**Legal Aid**

Article 39A of the Constitution of India provides for free legal aid to the poor and weaker sections of the society and ensures justice for all. Article 14 and 22(1) of the constitution also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on the basis of equal opportunity to all, In 1987, the Legal Services Authorities Act was enacted by the Parliament which came into force on 9th November, 1995 with an object to establish a nationwide uniform network for providing free and competent legal services to the weaker sections of the society on the basis of equal opportunity. The National Legal Services Authority (NALSA) has been constituted under the Legal Services Authorities Act, 1987 to monitor and evaluate implementation of legal services available under the Act.

Hon'ble Mr. Justice K.G. Balakrishnan, the Chief Justice of India is the Patron-in-Chief and Hon'ble Mr. Justice S.B. Sinha, Judge Supreme Court of India, is the Executive Chairman of the Authority.

In every State, a State Legal Services Authority and in every High Court, a High Court Legal Services Committee has been constituted. District Legal Services Authorities and Taluka Legal Services Committees have been constituted in the Districts and most of the Talukas in order to give effect to the policies and directions of the NALSA and to provide free legal services to the people and conduct Lok Adalats in the State. The State Legal Services Authorities are chaired by Hon'ble Chief Justice of the respective Districts and the Taluk a Legal Services Committees are chaired by the Judicial Officers at the Taluka Level.

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

**National Legal Services Authority (NALSA)**

**Functioning of NALSA**

The NALSA issues guidelines for the State Legal Services Authorities to implement the Legal Aid Programmes and schemes throughout the country.

Primarily, the State Legal Services Authorities, District Legal Services Authorities, Taluka Legal Services Committees, etc. have been asked to discharge the following two main functions on regular basis:

* To Provide Free Legal Services to the eligible persons; and
* To organize Lok Adalats for amicable settlement of disputes.

**Free Legal Services**

The Free Legal Services include:

* Payment of court fee, process fees and all other charges payable or incurred in connection with any legal proceedings;
* Providing Advocate in legal proceedings;
* Obtaining and supply of certified copies of orders and other documents in legal proceedings;
* Preparation of appeal, paper book including printing and translation of documents in legal proceedings.

Eligible persons for getting free legal services include:

* Women and children;
* Members of SC/ST;
* Industrial workmen;
* Victims of mass disaster; violence, flood, drought, earthquake, industrial disaster;
* Disabled persons;
* Persons in custody;
* Persons whose annual income does not exceed Rs. 50,000/-
* Victims of Trafficking in Human beings.

**NALASA Schemes**

The NALSA has formulated the following schemes to perform its functions under the Legal Services Authorities Act, 1987;

**Legal and Counsel Scheme**

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

**Permanent and Continuous Lok Adalat Scheme**

A Permanent and Continuous Lok Adalat Scheme has been formulated and implemented to establish Lok Adalats under Section 19 of the Act in all the districts of the country. Under this scheme, the Lok Adalats are now organized regularly at designated venues, even away from court complexes and the cases which remain unsettled are taken up in the next Lok Adalat. Lok Adalats have thus acquired permanency and continuity and are no more occasional.

**Counseling and Conciliation Scheme**

NALSA has formulated a Counseling and Conciliation Scheme to encourage the settlement of disputes by way of negotiations and conciliation. Under this scheme, Counseling and Conciliation Centres are being set up in all the Districts of the country for guiding and motivating the migrants to resolve their disputes amicably. Such Centres have been set up in most of the Districts.

**Legal Literacy Programme**

NALSA has formulated a strategy to provide basic and essential knowledge to the vulnerable groups so that they can understand the law and know the scope of their rights under the law and eventually assert their rights as a means to take action, uplift their social status and being in social change.

NALSA has been organizing the Legal Aid Camps through State Legal Services Authorities, Taluka Legal Services Committees, NGOs. etc. in the rural area and slum areas for educating the weaker sections as to their rights and for encouraging them to settle their disputes through ADR Mechanism. The people are educated/made aware of their rights, benefits and privileges guaranteed by social welfare legislations, administration programmes and measures etc.

The NALSA has been organizing meetings, seminars and workshops connected with legal services programmes in different parts of the country. The NALSA has developed audio visual spots and publicity material to make the common man aware of the various aspects of the legal services programmes. Documentary films have also been prepared and are being screened in the different parts of the country through Directorate of Field Publicity, Government of India.

**Accreditation of Voluntary Social Service Institutions**

NALSA has formulated a scheme for accreditation of Voluntary Social Service Institutions to establish a nation wide network of voluntary agencies in order to spread legal literacy, legal awareness and publicity for legal services throughout the nook and corner of the country. All the State Legal Services Authorities have been urged to identify Social Service Institutions in all Districts and give them accreditation.

**Scheme on supporting the implementation of National Rural Employment Guarantee Scheme (NREGS) through the State Legal Services Authorities**

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

**Plan of Action for 2009-2010**

In order to implement the Legal Aid Schemes and Legal Services Programmes of NALSA in accordance with the object of the Legal Services Authorities Act, 1987, the following Plan of Action for the financial year 2009-2010 was drawn up:

**Legal Awareness Programme**

* Continuation of Micro Legal Literacy Projects in all States.
* Continuation of the NALSA awareness programmes and Lok Adalats relating to NERGA matters.
* State Legal Awareness Programmes in the States on the following laws :
	+ Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
	+ Gram Nyayalaya Act.
	+ Protection of Women From Domestic Violence Act, 2005.
	+ Persons with Disabilities (Equal Protection of Rights and Full Participation) Act.
	+ National Trust Act.
	+ Laws relating to Marriage.
	+ Labour Laws.
	+ Environmental Protection Laws.
	+ Consumer Protection Laws.
	+ Campaign against Female Infanticide.
	+ Campaign against Human Trafficking.
* Cooperation with National Commission for Women at the Centre and associating the activities of State Legal Services Authorities with the State Women's Commissions.
* Conduct awareness programmes and seminars with the involvement of National Women's Commission, Ministry of Social Welfare, Ministry of Child Welfare and Development and Ministry of Rural Development.

**Para-legal Volunteer Scheme**: It is a scheme for building up a group of volunteers from among the rural people to act as intermediates between the common people and legal services institutions at Central, State, District and Taluka levels.

**Lok Adalats**: Widening the network of Lok Adalat to Government Departments, Petitions pending before Women's Commissions, various Tribunals, Labour Courts, Industrial Tribunal and Tax Tribunals etc., setting-up Special Lok Adalats in all Family Courts.

**Legal Aid Clinics**

* Establishing Legal Aid Clinics in all Gram Panchayats (similar to primary health centres) by engaging competent lawyers as legal consultants in the clinics. Give wide publicity about the clinics with the help of local Self-Government Institutions.
* Setting-up Legal Aid Clinics in all law colleges and law universities and to encourage students to adopt remote village areas as their area of operation. For this purpose, the following strategies may be adopted:
	+ The students may be divided into small groups and deputed to the adopted villages.
	+ In urban areas, colonies and slum areas where economically and socially backward people reside may be chosen for setting up Legal Aid Clinics.
	+ Law Students should be guided by a team of senior Professors/Lecturers including part-time Lecturers. Rapport between the students and the people of the adopted area should be maintained throughout the year.
	+ Law Students shall identify the problems which require Legal Aid. They shall discuss the problem with the teacher-in-charge and if it warrants further free legal services, the matter should be brought before the Legal Services Authorities/Committees concerned.
	+ The students shall be encouraged to organize legal awareness classes for small groups of people (4 or 5 houses together or 10 to 12 people). It should be more in the form of informal gatherings.
	+ The students should aim at preventive and strategic legal aid.
	+ In appropriate cases, senior students and postgraduate students who have already enrolled as lawyers, may be entrusted with the filing and conducting of the litigation in the Courts free of cost.
	+ No fee shall be collected from the beneficiaries of legal aid clinic.

**Legal Aid**

Bringing in more competent, well-known and senior lawyers for rendering Legal Services and Legal Aid.

* Payment of better honorarium to the lawyers who provide Legal Aid.
* Inclusion of all designated senior lawyers in the Legal Aid Schemes and requesting them to undertake at least two cases free of charge every year.
* In appropriate cases, payment of the entire expenses including the normal fees of the lawyers.
* Annual evaluation of the progress of cases in which Legal Aid was given.

Success rate of the legal aid cases also should be a component of the evaluation measures.

**Schemes, Projects and Programmes drawn up by the State Legal Services Authorities for the year 2009-10**

* Encouraging the preparation of blue-prints for activities for the year 2009-10 by the State Legal Services Authorities.
* Calling for monthly progress reports in respect of each such programme.
* Take steps for establishment of Permanent Lok Adalats for Public Utility Services U/s 22B in all Districts.
* Take steps for appointing full time Secretaries in all District Legal Services Authorities.

**Evaluation of Projects and Schemes**

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

**Measures for Publicity**

* Liaison with the Information and Broadcasting Ministry and Prasar Bharti for timely briefing about the projects and programmes to the Press and Media.
* Other publicity measures like, hoardings, production of short-films, skits in CD form and distribute copies to all TLSEc and DLSAs.
* Printing of publicity materials like posters, pamphlets, booklets and distributing the required quantity of such materials to all States Legal Services Authorities in requisite number, advertisements in newspapers and television (both private and Government owned) etc.

To take necessary steps for ensuring commitment to the provisions in Part-IV of the Constitution of India

**Improving the quality and contents of 'Nyayadeep', an official Newsletter of NALSA Interaction and exchange of ideas**: With the legal services institutions of the neighbouring countries (e.g. Sri Lanka, Bangladesh, Nepal, Malaysia, Singapore, Thailand, Taiwan etc.) and other Commonwealth Countries.

**Achievement**

Till 31.03.2009 about 96.99 lakh people have benefited through legal aid and advice throughout the country in which about 13.83 lakh persons belonging to Scheduled Caste and 4.64 lakh people of Scheduled Tribe communities were beneficiaries. More than 10.22 lakh people were women and about 2.35 lakh people in custody were also benefited.

About 7.25 lakh Lok Adalats have been held throughout the country in which more than 2.68 crore cases have been settled. In about 16.87 lakh Motor Accident Claim cases, more than Rs. 7593 crore has been awarded as compensation.

Source: National Portal Content Management Team Reviewed on: 10-02-2011