rights of children?
- ❖ How do you deal with cases requiring legal assistance (e.g. approach LSA, own panel of lawyers, approach NGOs, etc)?
- ❖ Have lawyers/paralegals from the Legal Services Authority provided legal assistance in any of these cases? What is your opinion of the quality of the legal assistance provided by them? How can they be improved?
- ❖ What are the main problems being faced by children? Can the Legal Services Authority be of any assistance in this?
- ❖ Can you suggest ways how the Legal Services Authority can better serve the cause of children's rights?

**NALSA - DOJ - UNDP - MARG SLISA Study**  
NEEDS ASSESSMENT STUDY OF 7 STATE LEGAL SERVICES AUTHORITIES IN INDIA  
**STATE COMMISSION FOR SCHEDULED CASTES Questionnaire**

Observation Sheet No. Date

Name of the researcher:

State:

Location of interview:

Name of respondent:

Designation of respondent:

**QUESTIONS**

- ❖ How many cases come to you in a year on violation of rights of Scheduled Castes?
- ❖ How do you deal with cases requiring legal assistance (e.g. approach LSA, own panel of lawyers, approach NGOs, etc)?
- ❖ Have lawyers/paralegals from the Legal Services Authority provided legal assistance in any of these cases? What is your opinion of the quality of the legal assistance provided by them? How can they be improved?
- ❖ What are the main problems being faced by the Scheduled Castes? Can the Legal Services Authority be of any assistance in this?
- ❖ Can you suggest ways how the Legal Services Authority can better serve the cause of rights of the Scheduled Castes?

**NALSA - DOJ - UNDP - MARG SLISA Study**  
**NEEDS ASSESSMENT STUDY OF 7 STATE LEGAL SERVICES AUTHORITIES IN INDIA**  
**STATE COMMISSION FOR SCHEDULED TRIBES Questionnaire**

Observation Sheet No. Date

Name of the researcher:

State:

Location of interview:

Name of respondent:

Designation of respondent:

### QUESTIONS

- ❖ How many cases come to you in a year on violation of rights of Scheduled Tribes?
- ❖ How do you deal with cases requiring legal assistance (e.g. approach LSA, own panel of lawyers, approach NGOs, etc)?
- ❖ Have lawyers/paralegals from the Legal Services Authority provided legal assistance in any of these cases? What is your opinion of the quality of the legal assistance provided by them? How can they be improved?
- ❖ What are the main problems being faced by the Scheduled Tribes? Can the Legal Services Authority be of any assistance in this?
- ❖ Can you suggest ways how the Legal Services Authority can better serve the cause of rights of the Scheduled Tribes?

Observation Sheet No. Date

Name of the researcher:

State:

Location of interview:

Name of respondent:

Designation of respondent:

### QUESTIONS

- ❖ How many cases come to you in a year on violation of rights of minorities?
- ❖ How do you deal with cases requiring legal assistance (e.g. approach LSA, own panel of lawyers, approach NGOs, etc)?
- ❖ Have lawyers/paralegals from the Legal Services Authority provided legal assistance in any of these cases? What is your opinion of the quality of the legal assistance provided by them? How can they be improved?
- ❖ What are the main problems being faced by the minorities? Can the Legal Services Authority be of any assistance in this?
- ❖ Can you suggest ways how the Legal Services Authority can better serve the cause of rights of minorities?

<b>NALSA – DOJ – UNDP – MARG SLISA Study</b> NEEDS ASSESSMENT STUDY OF 7 STATE LEGAL SERVICES AUTHORITIES IN INDIA <b>STATE DISABILITY COMMISSION Questionnaire</b>
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Observation Sheet No. Date

Name of the researcher:

State:

Location of interview:

Name of respondent:

Designation of respondent:

### QUESTIONS

- ❖ How many cases come to you in a year on violation of rights of people with disabilities?
- ❖ How do you deal with cases requiring legal assistance (e.g. approach LSA, own panel of lawyers, approach NGOs, etc)?
- ❖ Have lawyers/paralegals from the Legal Services Authority provided legal assistance in any of these cases? What is your opinion of the quality of the legal assistance provided by them? How can they be improved?
- ❖ What are the main problems being faced by people with disabilities? Can the Legal Services Authority be of any assistance in this?
- ❖ Can you suggest ways how the Legal Services Authority can better serve the cause of rights of people with disabilities?

Observation Sheet No. Date

Name of the researcher:

State:

Location of interview:

Name of respondent:

Designation of respondent:

### QUESTIONS

- ❖ Do representatives of the Legal Services Authority visit this jail? If so, how often?
- ❖ Does the Legal Services Authority hold legal awareness programmes for the prisoners? If so, how often? What is your opinion of the quality of these legal awareness programmes for the prisoners? How can they be improved?
- ❖ Does the Legal Services Authority provide legal assistance to the prisoners? If yes, what kind of legal assistance (e.g. advice, representation in court)? What is your opinion of the quality of the legal assistance provided by them? How can they be improved?
- ❖ Have Lok Adalats been held in this jail? If yes, what has been the outcome (i.e. number of cases settled, satisfaction level of the prisoners, etc)
- ❖ What are the main problems being faced by the prisoners? Can the Legal Services Authority be of any assistance in this?
- ❖ Is the Legal Services Authority doing a satisfactory job in providing legal assistance to the prisoners?
- ❖ Can you suggest ways in which the Legal Services Authority can better secure the rights of the prisoners?

<b>NALSA – DOJ – UNDP – MARG SLSA Study</b> NEEDS ASSESSMENT STUDY OF 7 STATE LEGAL SERVICES AUTHORITIES IN INDIA <b>SUPERVISORS OF WOMEN’S HOMES Questionnaire</b>
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Observation Sheet No. Date

Name of the researcher:

State:

Location of interview:

Name of respondent:

Designation of respondent:

### QUESTIONS

- ❖ Do representatives of the Legal Services Authority visit this women’s home? If so, how often?
- ❖ Do the residents of this women’s home require legal assistance? If yes, how do you provide it to them (e.g. approach LSA, own panel of lawyers, approach NGOs, etc)?
- ❖ Have lawyers/paralegals from the Legal Services Authority provided legal assistance to the residents of this women’s home? What is your opinion of the quality of the legal assistance provided by them? How can they be improved?
- ❖ What are the main problems being faced by the residents of this home? Can the Legal Services Authority be of any assistance in this?
- ❖ Can you suggest ways how the Legal Services Authority can better serve the interests of the residents of this women’s home

Observation Sheet No. Date

Name of the researcher:

State:

Location of interview:

Name of respondent:

Designation of respondent:

### QUESTIONS

- ❖ Do representatives of the Legal Services Authority visit this children’s home? If so, how often?
- ❖ Do the residents of this children’s home require legal assistance? If yes, how do you provide it to them (e.g. approach LSA, own panel of lawyers, approach NGOs, etc)?
- ❖ Have lawyers/paralegals from the Legal Services Authority provided legal assistance to the residents of this children’s home? What is your opinion of the quality of the legal assistance provided by them? How can they be improved?
- ❖ What are the main problems being faced by the children in this home? Can the Legal Services Authority be of any assistance in this?
- ❖ Can you suggest ways how the Legal Services Authority can better serve the interests of the residents of this children’s home?

<b>NALSA – DOJ – UNDP – MARG SLISA Study</b> NEEDS ASSESSMENT STUDY OF 7 STATE LEGAL SERVICES AUTHORITIES IN INDIA <b>FGD Guideline/Questionnaire for NGOs</b>
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Observation Sheet No. Date

Name of the Marg Resource person(s):

Name of the Organization:

Target group of the Organization:

Profile of the Organization:

Address:

Location of FGD:

Name of NGO representative:

### QUESTIONS

- ❖ What do you know about LSA?
- ❖ Have you ever organized legal aid & awareness camps? Do representatives of the Legal Services Authority ever contact your organization for legal literacy workshops, conducting Lok Adalat& reaching out to the community? If so how often?
- ❖ Do people from your work area require legal assistance? If yes, how do you provide it to them (e.g. approach LSA, own panel of lawyers, approach other NGOs, etc)?
- ❖ Have lawyers/paralegals from the Legal Services Authority provided legal assistance in such cases? What is your opinion of the quality of the legal assistance provided by them? How can they be improved?
- ❖ What are the main problems being faced by your organization in respective work areas? Can the Legal Services Authority be of any assistance in this?
- ❖ Can you suggest how the Legal Services Authority can better serve the interests of your community/work area?

**NALSA - DOJ - UNDP - MARG SLA Study**  
**NEEDS ASSESSMENT STUDY OF 7 STATE LEGAL SERVICES AUTHORITIES IN INDIA**  
**LEGAL AWARENESS CAMP Participant Questionnaire**

Observation Sheet No.

Date:

Name of the researcher:

State:

Location of Legal Awareness Camp:

Name of participant:

Participant profile:

SC	ST	Person with Disability	Woman	OBC	BPL	Other

Q1: How many Legal Awareness Camps organized by the Legal Services Authorities have you attended before?

0	1	2	more than 2

Q2: Have you attended Legal Awareness Camps organized by any other organization?

Yes	No

If yes, how would you compare today's programme with previous ones you have attended?

equally good	not as good	better

## Q.3 What are the legal issues affecting your community?

	Yes	No
land rights		
employment		
child rights		
motor accidents		
law and order		
police atrocities		
caste atrocities		
rights of minorities		
food rights (ration cards, midday meals, etc)		
violence against women (dowry, domestic violence, etc)		
rights of tribals		
any other (please specify)		

## Q.4. What issues were dealt with in this camp?

## Q.5. Was the topic/topics relevant to you?

Yes	No	Partially

## Q.6. How would you rate the resource persons?

Resource Person 1

excellent	good	average	bad	very bad

Resource Person 2

excellent	good	average	bad	very bad

Resource Person 3

excellent	good	average	bad	very bad

Resource Person 4

excellent	good	average	bad	very bad

Q.7. Was the programme beneficial to you?

Yes	No	Partially

If yes, how did it benefit you?

--

Q.8. Are you facing any particular legal problem?

Yes	No

If yes, please specify the issue

--

If yes, please specify whether attending this camp will help you in solving your legal problem?

Yes	No

Q. 9 How did you know about today's programme?

newspaper	TV	written invitation	Any other (specify)

Q. 10. Are you getting any allowance (e.g. travel, food) to attend this programme?

Yes	No

If yes, what allowance are you getting?

--

Would you attend this programme if this allowance was not given?

Yes	No	Not applicable

Q. 11. Were you consulted on the choice of topic?

Yes	No

Q. 12. Was anyone from your community consulted on the choice of topic?

Yes	No

Q. 13. Would you recommend people to attend such programmes?

Yes	No

Q. 14. Were any materials given to you today (e.g. pamphlets, posters, etc)

Yes	No

If yes, how would you rate these materials?

	Yes	No	Any other
useful information			
easy to understand			

Q. 15. Are the organisers taking feedback from you on today's programme?

Yes	No

Q. 16. Are you satisfied with today's legal awareness camp?

Yes	No	any other

Q. 17. what suggestions do you have for improving the programme?

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<p style="text-align: center;"><b>NALSA – DOJ – UNDP – MARG SLA Study</b> <b>NEEDS ASSESSMENT STUDY OF 7 STATE LEGAL SERVICES AUTHORITIES IN INDIA</b> <b>QUESTIONNAIRE FOR WOMEN FROM COMMUNITY</b></p>
--

Date:

❖ Name of the MARG Representative(s):

❖ State:

❖ Interview location:

❖ Name:

❖ Age:

❖ Qualification/Profession:

❖ Caste/ Religion:

1. Have you heard of “LSA (Legal Services Authority)”?
2. Do you know what role LSAs play?
3. Do you know how to approach LSA?
4. Do you want information or any area of law? If yes, what areas?

**NALSA - DOJ - UNDP - MARG SLSA Study**  
**NEEDS ASSESSMENT STUDY OF 7 STATE LEGAL SERVICES AUTHORITIES IN INDIA**  
**LOK ADALAT OBSERVATION SHEET (Lawyer)**

Observation Sheet No. Date:

Name of the researcher:

State:

Location of Lok Adalat:

Name of Advocate:

Names of Advocate's client:

Case No, parties:

Q1: How many Lok Adalats have you attended as an advocate before?

Less than 10	11-50	51-100	More than 100

Q.2 How many of your cases have you had settled in a Lok Adalat

Less than 10	11-50	51-100	More than 100

Q.3 How many sessions did it take on an average to reach a settlement/compromise?

One sitting	2-3 sittings	More than 3 sittings

Q.4. How much time (average) was spent in the Lok Adalat on your case/s?

Less than 5 minutes	5-10 minutes	Between 10 -20 minutes	Around 30 minutes	Around 45 minutes	Around 1 hour	More than 1 hour

Q.5. How much time was spent on your case today?

Less than 5 minutes	5-10 minutes	Between 10 20 minutes	Around 30 minutes	Around 45 minutes	Around 1 hour	More than 1 hour

Q.6 Was this amount of time sufficient?

Too much	Too little

Q.7 How long back were you informed about today's Lok Adalat?

2 days ago	3-7 days ago	2 weeks ago	1 month ago	Any other

Q.8 Did you get sufficient time to prepare for today's case?

Yes	No

Q.9 What happened in your case today?

Q. 10. Are you happy with the result?

Yes	No	Any other

Q. 11. Was your case settled today?

Yes	No

Q. 12. Did you know that once an award is passed it is final and binding and that no appeal lies against this award?

Yes	No	Any other

Q. 13. Would you recommend people settling disputes in Lok Adalat?

# NALSA - DOJ - UNDP - MARG SLISA Study

## NEEDS ASSESSMENT STUDY OF 7 STATE LEGAL SERVICES AUTHORITIES IN INDIA

### LOK ADALAT Questionnaire (Members)

Observation Sheet No. Date

Name of the researcher:

State:

Location of Lok Adalat:

Total Number of members on same bench:

Name of respondent:

Designation of respondent:

Q1: How many Lok Adalats have you attended?

Less than 10	10-50	51-100	101-300	301-500	501-750	751-1,000	Over 1,000

Q.2 On what basis were you selected to be a member of the Lok Adalat?

I applied for it and was appointed	I applied for it and was interviewed by LSA authorities	I was informed of my appointment without having to apply for it	Any other way (please specify)

Q.3. Is there a panel of members of Lok Adalats?

Yes	No

Q.4 Are you a member of this panel?

Yes	No

Q. 5 Is there a provision for pre trial hearings before the actual Lok Adalat session?

Q.6. If so, how many pre trial sessions are held?

Q. 7. Under what rules/ regulations are these pre trial sessions held?

Q.8 How many Lok Adalat sessions does it normally take to reach a settlement/compromise?

One sitting	2-3 sittings	More than 3 sittings

Q.9. How much time does it take to deal with each case at a Lok Adalat?

Less than 5 minutes	5-10 minutes	Between 10 -20 minutes	Around 30 minutes	Around 45 minutes	Around 1 hour	More than 1 hour

Q. 10. What is the main role of the members of the Lok Adalat?

To reduce the number of cases in court	To help parties arrive at a settlement	To persuade parties to settle the matter

Q.11. Is it mandatory for members to inform the parties that once an award is passed it is final and binding and that no appeal lies against this award?

Yes	No	Any other

Q.12. Do you inform the parties that once an award is passed it is final and binding and that no appeal lies against this award?

Yes	No	Any other

Q.13. In case of settlement/compromise are the parties required to do so voluntarily? If so, what steps do you take to make sure that this is done voluntarily?

Q.14. What steps does the Lok Adalat take to ensure reasonable opportunity of hearing to the parties?

Q.15. Can the members of the Lok Adalat do anything if the terms of settlement/compromise reached at by the parties are unreasonable or illegal or one-sided?

Q.16. In view of the backlog of cases in courts it is important to reduce the number of pending cases. Would you sign a settlement which has been reached by parties outside the Lok Adalat with the help of third parties?

Yes	No	Any other

Q.17. Do you get remuneration for serving as a member?

Yes	No

Q.18.If yes, please indicate the amount:

Less than Rs. 250 per day	Between Rs. 251 and 500 per day	Between Rs.501 - 1,000 per day	Any other

Q.19. Is this amount sufficient?

Yes	No

Q.20.If not sufficient, how much should it be? (Please state figure)

Q.21. Are trainings for Lok Adalat members conducted by the LSA on duties and role of members of Lok Adalats?

Yes	No

Q.22. How many such trainings have you attended? What were the topics covered in the training you attended?

Q.23. Do you think such trainings should be held? If yes, why?

Q.24. What are the problems that you face in conducting Lok Adalats?

Q.25. What, according to you, are the solutions to those problems?

Q.26. Are you aware of the 2009 NLSA Regulations on Lok Adalat?

Yes	No

**NALSA - DOJ - UNDP - MARG SLA Study**  
**NEEDS ASSESSMENT STUDY OF 7 STATE LEGAL SERVICES AUTHORITIES IN INDIA**  
**LOK ADALAT Client Questionnaire**

Observation Sheet No. Date: Name of the researcher:

State:

Location of Lok Adalat:

Name of client:

Are you here with a lawyer? Y/N

If yes, name of the lawyer:

Case details:

Client profile:

SC	ST	Person with Disability	Woman	OBC	BPL	Other

Income (household):

Less than Rs. 1,000 pm	Between 1,000-2,200	2200 - 3,500	3,500-5,000	Over 5,000

Occupation:

Number of Members in household:

Q1: How many Lok Adalats have you attended as a party before?

1	2-5	Over 5	Any other

Q.2 How many of your cases have you had settled in a Lok Adalat

1	2-5	Over 5	Any other

Q.3. How many sessions did it take on an average to reach a settlement/compromise?

One sitting	2-3 sittings	More than 3 sittings

Q.4. How much time (average) was spent in the Lok Adalat on your case/s?

Less than 5 minutes	5-10 minutes	Between 10 -20 minutes	Around 30 minutes	Around 45 minutes	Around 1 hour	More than 1 hour

Q.5. How much time was spent on your case today?

Less than 5 minutes	5-10 minutes	Between 10 -20 minutes	Around 30 minutes	Around 45 minutes	Around 1 hour	More than 1 hour

Q.6 Was this amount of time sufficient?

Too much	Too little	Sufficient

Q. 7. Have you come to this Lok Adalat voluntarily?

Yes	No

Q.8. How long back were you informed about today's Lok Adalat?

2 days ago	3-7 days ago	2 weeks ago	1 month ago	Any other

Q.9. How were you informed?

- ❖ phone call from court
- ❖ phone call from lawyer
- ❖ received notice
- ❖ other

Q.10. Why have you come to the Lok Adalat instead of letting the regular court decide the matter?

Q.11 Are you here with a lawyer?

Yes	No

Q.12 Did your lawyer charge extra fees for settling the matter in the Lok Adalat?

Yes	No	Any other

Q.13. Did you get sufficient time to prepare for today's case?

Yes	No

Q.14. Are you happy with the result?

Yes	No	Any other

Q.15. What happened in your case today? Was it settled?

Yes	No

Q.16. Do you know that once an award is passed it is final and binding and that no appeal lies against this award?

Yes	No

Q.17. Would you recommend people settling disputes in Lok Adalat?

Yes	No	Any other

# NGOs IN FOCUS

## GROUP

## DISCUSSIONS

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### MADHYA PRADESH

Society for Advocacy and Development  
Nagarik Adhikar Manch  
Lokrang Samajik Shodh Vikas Sansthan  
The Win Power and Rural Development Society  
Sampradan Sewa Sansthan  
Astha Welfare Society  
Rotary Club  
Khandwa Diocesan Social Service  
Samvad  
Nagarik Adhikar Manch  
Lok Shiksha Ebong Prasikshan Samity  
Human Rights Law Network (Madhya Pradesh)

### JHARKHAND

Mahila Paramarsh Kendra  
Janmitra  
Grameen Samaj Kalyan Vikas Manch  
Jumav Manch  
Jagriti  
International Sanstha  
Suwa  
Grassroot Initiative and Development  
IPTA  
Vikas Sahyog Kendra  
Samvad  
Solidarity for Peace  
Mahila Samakhya Samity  
Paryavaran Sansadhan Vikas Kendra  
Rachnatmak Sewa Sansthan  
Human Right Law Network (Jharkhand)  
Mahila Paramarsh Kendra  
Yug Sutra

## BIHAR

Sugam Jagriti  
Jai Ganesh Aastha Manav Sewa Sansthan  
Mahatma Buddha Sewa Sansthan  
Life Save Mission Trust  
Kalyan Parishad  
Mata Shitala Devi Sewa Sansthan  
Nayagraha Foundation  
Nava Nirman Kendra  
Buddha Womens' and Handicraft Development Society  
Regional Spart Society  
Kalyan Parishad  
BNP Patna  
Progressive Foundation  
Divine Development Organization  
Jayprakash Vikas Mandal  
Grameen Ebong Nagar Vikas Parishad  
Adithi  
Rural and Urban Development Council  
Poorva  
Mahila Jagaran Kendra

## UTTAR PRADESH

Sananda  
Parimarjan  
Christian Welfare Society  
Summer Seva Sansthan  
Varsha Seva Sansthan  
Dr Bhimrao Ambedkar Dalit Utthan  
Bundelkhand AlpShaikya Kalyan Sansthan  
Saho Sewa Sansthan, Sakshi, Satya Sewa Samity  
Grameen Development Services  
Vigyan Foundation  
Organisation for Sustainable Development  
Shahri Ebong Grameen Yuva Vikas Samity  
Nehru Yuva Vikas Kendra, Pani Sansthan  
Varisha Sewa Sansthan  
Iqra Siksha Kal Ebong Sanskriti

## ODISHA

CYSD-DRC  
TRDSSO  
Pradan  
Meera Welfare Society  
Tribal Law Centre  
Prakalpa  
WORD  
Sanjog  
Tadasha

WOSCA  
 CLAP  
 NIHARD  
 Abhinav Odisha  
 Mahavir Mahila Samity  
 Legal Support and Social Action  
 Disha Children Orphanage  
 Moovs  
 Human Rights Law Network (Odisha)  
 Project Swaraj  
 Ramadev Mahila Samity

## RAJASTHAN

Centre for Dalit Rights  
 Prayatan  
 TAABAR  
 Gaurav Gramin Ewam Shodh Sansthan  
 Samajik Sewa Sansthan  
 Sehyog Sewa Sansthan

## CHATTISGARH

Pratibha Manch  
 Sahbhagi Samaj Sewa Sanstha  
 Bhartiya Adim Jati Sewa  
 Balgrih Balika  
 Disha Samaj Sewa Sanstha  
 Sahas Samajsewi Sansthan  
 Vikahshil Foundation  
 Prakriti Sewa Sansthan  
 Navayuga Jagaran  
 Yuva Kalyan Samity  
 Asha Mahila Adhikar  
 Asha Abhiyan Samiti  
 Navyuga Jagran Pratishthan  
 Chhattisgarh Adivasi Mahila Uthan  
 All India Youth Federation  
 Samarpit  
 Bilaspur Sewa Bharti  
 Prantiya Grameen Vikas Sansthan

# PHOTOGRAPHS

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## MADHYA PRADESH



OFFICE OF STATE LEGAL SERVICES AUTHORITY, JABALPUR



HOARDING IN THE OFFICE OF MADHYA PRADESH STATE LEGAL SERVICES AUTHORITY



MPSLSA-MOBILE LEGAL SERVICES -CUM-LOK ADALAT

## JHARKHAND



BOARD WITHIN THE OFFICE PREMISES OF PALAMAU DISTRICT LEGAL SERVICES AUTHORITY, DALTONGANJ

MARG TEAM INTERVIEWING LSA OFFICIALS IN JHARKHAND



## BIHAR



LEGAL SERVICES-CUM-MEDIATION  
CENTRE-PATNA

FGD WITH NGO WORKERS AT PATNA



LEGAL AWARENESS CAMP FOR  
UNORGANISED SECTOR  
WORKERS ORGANIZED BY BIHAR  
STATE LEGAL SERVICES  
AUTHORITY IN GAYA.

## UTTAR PRADESH



FGD WITH NGOs IN MAHOBA

LEGAL AWARENESS CAMP,  
MAHOBA



## ODISHA



LEGAL LITERACY CAMP IN KENDUJHAR

FGD WITH NGOs, KENDUJHAR



## RAJASTHAN



LEGAL AWARENESS CAMP,  
JAIPUR

LOK ADALAT, JAIPUR, RAJASTHAN



## CHHATTISGARH



LEGAL LITERACY CAMP, BILASPUR

# Endnotes

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<sup>i</sup>S.12. Criteria for giving legal services -Every person who has to file or defend a case shall be entitled to legal services under this Act if that person, is-

- (a) A member of a Scheduled Caste or Scheduled Tribe;
- (b) A victim of trafficking in human beings or beggar as referred to in Article 23 of the Constitution;
- (c) A woman or a child;
- (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

<sup>1</sup>[(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.]

<sup>ii</sup>S.3 of the LSA Act: Constitution of the National Legal Services Authority: -

- (1) The Central Government shall constitute a body to be called the National Legal Services Authority to exercise the powers and perform the functions conferred on, or assigned to, the Central Authority under this Act.
- (2) The Central Authority shall consist of-
  - (a) The Chief Justice of India who shall be the Patron-in-Chief;
  - (b) A serving or retired Judge of the Supreme Court to be nominated by the President, in consultation with the Chief Justice of India, who shall be the Executive Chairman; and
  - (c) Such number of other members, possessing such experience and qualifications, as may be prescribed by the Central Government, to be nominated by that Government in consultation with the Chief Justice of India.
- (3) The Central Government shall, in consultation with the Chief Justice of India, appoint a person to be the Member-Secretary of the Central Authority, possessing such experience and qualifications as may be prescribed by that Government, to exercise such powers and perform such duties under the Executive Chairman of the Central Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority.
- (4) The terms of office and other conditions relating thereto, of members and the Member-Secretary of the Central Authority shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.
- (5) The Central Authority may appoint such number of officers and other employees as may be prescribed by the Central Government, in consultation with the Chief Justice of India, for the efficient discharge of its functions under this Act.
- (6) The officers and other employees of the Central Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as

may be prescribed by the Central Government in consultation with the Chief Justice of India.

- (7) The administrative expenses of the Central Authority, including the salaries, allowances and pensions payable to the Member-Secretary, officers and other employees of the Central Authority, shall be defrayed out of the Consolidated Fund of India.
- (8) All orders and decisions of the Central Authority shall be authenticated by the Member-Secretary or any other officer of the Central Authority duly authorised by the Executive Chairman of that Authority.
- (9) No act or proceeding of the Central Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Central Authority.

### **3A. Supreme Court Legal Services Committee. –**

- (1) The Central Authority shall constitute a committee to be called the Supreme Court Legal Services Committee for the purpose of exercising such powers and performing such functions as may be determined by regulations made by the Central Authority.
- (2) The Committee shall consist of-
  - (a) A sitting Judge of the Supreme Court who shall be the Chairman; and
  - (b) Such number of other members possessing such experience and qualifications as may be prescribed by the Central Government, to be nominated by the Chief Justice of India.
- (3) The Chief Justice of India shall appoint a person to be the Secretary to the Committee, possessing such experience and qualifications as may be prescribed by the Central Government.
- (4) The terms of office and other conditions relating thereto, of the members and Secretary of the Committee shall be such as may be determined by regulations made by the Central Authority.
- (5) The Committee may appoint such number of officers and other employees as may be prescribed by the Central Government, in consultation with the Chief Justice of India, for the efficient discharge of its functions.
- (6) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the Central Government in consultation with the Chief Justice of India.

### **<sup>iii</sup>Section 6 of the LSA Act: Constitution of State Legal Services Authority: -**

- (1) Every State Government shall constitute a body to be called the Legal Services Authority for the State to exercise the powers and perform the functions conferred on, or assigned to, a State Authority under this Act.
- (2) A State Authority shall consist of-
  - (a) The Chief Justice of the High Court who shall be the Patron-in-Chief;
  - (b) A serving or retired Judge of the High Court, to be nominated by the Governor, in consultation with the Chief Justice of the High Court, who shall be the Executive Chairman; and
  - (c) Such number of other members, possessing such experience and qualifications as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.
- (3) The State Government shall, in consultation with the Chief Justice of the High Court, appoint a person belonging to the State Higher Judicial Service, not lower in rank than that of a District Judge, as the Member-Secretary of the State Authority, to exercise such powers and perform such duties under the Executive Chairman of the State Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority:  
 Provided that a person functioning as Secretary of a State Legal Aid and Advice Board immediately before the date of constitution of the State Authority may be appointed as Member-Secretary of that Authority, even if he is not qualified to be appointed as such under this sub-section, for a period not exceeding five years.

### **8A. High Court Legal Services Committee.–**

- (1) The State Authority shall constitute a Committee to be called the High Court Legal Services Committee for every High Court, for the purpose of exercising such powers and performing such functions as may be determined by regulations made by the State Authority.

- (2) The Committee shall consist of-
  - (a) A sitting Judge of the High Court who shall be the Chairman; and
  - (b) Such number of other member as may be determined by regulations made by the State Authority to be nominated by the Chief Justice of the High Court.
- (3) The Chief Justice of the High Court shall appoint a Secretary to the Committee possessing such experience and qualifications as may be prescribed by the State Government.
- (4) The terms of office and other conditions relating thereto, of the members and Secretary of the Committee shall be such as may be determined by regulations made by the State Authority.
- (5) The Committee may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.
- (6) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.

**9. District Legal Services Authority. -**

- (1) The State Government shall, in consultation with the Chief Justice of the High Court, constitute a body to be called the District Legal Services Authority for every District in the State to exercise the powers and perform the functions conferred on, or assigned to, the District Authority under this Act.
- (2) A District Authority shall consist of-
  - (a) The District Judge who shall be its Chairman; and
  - (b) Such number of other members, possessing such experience and qualifications, as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.
- (3) The State Authority shall, in consultation with the Chairman of the District Authority, appoint a person belonging to the State Judicial Service not lower in rank than that of a Subordinate Judge or Civil Judge posted at the seat of the District Judiciary as Secretary of the District Authority to exercise such powers and perform such duties under the Chairman of that Committee as may be assigned to him by such Chairman.
- (4) The terms of office and other conditions relating thereto, of members and Secretary of the District Authority shall be such as may be determined by regulations made by the State Authority in consultation with the Chief Justice of the High Court.
- (5) The District Authority may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.
- (6) The officers and other employees of the District Authority shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (7) The administrative expenses of every District Authority, including the salaries, allowances and pensions payable to the Secretary, officers and other employees of the District Authority shall be defrayed out of the Consolidated Fund of the State.
- (8) All orders and decisions of the District Authority shall be authenticated by the Secretary or by any other officer of the District Authority duly authorised by the Chairman of that Authority.
- (9) No act or proceeding of a District Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the District Authority.]

**11A. Taluk Legal Services Committee: -**

- (1) The State Authority may constitute a Committee, to be called the Taluk Legal Services Committee, for each taluk or mandal or for group of taluks or mandals.
- (2) The Committee shall consist of-
  - (a) The Senior Civil Judge operating within the jurisdiction of the Committee who shall be the ex officio Chairman; and
  - (b) Such number of other members, possessing such experience and qualifications, as may be prescribed by the State Government, to be nominated by that

Government in consultation with the Chief Justice of the High Court.

- (3) The Committee may appoint such number of officers and other employees as may be prescribed by the State Government in consultation with the Chief Justice of the High Court for the efficient discharge of its functions.
- (4) The officers and other employees of the Committee shall be entitled to such salary and allowances and shall be subject to such other conditions of service as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (5) The administrative expenses of the Committee shall be defrayed out of the District Legal Aid Fund by the District Authority.

<sup>iv</sup> S.12. Criteria for giving legal services -Every person who has to file or defend a case shall be entitled to legal services under this Act if that person, is-

- (a) A member of a Scheduled Caste or Scheduled Tribe;
- (b) A victim of trafficking in human beings or beggar as referred to in Article 23 of the Constitution;
- (c) A women 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

<sup>1</sup>[(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.]

<sup>v</sup>S. 8. **State Authority to act in coordination with other agencies etc., and be subject to directions given by Central Authority**

In the discharge of its functions the State Authority shall appropriately act in coordination with other governmental agencies, nongovernmental voluntary social service institutions, universities and other bodies engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority may give to it in writing.

<sup>vi</sup> S.4(l)Take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures;

<sup>vii</sup>19.Organisation of LokAdalats: -

- (1) Every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may be, Taluk Legal Services Committee may organise LokAdalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit.
- (2) Every LokAdalat organised for an area shall consist of such number of-
  - (a) Serving or retired judicial officers; and
  - (b) Other persons, of the area as may be specified by the State Authority or the District Authority or the Supreme Court Legal Services Committee or the High Court Legal Services Committee, or as the case may be, the Taluk Legal Services Committee, organising such LokAdalat.
- (3) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats organised by the Supreme Court Legal Services Committee shall be such as may be prescribed by the Central Government in consultation with

the Chief Justice of India.

- (4) The experience and qualifications of other persons referred to in clause (b) of subsection (2) for Lok Adalats other than those referred to in sub-section (3) shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.
- (5) 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:
  - (i) Any case pending before; or
  - (ii) 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 any case or matter relating to an offence not compoundable under any law.

#### **20. Cognizance of cases by Lok Adalats.**

- (1) Where in any case referred to in clause (i) of sub-section (5) of section 19; -
  - (i) (a) The parties thereof agree; or
  - (b) One of the parties thereof makes an application to the court, for referring the case to the Lok Adalat for settlement and if such court is prima facie satisfied that there are chances of such settlement; or
  - (ii) The court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat, the court shall refer the case to the Lok Adalat:Provided that no case shall be referred to the Lok Adalat under sub-clause (b) of clause (i) or clause (ii) by such court except after giving a reasonable opportunity of being heard to the parties.
- (2) Notwithstanding anything contained in any other law for the time being in force, the Authority or Committee organising the Lok Adalat under sub-section (1) of section 19 may, on receipt of an application from any one of the parties to any matter referred to in clause (ii) of sub-section (5) of section 19 that such matter needs to be determined by a Lok Adalat, refer such matter to the Lok Adalat, for determination: Provided that no matter shall be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the other party.
- (3) Where any case is referred to a Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section (2), the Lok Adalat shall proceed to dispose of the case or matter and arrive at a compromise or settlement between the parties.
- (4) Every Lok Adalat shall, while determining any reference before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of justice, equity, fair play and other legal principles.
- (5) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the court, from which the reference has been received under sub-section (1) for disposal in accordance with law.
- (6) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, in a matter referred to in sub-section (2), that Lok Adalat shall advise the parties to seek remedy in a court.
- (7) Where the record of the case is returned under sub-section (5) to the Court, such court shall proceed to deal with such case from the stage which was reached before such reference under sub-section (1)].

#### **21. Award of Lok Adalat.-**

- (1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section (1) of section 20, the court-fee paid in such case shall be refunded in the manner provided under the Court Fees Act, (7 of 1870).]
- (2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.

#### **22. Powers of Lok Adalats. -**

- (1) The Lok Adalat shall, for the purposes of holding any determination under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit in respect of the following matters, namely: -

- (a) The summoning and enforcing the attendance of any witness and examining him on oath;
  - (b) The discovery and production of any document;
  - (c) The reception of evidence on affidavits;
  - (d) The requisitioning of any public record or document or copy of such record or document from any court or office; and
  - (e) Such other matters as may be prescribed.
- (2) Without prejudice to the generality of the powers contained in sub-section (1), every Lok Adalat shall have the requisite powers to specify its own procedure for the determination of any dispute coming before it.
- (3) All proceedings before a Lok Adalat shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (45 of 1860) and every Lok Adalat shall be deemed to be a civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

#### **22B. Establishment of Permanent Lok Adalat**

1. Notwithstanding anything contained in section 19, the Central Authority or, as the case may be, every State Authority shall, by notification, establish Permanent Lok Adalat at such places and for exercising such jurisdiction in respect of one or more public utility services and for such areas as may be specified in the notification.
2. Every Permanent Lok Adalat established for an area notified under sub-section (1) shall consist of-
  - (a) a person who is, or has been, a District Judge or additional District Judge or has held judicial office higher in rank than that of a District Judge, shall be the Chairman of the Permanent Lok Adalat; and
  - (b) *Two other persons having adequate experience in public utility services to be nominated by the Central Government or, as the case may be, the State Government on the recommendation of the Central Authority or, as the case may be, the State Authority, establishing such Permanent Lok Adalat and the other terms and conditions of the appointment of the Chairman and other persons referred to in clause (b) shall be prescribed by the Central Government.*

#### **22 C. Cognizance of cases by Permanent Lok Adalat.**

1. Any party to a dispute may, before the dispute is brought before any court, make an application to the Permanent Lok Adalat for the settlement of dispute;  
*Provided that the Permanent Lok Adalat shall not have jurisdiction in respect of any matter relating to an offence not compoundable under any law:*  
*Provided further that the Permanent Lok Adalat shall also not have jurisdiction in the matter where the value of the property in dispute exceeds ten lakh rupees:*  
*Provided also that the Central Government, may, by notification, increase the limit of ten lakh rupees specified in the second proviso in consultation with the Central Authority.*
2. After an application is made under sub-section (1) to the Permanent Lok Adalat, no party to that application shall invoke jurisdiction of any court in the same dispute.
3. Where an application is made to a Permanent Lok Adalat under sub-section (1), it
  - (a) shall direct each party to the application to file before it a written statement, stating therein the facts and nature of dispute under the application, points or issues in such dispute and grounds relied in support of, or in opposition to, such points or issues, as the case may be, and such party may supplement such statement with any document and other evidence which such party deems appropriate in proof of such facts and grounds and shall send a copy of such statement together with a copy of such document and other evidence, if any, to each of the parties to the application;
  - (b) may require any party to the application to file additional statement before it at any stage of the conciliation proceedings;
  - (c) shall communicate any document or statement received by it from any party to the application to the other party, to enable such other party to present reply thereto.
- (4) When statement, additional statement and reply, if any, have been filed under sub-section (3), to the satisfaction of the Permanent Lok Adalat, it shall conduct conciliation proceedings between the parties to the application in such manner as it thinks appropriate taking into account the circumstance of the dispute.
- (5) The Permanent Lok Adalat shall, during conduct of conciliation proceedings under sub-section

- (4), assist the parties in their attempt to reach an amicable settlement of the dispute in an independent and impartial manner.
- (6) It shall be the duty of every party to the application to cooperate in good faith with the Permanent Lok Adalat in conciliation of the dispute relating to the application and to comply with the direction of the Permanent Lok Adalat to produce evidence and other related documents before it.
- (7) When a Permanent Lok Adalat, in the aforesaid conciliation proceedings, is of opinion that there exist elements of settlement in such proceedings which may be acceptable to the parties, it may formulate the terms of a possible settlement of the dispute and give to the parties concerned for their observations and in case the parties reach at an agreement on the settlement or the dispute, they shall sign the settlement agreement and the Permanent Lok Adalat shall pass an award in terms thereof and furnish a copy of the same to each of the parties concerned.
- (8) Where the parties fail to reach at an agreement under sub-section (7), the Permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute.

#### **22D. Procedure of Permanent Lok Adalat**

The Permanent Lok Adalat shall, while conducting conciliation proceedings or deciding a dispute on merit under this Act, be guided by the principles of natural justice, objectivity fair play, equity and other principles of justice, and shall not be bound by the Code of Civil Procedure, 1908 and the Indian Evidence Act, 1872.

#### **22E. Award of Permanent Lok Adalat to be final**

- (1) Every award of the Permanent Lok Adalat under this Act made either on merit or in terms of a settlement agreement shall be final and binding on all the parties thereto and on persons claiming under them.
- (2) Every award of the Permanent Lok Adalat under this Act shall be deemed to be a decree of a civil court.
- (3) The award made by the Permanent Lok Adalat under this Act shall be by a majority of the persons constituting the Permanent Lok Adalat.
- (4) Every award made by the Permanent Lok Adalat under this Act shall be final and shall not be called in question in any original suit, application or execution proceedings.
- (5) The Permanent Lok Adalat may transmit any award made by it to a Civil Court having local Jurisdiction and such civil court shall execute the order as if it were a decree made by that court.



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