

THE NATIONAL LEGAL SERVICES AUTHORITY (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS, 2010

(As amended vide notification F.No. L/61/10/NALSA dated 22.10.2018)

- In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987) and in pursuance of the provisions in section 4 of the Act to make available free and competent legal services to the persons entitled thereto under section 12 of the said Act, the Central Authority hereby makes the following regulations, namely: -

1. Short title, extent and commencement. – (1) These regulations may be called the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

(2) They shall be applicable to Supreme Court Legal Services Committee, State Legal Services Authorities, High Court Legal Services Committees, District Legal Services Authorities, and Taluk Legal Services Committees in India.

(3) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions. – (1) In these regulations, unless the context otherwise requires, -

(a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987);

(b) “Form” means a Form annexed to these Regulations;

(c) “Front Office” means a room in the Legal Services Institution where legal services are made available;

(d) “Legal Practitioner” shall have the meaning assigned to it in clause (i) of section 2 of the Advocates Act, 1961 (25 of 1961);

(e) “Legal Services Institution” means the Supreme Court Legal Services Committee, a State Legal Services Authority, the High Court Legal Services Committee, District Legal Services Authority or the Taluk Legal Services Committee, as the case may be;

¹(ea) “Monitoring and Mentoring Committee” means the Committees set up under regulation 10;

(eb) “Panel Lawyer” means a legal practitioner empanelled as a Panel lawyer under regulation 8;

(f) “Para-Legal Volunteer” means a para-legal volunteer trained ²under the ‘National Legal Services Authority Scheme for Para Legal Volunteers’ and empanelled by a Legal Services Institution;

¹ Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

² Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

³(fa) “Retainer Lawyer” means a Panel Lawyer designated as the Retainer Lawyer under sub-regulation (9) of regulation 8;

(g) “Secretary” means the Secretary of the Legal Services Institution;

(h) “Section” means the section of the Act;

(i) “State regulation” means regulation made by the State Authorities under the Act.

2. All other words and expressions used but not defined in these regulations shall have the same meanings assigned to them in the Act.

3. Application for legal services.- (1) An application for legal services may be presented preferably in Form-I in the local language or English.

(2) The applicant may furnish a summary of his grievances for which he seeks legal services, in a separate sheet along with the application.

(3) An application, though not in Form-I, may also be entertained, if reasonably explains the facts to enable the applicant to seek legal services.

(4) If the applicant is illiterate or unable to give the application on his or her own, the Legal Services Institutions may make arrangement for helping the applicant to fill up the application form and to prepare a note of his or her grievances.

(5) Oral requests for legal services may also be entertained in the same manner as an application under sub-regulation (1) and (2).

(6) An applicant advised by the para-legal volunteers, legal aid clubs, legal aid clinics and voluntary social service institutions shall also be considered for free legal services.

(7) Requests received through e-mails and interactive on-line facility also may be considered for free legal services after verification of the identity of the applicant and on ensuring that he or she owns the authorship of the grievances projected.

4. Legal Services Institution to have a front office.- (1) All Legal Services Institutions shall have a front office to be manned by ⁴[a Retainer Lawyer on rotational basis and] one or more para-legal volunteers available during office hours.

⁵Provided that persons with the qualification of Masters degree in Social Work or Diploma or Masters’ degree in psychiatry or psychology from any recognised institute or university may also be called to the front office as and when necessary.

⁶(2) *****

³ Inserted vide notification dated 31/7/2012, published in the Gazette of India on 25/8/2012.

⁴ Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

⁵ Inserted vide notification dated 31/7/2012, published in the Gazette of India on 25/8/2012.

⁶ Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

⁷(3) The Para-Legal Volunteers in the front office shall render services such as issuing of simple notices, drafting of applications and petitions, providing basic information on the course of action to be taken in a situation and to act as an intermediary between the persons in need of legal services and the legal services institutions to enable such persons to gain access to justice.

⁸(4) The Para-Legal Volunteers or the panel lawyer or the retainer lawyer, as the case may be, in the front office may obtain secretarial assistance from the staff of the Legal Services Institutions.

⁹(5) *****

¹⁰**5. Proof of entitlement of free legal services.** – A self-certificate of the applicant, along with self-attested copy of relevant documents or certificates, if any, that he falls under the categories of persons entitled to free legal services under Section 12 of the Act shall ordinarily be sufficient.

¹¹(2) *****

¹²(3) *****

6. Consequences of false or untrue details furnished by the applicant. –The applicant shall be informed that if free legal services have been obtained by furnishing incorrect or false information or in a fraudulent manner, the legal services shall be stopped forthwith and that the expenses incurred by the Legal Services Institutions shall be recoverable from him or her.

¹³**7. Scrutiny and evaluation of the application for free legal services.**– (1) The application for legal services, for eligibility of the applicant and existence of a prima facie case to prosecute or to defend, shall be scrutinised by the Member-Secretary or Secretary, as the case may be, or any officer, deputed by him:

Provided that a defendant in a civil case and an accused or a convict in a criminal case shall be deemed to have prima facie case to defend or to file an appeal against his conviction and sentence:

Provided further that in case, there is some difficulty to determine the prima facie case to prosecute, the Member-Secretary or Secretary may for this purpose, seek opinion from a panel lawyer having more than seven years standing at the Bar:

⁷ Inserted vide notification dated 31/7/2012, published in the Gazette of India on 25/8/2012.

⁸ Inserted vide notification dated 31/7/2012, published in the Gazette of India on 25/8/2012.

⁹ Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

¹⁰ Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

¹¹ Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

¹² Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

¹³ Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

Provided further that in case of the Supreme Court Legal Services Committee, the Secretary shall seek opinion from an Advocate having more than fifteen years standing at the Bar.

(2) A decision on application for legal services shall be taken immediately, but not more than seven days from the date of receipt of the application.

(3) If the applicant is not covered under the categories mentioned in section 12, he or she shall be advised to seek assistance from any other body or person rendering free legal services either voluntarily or under any other scheme.

(4) The Legal Services Institution shall maintain a list of such agencies, institutions or persons who have expressed willingness to render free legal services.

(5) Any person aggrieved by the decision or order of the Member-Secretary or the Secretary, as the case may be, he may prefer appeal to the Executive Chairman or Chairman of the Legal Services Institution and the decision or order in appeal shall be final.

(6) In case the Member-Secretary or Secretary of the Legal Services Institution decides to provide legal services through a panel lawyer, the choice of the panel lawyer, if expressed by the applicant, may be considered.

¹⁴8. Selection of legal practitioners as panel lawyers. – (1) Every Legal Services Institution shall invite applications from legal practitioners for their empanelment as panel lawyers and such applications shall be accompanied with proof of the professional experience with special reference to the type of cases which the applicant-legal practitioners may prefer to be entrusted with.

(2) The applications received under sub-regulation (1) shall be scrutinised and selection of the panel lawyers shall be made by the Executive Chairman or Chairman of the Legal Services Institution in consultation with the Attorney General [for the Supreme Court], Advocate General [for the High Court], District Attorney or Government Pleader [for District and Taluka level] and the Monitoring and Mentoring Committee set up under regulation 10:

Provided that the Executive Chairman or Chairman of the Legal Services Institution may also suo moto empanel any legal practitioner;

(3) No legal practitioner having less than three years' experience at the Bar shall ordinarily be empaneled.

(4) District Legal Services Authorities and Taluk Legal Services Committees shall get the panel approved from the Executive Chairman of the State Legal Services Authority.

¹⁴ Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

(5) The Executive Chairman or Chairman of the Legal Services Institution shall take into consideration the competency, integrity, suitability, and experience of lawyers for the empanelment.

(6) There may be representation of the Scheduled Castes, the Scheduled Tribes, women and differently abled lawyers in the panel.

(7) The Executive Chairman or Chairman of the Legal Services Institution may maintain separate panels for dealing with different types of cases like Civil, Criminal, Constitutional Law, Environmental Law, Labour Laws, Matrimonial disputes, Juvenile Justice, etc.

(8) The Member-Secretary or Secretary, as the case may be, may assign a case to a panel lawyer of a subject matter other than for which he has been empanelled.

(9) The Chairman of the Legal Services Institution may, in consultation with the Executive Chairman of the State Legal Services Authority or National Legal Services Authority, as the case may be, prepare a list of legal practitioners from among the panel lawyers to be designated as Retainers.

(10) The Retainer lawyers shall be selected for a period fixed by the Executive Chairman on rotation basis or by any other method specified by the Executive Chairman;

(11) The strength of Retainer lawyers shall not exceed, -

- (a) twenty in the Supreme Court Legal Services Committee;
- (b) fifteen in the High Court Legal Services Committee;
- (c) ten in the District Legal Authority;
- (d) five in the Taluk Legal Services Committee.

(12) The honorarium payable to Retainer lawyer shall not be less than, -

- (a) rupees forty thousand per month in the case of Supreme Court Legal Services Committee;
- (b) rupees twenty five thousand per month in the case of State Legal Services Authority or High Court Legal Services Committee;
- (c) rupees fifteen thousand per month in the case of District Legal Services Authority;
- (d) rupees ten thousand per month in the case of the Taluk Legal Services Committee:

Provided that the honorarium specified in this sub-regulation is in addition to the honorarium or fee payable by the Legal Services Institution for each case entrusted to the Retainer lawyer.

(13) The panel prepared under sub-regulation (2) for the period of three years shall also be reviewed and updated periodically by the Executive Chairman or the Chairman, as the case may be, keeping in view the performance of the panel lawyers.

(14) The Legal Services Institution shall be at liberty for withdrawing any case from a Retainer Panel Lawyer during any stage of the proceedings.

(15) If a panel lawyer is desirous of withdrawing from a case he shall state the reasons thereof to the Member-Secretary or the Secretary, as the case may be, and the panel lawyer may be permitted to do so by an order.

(16) The panel lawyers shall not ask for or receive any fee, remuneration or any valuable consideration in any manner, from the person to whom he has rendered legal services under these regulations.

(17) If the panel lawyer engaged is not performing satisfactorily or has acted contrary to the object and spirit of the Act and these regulations, the Legal Services Institution shall take appropriate steps including withdrawal of the case from such lawyer and his removal from the panel.

(18) The panel lawyers shall undergo training periodically as per modules prepared by the National Legal Services Authority and the State Legal Services Authority.

(19) The participation in the training programme shall be a relevant consideration for the retention or continuation of panel lawyers.

¹⁵9. Legal services by way of legal advice, consultation, drafting and conveyancing. - (1) The Executive Chairman or Chairman of the Legal Services Institution may maintain a separate panel of senior lawyers, law firms, retired judicial officers, mediators, conciliators and law professors in the law universities or law colleges for providing legal advice and other legal services like drafting and conveyancing.

(2) The Executive Chairman or Chairman of the Legal Services Institution, as the case may be, may maintain a separate panel of retired senior bureaucrats, senior executives, retired police officials, doctors, engineers, psychiatrists, marriage counsellors, chartered accountants, educationists and other experts of the specialised field for legal services and honorarium payable to them shall be decided by the Executive Chairman of State Legal Services Authority or the Chairman of the Supreme Court Legal Committee, as the case may be.

(3) The Member-Secretary may send a request to Senior Advocates to volunteer their pro bono professional services for rendering advice as and when required.”.

¹⁶10. Monitoring and Mentoring Committee. - (1) Every Legal Services Institution shall set up a Monitoring and Mentoring Committee for close monitoring of the court based legal services rendered and the progress of the cases in the legal aided matters and to guide and advise the panel lawyers.

(2) The Monitoring and Mentoring Committee at the level of the Supreme Court shall consist of, -

¹⁵ Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

¹⁶ Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

(i) a sitting or retired judge of the Supreme Court or a Senior Advocate as may be nominated by the Chairman, Supreme Court Legal Services Committee;

(ii) Secretary, Supreme Court Legal Services Committee;

(iii) a renowned Academician or an Advocate-on-Record having ten years of practice to be nominated by the Chairman of the Supreme Court Legal Services Committee;

(iv) The Legal Service Counsel-cum-Consultant, Supreme Court Legal Services Committee.

(3) The Monitoring and Mentoring Committee at the level of the High Court shall consist of, -

(i) a sitting or retired Judge of the High Court or a Senior Advocate as may be nominated by the Chairman, High Court Legal Services Committee;

(ii) Secretary, High Court Legal Services Committee.

(4) The Monitoring and Mentoring Committee at the State or District Legal Services Authority shall consist of, -

(i) Member-Secretary or Secretary of the Legal Services Institution, as the case may be;

(ii) one serving judicial officer from the State Higher Judicial Service;

(iii) one retired judicial officer or one Advocate of fifteen years' standing or more.

(5) The Monitoring and Mentoring Committee at the Taluk Legal Services Committee shall consist of, -

(i) Chairman of the Taluk Legal Services Committee;

(ii) one retired judicial officer;

(iii) one advocate of 10 years standing or more.

(6) The members of the Monitoring and Mentoring Committee shall render their services on the days as may be required and fixed by the Executive Chairman or Chairman of the Legal Services Institution and the members except serving Judicial Officers shall be paid the honorarium as fixed by the Executive Chairman.

¹⁷**11. Procedure of the Monitoring and Mentoring Committee.** - (1) Whenever court based legal aid is provided to an applicant, the Member-Secretary or Secretary as the case may be, shall send the details in Form II to the Monitoring and Mentoring Committee at the earliest.

¹⁷ Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

(2) The Legal Services Institution shall provide adequate staff and infrastructure to the Monitoring and Mentoring Committee for maintaining the records of the day-to-day progress of the legal aided cases.

(3) The Monitoring and Mentoring Committee shall assist the Legal Services Institution in organising training programmes for panel lawyers from time to time to enhance the skill of the panel lawyers.

(4) The Monitoring and Mentoring Committee shall mentor the panel lawyers and guide them in providing quality legal services.

(5) The Monitoring and Mentoring Committee shall maintain a register for legal aided cases for monitoring the day-to-day progress of the case and the end result (success or failure) in respect of cases for which legal aid is allowed and the said register shall be scrutinised every month by the Member-Secretary or Secretary or the Chairman, as the case may be.

(6) The Legal Services Institution may request the Presiding Officer of the court to allow access to the registers maintained by the court for ascertaining the progress of the cases.

(7) The Monitoring and Mentoring Committee shall keep a watch on the progress of the case by calling for reports from the panel lawyers within such time as may be determined by the Committee.

(8) If the progress of the case is not satisfactory, the Committee may advise the Legal Services Institution to take appropriate steps.

(9) The Committees shall meet at least once in a fortnight.

(10) The Monitoring and Mentoring Committee may meet as and when the meeting is convened by the Member-Secretary or the Secretary as the case may be.

12. Monitoring and Mentoring Committee to submit bi-monthly reports.— (1) The Monitoring and Mentoring Committee shall 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 Chairman or Chairman of the Legal Services Institution.

(2) After evaluating the reports by the Committee, the Executive Chairman or Chairman of the Legal Services Institution shall decide the course of action to be taken in each case.

(3) It shall be the duty of the Member-Secretary or Secretary of the Legal Services Institution to place the reports of the Monitoring Committee before the Executive Chairman or Chairman of the Legal Services Institution and to obtain orders.

13. Financial assistance. — (1) If a case for which legal aid has been granted requires additional expenditure like payment of court fee, the fee payable to the court appointed commissions, for summoning witnesses or documents, expenses for obtaining certified copies etc., the Legal Services Institution may take urgent steps for disbursement

of the requisite amount on the advice of the panel lawyer or Monitoring and Mentoring Committee.

(2) In the case of appeal or revision the Legal Services Institution may bear the expenses for obtaining certified copies of the judgment and case records.

14. Payment of fee to the panel lawyers. - (1) Panel lawyers shall be paid fee in accordance with the Schedule of fee, as approved under the State regulations.

(2) The State Legal Services Authority and other Legal Services Institution shall effect periodic revision of the honorarium to be paid to panel lawyers for the different types of services rendered by them in legal aid cases.

(3) As soon as the report of completion of the proceedings is received from the panel lawyer, the Legal Services Institution shall, without any delay, pay the

15. Special engagement of senior advocates in appropriate cases. - (1) If the Monitoring and Mentoring Committee or Executive Chairman or Chairman of the Legal Services Institution is of the opinion that services of senior advocate, though not included in the approved panel of lawyers, has to be provided in any particular case the Legal Services Institution may engage such senior advocate.

(2) Notwithstanding anything contained in the State regulations, the Executive Chairman or Chairman of the Legal Services Institution may decide the honorarium of such senior advocate.

¹⁸[*****]

16. Evaluation of the legal aid cases by the National Legal Services Authority and State Legal Services Authorities. - (1) The Supreme Court Legal Services Committee shall send copies of the bi-monthly reports of the Monitoring and Mentoring Committee of the Supreme Court Legal Services Committee to the Central Authority.

(2) The High Court Legal Services Committees, the State Legal Services Authorities shall submit copies of the bi-monthly reports of their Monitoring and Mentoring Committees to their Patron-in-Chief.

(3) The District Legal Services Authorities and Taluk Legal Services Committees shall submit copies of the bi-monthly reports of their Monitoring and Mentoring Committees to the Executive Chairman of the State Legal Services Authority.

(4) 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 aided cases, to the Central Authority.

(5) In appropriate cases, the Executive Chairman of the National Legal Services Authority may nominate and authorise the members of its Central Authority to supervise,

¹⁸ Omitted vide notification dated 6/8/2014, published in the Gazette of India on 18/10/2014.

monitor or advise the Legal Services Institution for effective and successful implementation of these regulations.

FORM –I

National Legal Services Authority
(Free and Competent Legal Services) Regulations, -2010
(see regulation-3)

The Form of Application for Legal Services
(This may be prepared in the regional language)

Registration No.

1. Name :

2. Permanent Address :

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

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

5. Monthly income of the applicant
:

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

7. Nature of legal aid or advise required :

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

.....
Signature of the applicant

Place:

Date:

Form-II

*National Legal Services Authority
(Free and Competent Legal Services) Regulation, 2010
(see regulation-11)*

Information furnished to the Monitoring and Mentoring Committee about the legal Services provided

- (i) Name of the Legal Services Institution :
- (ii) Legal aid application number and date on which legal aid was given. :
- (iii) Name of the legal aid applicant :
- (iv) Nature of case :
(civil, criminal, constitutional law etc.).
- (v) Name and roll number of the lawyer assigned to the applicant :
- (vi) Name of the Court in which the case is to be filed/defended :
- (vii) The date of engaging the panel lawyer :
- (viii) Whether any monetary assistance like, court fee, advocate commission fee, copying charges etc. has been given in advance? :
- (ix) Whether the case requires any interim orders or appointment of commission? :
- (x) Approximate expenditure for producing records, summoning of witnesses etc. :
- (xi) The expected time for conclusion of the proceedings in the Court :

MEMBER-SECRETARY / SECRETARY

Dated