

**REPORT ON STUDY OF IMPLEMENTATION OF NATIONAL LEGAL
SERVICES ACT IN STATE OF GUJARAT**

**SUBMITTED TO
STATE LEGAL SERVICES AUTHORITIES
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ABOUT IIPLS

Backdrop

Human right is an emerging moment, which has been gaining ground over the past few decades. There are a lot of developments that have happening in this field. Social moments in India be it women, dalits or tribal moments, have reposition themselves in the rights perspective and are articulating their vision and objective in consonance with Human Rights Standards.

Organizations working with disabled and aged prisoners and children have articulated there demands in accordance with Human Rights Covenants. Groups working with rural and urban poor have stated there demand in terms of right to shelter, livelihood etc. Meanwhile, the justice delivery system has been further weakening as the bar and the bench became a closed system. Alternate law groups have emerged in the process of re-looking at strategies of efficient justice delivery: a new cadre of people to respond to the situation is being thought of. They are in common parlance known as paralegal.

In recent years, lot of stress is being laid on preparing a cadre of paralegal. Lot of social organization are trying to have a worker who is trained in to using law. Paralegal services have been introduced as a part of the syllabus by the several law universities. However, there is very little understanding on the roll of the paralegal.

The Indian Institute of Paralegal Studies came up in June 2002 as a nascent organization to promote the legitimization of paralegal in India.

VISION STATEMENT

IIPLS meets the specific need for trained, valued driven paralegal, in pursuit of achieving the full range of human rights and justice to vulnerable groups. We believe in and reinforce the inherent capacity of people to uphold there dignity. We are rooted in ground realities and are engaged in preaching the gaps between people and justice.

We continuously

- ❖ Identify and build capacity of effective use of paralegal activities.
- ❖ Expand access to justice delivery mechanism.
- ❖ Improve the efficiency of legal system
- ❖ Challenge the policies, laws and mechanisms for implementation, which impede justice.
- ❖ Demystifying the law and legal cases

We are a dynamic, learning oriented institution, which stands for values that are pro people. We compliment the work of civil society groups particularly on social issue. We value collaborative, professional, inclusive, institution building processes for securing justice.

Who is a Paralegal?

A Paralegal bridges the gap between community, lawyers and judicial system. She/he helps in dissemination of legal information; follow up cases, etc. She /he can help in pre-litigative work, which is very crucial and if not done well, can affect the entire case adversely.

Most of the times, a common person finds it very difficult to understand the technical legal procedure. Not knowing the procedure, not having information of law and tear of judiciary leads to people suffering in justice and not fighting for their rights. A paralegal has the knowledge of law and the procedures and attempts to simplifies them.

Unlike many people, who think going to the court will got them justice, a paralegal knows what the court can do and what they can't. Therefore she/he approaches alternate forums like national human rights commission etc. She/he understands the strength and limitation of the legal system. She/he knows how to strategically use the system for maximum benefit.

People find it difficult to articulate their problem from a legal perspective. Law does not deal with injustices, it deal with illegalities. The courts intervene only if there is a violation of a law. Merely that there has been an injustice done to me will not move the legal machinery. A paralegal; adds a legal perspective to social issues. She/he has the ability to convert a social problem into a legal case.

Most people find it very frustrating to deal with lawyer. While lawyer is interested only in a legal case the common person expects someone to help them through their problem. A paralegal is the link between common persons and the community and the lawyer. He identifies with the community in just- unjust framework and juxtaposes it to lawyer in the legal-illegal framework.

Role of para legal

1. Delivery o services (pre-litigative work and follow up)

A para legal is trained into doing the pre litigative work like support in investigation and fact finding, out of court settlement with a right's perspective, filling of F.I.R etc. Also, once a court order has been obtain she or he is involved in ensuring proper implementation of the order and takes necessary steps for the same.

2. Education and awareness

A para legal is involved in bringing about legal awareness in the masses through means like community, education programs. She or he educates people about what there rights are and motivates them to fight for there rights.

3. Updating community dispute resolution system

A para legal place a role in revamping the existing dispute resolution mechanism and adds a legal and rights perspective to it.

4. Adding social perspective to court room lawyering.

A para legal adds a social perspective to standard court room lawyering. Usually typical lawyer gets caught in the technicalities of law and does not pay attention to the social angle of the case. Para plays an important role in sensitizing the lawyer to social issues.

5. Research and data collection.

Para legal also does research and data collection on socio legal issues. He is constantly studying the impact laws have on lives of people, inter relationship between the judicial system and people, where laws need change, water the emerging areas where a fresh laws is needed and what are the pit falls and drawbacks of implementation of a particular law.

6. Negotiation, counselling and conciliation.

A para legal also is involved in counselling with the rights perspective or issue based perspective and out of court settlements.

OBJECTIVES OF IPLS

- To promote the legitimization of the roll of paralegal within the justice delivery mechanisms.
- To built the capacities of trainers who engaged in paralegal training.
- To produce the Alternate Law Education Materials for paralegal to enable them to deliver the best of there legal services to community.
- To provide accreditation services and setup the Paralegal Association of India.

The IPLS operates through Regional Resource Centres based in Gujarat, Maharashtra and Andhra Pradesh with fourth centers in process of establishment in Orissa. The facilitation centers setup under each RRC has a strong networking among the regional FCs which identify common issues concerning the legitimizing and quality aspects of paralegal in this regions.

As an institution, the IPLS focuses on the rights of tribals, Dalits, women and people in the institutional care e.g Prisoners.

INTRODUCTION

Access to justice means effective access to the law requiring not only legal advice and representation in court, but also information and education of the law, law reform and a willingness to be able to identify the unmet needs of the poor.

Legal Aid refers to a delivery mechanism that provides for easy access to justice by each and every citizen.

Article 39A of the Constitution of India states that, “State shall secure that the operation of the legal system promotes justice on a basis of equal opportunity, and shall in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disability.” Articles 14 and 22(1) also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on a basis of equal opportunity to all. Legal Aid therefore is an articulation of this constitutional pledge to provide access to justice to all citizens of India especially to the most vulnerable and marginalized.

History of Legal Aid

The international history of the legal aid movement starts from the year 1851 in France when an enactment regarding provision of legal assistance to the poor was introduced. In Britain, organised efforts were made by the state to provide legal services to the poor and needy during 1944. This development came in when Lord Chancellor, Viscount Simon appointed the Rushcliffe Committee to look at the status of existing facilities in England for giving legal advice to the poor and it accordingly make recommendations.

In India, the government addressed the concern for provision legal aid since 1952 in various conferences of Law Ministers and Law Commissions. In 1960, guidelines were prepared by the Indian government for legal aid schemes. These legal aid schemes were run in different states of the country. 1950 onwards there were various expert committees established to advise the government on providing legal aid to the poor and most of them felt that there the existing formal system was not favourable for the poor. Then in 1980, a national level committee was established to supervise and oversee the legal aid programmes across the country. This committee was headed by Mr. Justice P.N. Bhagwati a judge of the Supreme Court of India at that time. This committee was known as Committee for Implementing Legal Aid Schemes (CILAS). This was a major step towards institutionalizing legal ad in India.

The report of the Committee headed by two judges of the Supreme Court, Justice Krishna Iyer and P.N. Bhagwati came out with a detailed scheme that actually envisaged Public Interest Litigation as a very important tool to bring about institutional as well as law reform so as to enable easy access to the judicial system for the poor. But the recommendation of this committee as well as other committees was seriously ignored by

the government. Nevertheless the above mentioned two judges played a very important role in spearheading the PIL jurisdiction.

The concept of Lok Adalats was introduced as a new method for improving access to justice. It was also successful in provision of a supplementary forum to the litigants for conciliatory settlements of their disputes. The enactment of the Legal Services Authorities Act in 1987 gave a statutory base to the various legal aid programmes in the country in terms of a regular pattern. But the Act finally came into force on 9th November, 1995 after the Amendment of the Act in 1994. The then Chief Justice of India Mr. Justice R. N. Mishra played a crucial role in the enforcement of the Act.

The National Legal Services Authority was established on 5th December, 1995. Justice A. S. Anand a judge of the Supreme Court of India took over as the Executive Chairman of NALSA on 17th July 1997 and immediately took up steps to make NALSA functional. Later in October 1998 he became the Chief Justice of India and hence the Patron-in-Chief of NALSA. The office of NALSA became properly functional only by February 1998 when all the staff members were appointed.

Lok Adalats :

The Legal Services Authorities Act has a provision for lok adalats. Lok adalats are alternative dispute resolution mechanisms which settle cases through compromise and conciliation. The Lok Adalat is presided over by a sitting or retired judicial officer as the chairman, with two other members, usually a lawyer and a social worker. There is no court fee. If the case is already filed in the regular court, the fee paid will be refunded if the dispute is settled at the Lok Adalat. Main condition of the Lok Adalat is that both parties in dispute should agree for settlement. The decision of the Lok Adalat is binding on the parties to the dispute and its order is capable of execution through legal process. No appeal lies against the order of the Lok Adalat

KEY CASES

- a) In the case of Hussainara Khatun v. State of Bihar in AIR 1979 S.C. page 1371, the linkage between right to legal aid and Article 21 was clearly established. The court was appalled at the plight of numerous undertrials languishing in the jails in Bihar for years without ever being represented by a lawyer. The court declared that "there can be no doubt that speedy trial, and by speedy trial, we mean reasonably expeditious trial, is an integral and essential part of the fundamental right to life and liberty enshrined in Article 21." Justice Bhagwati had declared that "Legal aid is really nothing else but equal justice in action. Legal aid is in fact the delivery system of social justice. If free legal services are not provided to such an accused, the trial itself may run the risk of being vitiated".
- b) Two years later, in the case of Khatri Vs. State of Bihar reported in AIR 1981 S.C. at page 926 (Bhagalpur Blinded Prisoners' case) Justice P.N. Bhagwati while referring to the Supreme Court's mandate in the aforesaid Hussainara Khatun's

case, commented that the right to legal aid was a constitutional mandate and because of either financial or other constraints, this right to legal aid should not be withheld by the state.

- c) In 1986, in another case of Sukhdas V. Union Territory of Arunachal Pradesh, reported in AIR 1986 S.C. at page 991, Justice P.N. Bhagwati, once again, while referring to the earlier decision of Hossainara Khatun's case and some other cases had made the following observations, "It is the absence of legal awareness which is responsible for the deception, exploitation and deprivation of rights and benefits from which the poor suffer in this land. This miserable condition in which the poor find themselves can be alleviated to some extent by creating legal awareness amongst the poor. That is why it has always been recognized as one of the principal items of the programme of the legal aid movement in the country to promote legal literacy."

It was in the above mentioned background that the Legal Services Authorities Act was passed in 1987. It is important to note that the provisions of the act (except for chapter III) were enforced from 1995 onwards.

LEGAL AID IN CrPC: SECTION 304

Legal aid to accused at State expense in certain cases:

- (1) Where, in a trial before the Court of Session, the accused is not represented by a pleader, and where it appears to the court that the accused has not sufficient means to engage a pleader, the court shall assign a pleader for his defence at the expense of the State.
- (2) The High Court may, with the previous approval of the State Government make rule providing for-
 - (a) The mode of selecting pleaders for defence under sub-section (2);
 - (b) The facilities to be allowed to such pleaders by the courts;

OBJECTIVE OF THE PRESENT RESEARCH

As mentioned before Indian Institute of Paralegal Studies positively engages with the systems at legislative, executive and judiciary level for realization of the rights of the under privileged. In its existence of thirteen years as socio legal organization it has created a successful model for access to justice to the under privileged.

Since the right to free legal aid has been enshrined in our constitution therefore it was thought to analyze the working of the State as well as the District Legal Services authorities in order to identify the lacunae or gaps in the implementation of the Legal Services Authorities Act. Also it was earnestly felt that IIPLS should further seek areas of collaboration in order to implement the Legal Services Authorities Act in earnest.

Issue for Research

To study the implementation of the Legal Services Authorities Act, 1987 in the state of Gujarat.

Hypothesis

1. Improper utilization of funds given to the district and state legal services authorities impacts the quality of service delivery
2. dissatisfaction in the beneficiaries is because of the low quality of services delivery
3. Monitoring systems for quality management has direct impact on quality of the services delivered

Geographical Area of Research

This study was conducted by seeking information through Right to Information Act in all the districts of Gujarat.

Also in six districts of Sabarkantha, Banaskantha, Amreli, Dang, Bharuch and Vadodara efforts were made to personally meet the legal aid authorities, legal aid penal lawyers, observation of the lok adalats as well the clients of the legal aid to seek the correct picture of the situation.

Universe

1. All legal aid beneficiaries for the year 2006-2007, 2007 – 2008
2. All legal awareness camps held in the year mentioned above
3. All lok adalats conducted in the years mentioned above

Same way all activities done under this period by State Legal Services Authorities and District Legal Service Authorities

Data Collection Tools:

1. Lok adalat observation guideline
2. Questionnaires for RTI applications.

Data Analysis

In the present report data received through RTI is mainly analysed vis a vis law. Report has State Legal Aid Authorities, district legal services authorities analysis. The analysis is presented of only those districts where data is received. In rest of the districts still we have not received the information..

FINDINGS AND ANALYSIS:

Following are the findings and analysis of the functioning of the District Legal Service Authorities as per the information received through the applications filed under the Right to Information Act.

1. The DLSA has incomplete members :

As per the Rule 16 of the Gujarat State Legal Services Authorities Rules 1997, the authority should have eight members other than the Chairperson

The number of members of the DLSA is not complete as per the LSAA. In most of the districts the Committee does not have the required number of members. For instance, In Dahod: There are only 5 members whose information has been provided. In Jamnagar also 7 members other than the Chairperson have been mentioned. In Gandhinagar: Only the names of the Chairperson and Secretary are mentioned. There is no detail provided regarding other 8 members like District Manager and Collector, President of the District Bar Association, District Government Pleader, and District Superintendent of Police, social worker, eminent advocate, Law teacher and a professional person. In Junagadh also only the information about 6 members has been given.

As per the Rule 16 of the Gujarat State Legal Services Authorities Rules 1997, the authority should have eight members other than the Chairperson; therefore, the constitution of the Authority is not proper and in contravention of the said provision.

As per S. 9(3) of the Legal Services Authorities Act read with Regulations 10(3) and 11 of the Gujarat State Legal Services Authority Regulation 1998, the Secretary of the DLSA should be a member of the Authority not below the rank of a Sub-ordinate Judge or Civil Judge, which is not appointed or if a person of the prescribed qualification is appointed as Secretary of the Authority, then he/she is not a member of the Authority or if any one amongst the members is Secretary then he/she is not a person with prescribed qualifications.

Similarly, according to Rule 16 (5) of the Rules the Authority should have 4 members amongst an eminent social worker, advocate, law teacher and any interested professional. And most often the post of the social worker/advocate/law teacher is left vacant.

Also apart from the District legal services authority, the taluka legal services committee does not have the required number of members in most of the districts.

In fact in Rajulla Taluka (Amreli district), Names of the Chairperson and one member i.e. Mamlatdar (Executive Magistrate) not provided. Permanent Designation/Post and salary of chairperson, secretary and other members were also not provided. The committee is constituted of 5 members including chairperson, Mamlatdar (Executive Magistrate), one Advocate (Mr. Rajeshbhai B

Joshi), two Social workers (namely Mrs. Bhartiben U Shukal and Mr. Babubhai B Vania).

As per Rule 18 of the Gujarat State Legal Services Authority Rule 1997, there shall be six members other than the Chairperson, including Mamlatdar (ex officio), President of Talluka Bar Association (ex officio) and four nominated members from amongst an eminent social worker, advocate, law teacher and professional interested in the field of legal services. But here in the present situation, President of Talluka Bar Association is not a member of the Rajula Talluka Legal Services Committee, who is an ex officio member and also it does not have four other nominated members. Therefore, the constitution of Rajula Committee is not proper and is in contravention of the provisions of the Rules.

Further, the Secretary of the TLSC shall be from amongst its members as per **clauses 16(3) and 17 of the Regulation 1998.** But in the present case, either Secretary is not appointed or he/she is not a member of the Committee.

Also, according to above clause 17 of the Regulation, if secretary ceases to be a member of the Committee, his/her nomination would take place in the same manner as the original nomination, but secretary is a non member as it is in the present case, therefore, his/her appointment stands illegal and in contravention of the law.

Even in other districts for example in Navsari, eight members are mentioned and they are all advocates. In the act it is clearly mentioned that there has to be an eminent social worker among the members but it is not followed in earnest.¹

Not having the required number of members in the committee impacts the functioning of the DLSA as well as delivery of the services. As such also all the members are ex officio so the time devoted by them for the processes cannot be full time thus leading to a structure which is not owned by any. One person in the post of executive secretary or chairperson cannot deliver all the services.

It is also imperative to note that the members of the DLSA should not be the ones with additional charge. Because of additional charge there is increased burden on the members of the DLSA and so they are not able to discharge their duties in an efficient manner.

¹ As per Rule 18 of the Gujarat State Legal Services Authority Rule 1997, there shall be six members other than the Chairperson, including Mamlatdar (ex officio), President of Talluka Bar Association (ex officio) and four nominated members from amongst an eminent social worker, advocate, law teacher and professional interested in the field of legal services.

2. No periodic internal meetings are held:

There is an absence of regular periodic internal meetings of the DLSA. In Dahod, Gandhinagar, Jamnagar and Junagadh, Amreli no internal meetings are held.

There is no express provision as to the number of mandatory meetings of the Authority but **Regulation 10 (1)(a) of the Gujarat Legal Services Authority Regulation 1998 provides for removal of members on ground of failure to attend three consecutive meetings**, meaning thereby, the Authority has to meet regularly. Therefore, it can be said that no efforts are being made for making the Authority active. Also, the office bearers of the Authority are least interested in the activities of the Authority. It may be the case here that since the office bearers are having their regular positions and responsibilities due to which they did not find enough time for such meetings.

Also, because there is no express provision as to the number of mandatory meetings and the objective of such meetings in the Act, Rules and Regulations, the Authority has no clarity on the point of its meetings and hence no meetings have been convened.

Internal meetings will help in planning the legal awareness camps and also identifying the issue on which the people need awareness. Proper planning can also be done regarding the dates on which the lok adalat has to be held. Coordination with various colleges, universities regarding the legal literacy camps can also then take place effectively. Discussion and Consultation on whether any case has to be filed as PIL can also happen if the members meet periodically.

Also the meetings will help in identifying if more responsibility needs to be delegated to other people and more employees can then be recruited in consultation with the Chief Justice of the High Court as per **section 9 (v) of the LSA**. Also the district legal services committee has to delegate work to the TLSC.²If the meetings are not held then the work of the TLSC will also suffer and planning will not be done properly.

Even if meetings are organized like in Gandhinagar and Navsari, the reports or minutes of the meeting are not recorded promptly. This is a matter of gross negligence as all internal meetings should be recorded for future reference.

3. The budget and accounts are not maintained and planning is not done properly:

According to Rule 4(i) of the Gujarat Legal Services Authority Rules 1997, the Member Secretary of SLSA is duty bound to process all the proposals for financial assistance and issue utilization certificate thereof

The annual proposal and the budget sheet of the DLSA is not maintained properly and doesn't even exist in most districts.

According to Rule 4(i) of the Gujarat Legal Services Authority Rules 1997, the Member Secretary of SLSA is duty bound to process all the proposals for

² As per section 11 B of the Legal Services Authorities Act, 1987.

financial assistance and issue utilization certificate thereof. As a corollary of the above, the DLSAs should have to submit annual proposals to the SLSA and accordingly, budget is approved and sanctioned. Similarly, utilization certificates should be issued to every such proposal by the SLSA, but no such procedure is adopted so far as proposals, budget approval and utilization certificates are concerned. In Dahod district, the answer received is that since the district was established in 2004 so the revenue is received from Panchmahal district. Hence no budget head has been issued. So there is no information. Similarly no information has been received from Palanpur, Junagadh, Amreli, and Gandhinagar.

In Jamnagar, the copy of the budget has been given but it contains **only numbers and no budget heads.** The total budget utilized in 2006-07 is Rs 8, 51,400 and in 2007-08 it is Rs 9, 95,000. Also it is mentioned that this money is utilized only for office purposes and for salary etcetera and is not spent in fulfilling the objectives of the Legal Services Authorities Act.

Clause 14 of the Regulation 1998 provides for a mandatory duty of DLSA to prepare, consolidate and submit such reports, returns and other statistics or information report of District Authority as the State Authority may call. Here, in the present instance, the District Authorities has not provided any information regarding the copies of budget statements etc.

It indicates following things: firstly: that processes of proposal submission by the District Authority, proposal processing and budget approval by the State Authority in general and Member Secretary in particular and etc. are not in place; Secondly: if the above process does happen, then the District Authority does not maintain proper record. And further that such report like budget utilization etc. are either not called for by the Member Secretary of SLSA from the DLSA or not maintained by the DLSA.

In the proposed budgets or approved budgets (received as information from State Legal Aid Authorities) there is hardly any provision for programmatic expenses. In absence of proper fund allocations system even if willing cannot deliver quality services.

4. No Rules and Regulations for appointment of Lawyers

Through the information received via RTI Applications, it has been found out that there are no rules and regulations for the appointment of lawyers on the free legal aid panel.

In absence of any procedure for recruitment of lawyers like notification or advertisement for inviting applications, filing of application, entrance exam, interview etc. for the appointment of lawyers by the District Authority, any lawyer can become a lawyer of District Authority.

In absence of screening processes and standards for legal aid lawyers there are possibilities of mishandling of cases and direct impact on the quality of the case handled. Young lawyers if assigned cases which require expertise of certain level then it impacts the litigation as well as threatens the denial of justice to the litigant.

Further, the process of preparation of list of such lawyers (as prepared by the President of Amreli District Bar Association) is left to the complete discretion of the President of District Bar Association, which is further compounded by the absence of any written code for the minimum qualification and appointment of the lawyers, may be resulting in to appointments on the basis of proximate relationship with the above President..

Also the number of lawyers appointed in Jamnagar on the free legal aid are 27, 25, 23 and 24 from 2005 to 2008 respectively. They have also mentioned that they choose the lawyers from the “vakil mandli”. All the lawyers who applied were selected on the free legal aid panel. But when asked for the name of the lawyers then only three have been mentioned viz. D.J Trivedi, BD Gosai, J.M. Nathva who handle Criminal, Civil and Civil cases respectively. If so many lawyers were selected then why are they not on the panel ?.This is a question which remains to be answered.

5. No proper organization of Legal Awareness Camps:

As per section 14 (i) of the GR notification no CH/98/1/SLA/2598/1840 dated 20.04.1998. it is a function of the DLSA to conduct Legal Literacy Camps in different parts of the district especially in rural and tribal areas

The information regarding legal awareness camps has not been provided in an adequate manner.

As per section 14 (i) of the GR notification no CH/98/1/SLA/2598/1840 dated 20.04.1998. it is a function of the DLSA to conduct Legal Literacy Camps in different parts of the district especially in rural and tribal areas.³ But the data regarding legal awareness camps is highly skewed. In Navsari district for example, the DLSA has sent information that only 5 camps have been organized since 2006, out of which 3 camps were held in 2006 and 2 in 2007. Surprisingly the money spent on each camp varies from Rs 6850-00 to Rs 7958-00. The money spent is grossly out of proportion with the number of beneficiaries. For instance, In a camp for 97 beneficiaries a total of Rs 7958-00 was spent and that too for a

³ As per section 14 (i) of the GR notification no CH/98/1/SLA/2598/1840 dated 20.04.1998. it is a function of the DLSA to conduct Legal Literacy Camps in different parts of the district especially in rural and tribal areas with a view to transmitting knowledge about legal aid schemes and also with a view to spread consciousness about the legal rights and duties of the citizens with special reference to tribal and rural population and /or women.

duration of 2 hours. This raises serious doubts about the accountability and transparency of the DLSA.

Also, During 2006-2007 and 2007-2008, Rajula Talluka Legal Services Committee had organized 628 legal awareness camps and 194 awareness camps respectively. The TLSC has organized huge numbers of legal literacy camps but the number of camps has drastically fallen from 628 in 2006-07 to 194 in 2007-08. It is more than 3 times decrease in performance of the Committee, so far as organizing legal literacy camps are concerned. There seems no justification of this down fall.

Also **none of the districts have maintained a list of the beneficiaries**, their addresses etc. This also shows the gross mismanagement of all the districts which are sampled in the given districts. Also an absence of the regulating mechanism is observed.

In Dahod district, **the topic for the legal aid camp is totally irrelevant**. For Instance the legal awareness camps have been designed around topics like Breeding of Plants and Safety of environment. In Jamnagar, Gujarat Foundation Day is the topic for seven camps. These topics have a clear disconnect with the purpose of legal awareness. Thus the whole purpose of legal literacy is defeated.

Also there is a gross mismatch in the frequency of the camps. There are also villages in Dahod where legal camps have been organized almost every month and on the other hand there are villages where a legal awareness camp has not been organized since 2006. The most prevalent issues are Dowry, Sexual Violence, and Consumer Protection and Motor Vehicle Act and no new issues are taken up.

In Gandhinagar no information of legal awareness camps has been given. This shows that no legal awareness camp was held and the functions of the DLSA in this respect were clearly not fulfilled.

No list of awareness camps, list of villages/place of venue for such awareness camps were provided. Similarly, other information (like time of camp, medium during camps, issues covered during each camp, details of expenses incurred on each camp and name of resource persons) relating each awareness camps organized by or organized under the banner of the District Legal Services Authority / TLSC were also not provided.

List of the members of audience is not maintained as it is not expressly instructed under the Act and its rules etc.

Further, legal literacy camps were organized by different DLSA, meaning thereby in every such camp awareness about free legal awareness must have been spread but on the other hand the Committee has not rendered legal services (free legal aid) to a single beneficiary. It raises serious doubt about the reality of this

statistics because if such camps have been organized seriously, the Committee must have received applications for free legal aid.

In addition to the above, since, the Committee didn't distribute any reading and publicity material in these camps resulting in to low awareness about the eligibility criteria, procedure for registering cases with the Committee etc. It has a direct consequence on the filing of the cases, which in the current context is relatively zero.

Keeping in mind the numbers of cases handled by the Committee, it can safely be concluded that there is no awareness about the free legal aid amongst the vulnerable section of the population even after organizing a huge number awareness camps.

There seems a complete disconnect between the legal literacy/awareness camps and other services like free legal aid etc. It's a grave case of complete failure of the DLSA to fulfill the objectives of the Legal Services Authority Act, 1987

Ironically, most of the districts have organized these many camps but when it comes to the record of these camps, **it didn't keep any record of the date, venue, time, resource person, list of participants etc.** It reflects on the poor monitoring of these awareness camps by the District Authority and obviously no system is evolved for quality check on them. In other words, the Authority has failed to evolve its planning and monitoring system (MIS) or else it is completely missing in the present context, reason may be that MIS is non existent.

The subjects selected for the legal awareness camps is also critical. In surendranagar district data the camps organized in the reporting period is four thousand plus. However the camps on legal issues are mostly conducted by Talati cum Mantri of the village. It leaves a benefit of doubt that all talati cum mantri are expert in legal issues as well and therefore are able to conduct legal awareness camps. Camps conducted for literacy, Gandhi Jayanti as well as on quality of seeds etc does not strictly fall into the category of legal awareness. The frequency of approaching one village with legal awareness camps is very few. May be twice or maximum thrice in a year which will never leave an impact on the clientele group unless and until it is of that quality that it leaves impressions behind.

6. Cases received under free legal aid

In Amreli district, No free legal aid was provided during year 2006-2007 and during 2007-08. And free legal aid is provided only in two cases, to the accused of criminal offences under IPC.

It is also worthy to mention here that the average no. of cases filed under the 125 Cr Pc are approximately 35 to 40 per month in each district of Gujarat. This automatically shows that the number of women who fall under the criteria for

getting free legal aid is definitely more than what the Legal Services Authorities are currently providing free legal aid to.

After relating it with the number of cases of free legal aid handled by the advocates of Rajula Talluka Legal Service Committee it becomes evident that even after appointing 5 advocates by the Committee during 2007-08, they are able to give free legal aid to only two beneficiaries. And because these are criminal cases so the proceedings have occurred through the judge and not through the TLSC.

In Jamnagar, Palanpur and Junagadh, there **is a sharp decline in the number of cases received year after year**. In Jamnagar district the number of people who availed of free legal aid is 49, 35 and 20 in 2006, 2007 and 2008 respectively. This shows a clear decrease in the number of cases every year. Even in Palanpur the number of cases have dropped from 113 in 2006 to 98 in 2007 and 55 in 2008. In Junagadh, the number of cases have also dropped from 162, 145 to 83 in 2006, 2007 and 2008 respectively. Therefore the outreach of the DLSA is not proper.

In Dahod, the total number of applications received for free legal aid was 23 in 2006-07 and 17 in 2007-08. These applications were received after conducting about 800 awareness camps. Since the **number of applications received is so less**, it clearly shows that the awareness camps are not able to target the deserving population and also that they are clearly off the mark. Even if after spending thousands of rupees if the DLSA is not able to reach the people for whom this act is meant then it is a cause for concern.

Dahod, in fact, presents a highly interesting case in point. After conducting 800 legal literacy camps from 2006-2008, the Dahod DLSA has received only 40 applications and has a panel of 20 lawyers for free legal aid. This leaves an approximate of 2 cases per lawyer. This is also highly suspect as a lawyer on the free legal aid panel then has been able to reach only 2 beneficiaries ? This is also inextricably linked to the awareness campaign and the legal literacy camps which have been conducted by the district Legal services Authorities. This case study shows that the whole structure of legal literacy and of cases received is in fact null and void because the DLSA is unable to reach the masses it is meant for.

According to S. 11B (a) read with definition under S. 2(c) the Talluka Legal Services Committee shall co-ordinate the activities of rendering any service in the conduct of any case or other legal proceeding ...and giving of advice on any legal matter, in the Talluka

But the TLSC and DLSA have completely ignored the said provisions of the act and have not acted in accordance with the same.

It also reflects on the interest of the Committee to render these statutory services to the vulnerable section of the population, further, popularity of the committee is

also under doubt as to its ability to reach out to a maximum number of eligible beneficiaries and to popularize/publicize the activities of DLSA. It is further to conclude on the basis of the information provided by it under RTI that appointment of these lawyers is absolutely meaningless and without any significance.

It can be said that the District Legal Services Authority has failed to provide legal services. The extent of its failure can be seen in the kind of cases where free legal aid is provided, it is quite astonishing that no legal services (free legal aid) is given to the people belonging to the categories of scheduled caste and scheduled tribes, women, disabled persons etc.

In Junagadh information figure of number of cases handled is given otherwise in most of the questions answer given is that information will be given personally. At least the information about the kind of cases handled, how many settled in this year could have been given. This shows that there is lack of system of maintaining the data as well as monitoring.

Also it is imperative to mention that the mindset of the authorities regarding the fact the number of cases is less because no one approaches them needs to be addressed. The fact that people don't approach the DLSA is because of lack of awareness or due to lack of trust in the services being offered due to poor quality.

Also the State Legal services Authority should start providing legal aid in institutions like prisons, beggar homes and juvenile homes wherein the eligible people will have access to legal aid.

7. Fees paid to the Lawyers on the Free Legal Aid Panel

The fee paid to the Lawyers on the panel is extremely less. The amount ranges from Rs 200 to Rs 350. This amount is very less for any lawyer to provide quality services in cases pertaining to free legal aid.

In Rajula Taluka (Amreli District) , No fees or remuneration is paid to any lawyer during 2006-07-08 and similarly, no expenditure is made towards reimbursement of expenses incurred by panel advocates on their case. During 2006-2007, fees for handling cases of free legal aid were given only in 4 cases i.e. a sum of Rs. 950/ only (200+200+200+350) and no other expenses like stationary, typing cost etc were reimbursed by the Amreli District Authority.

During 2007-08, no fees and any such reimbursement of the other expenses were given at all

Even having only two cases with the lawyers of the Committee none of the case reached final stage. It obviously raises serious doubts on the ability and competency of the advocate handling those cases.

The Amreli District Authority has undertaken 57 accepted Application of free legal aid during 2006-07, out of which only 12 cases went to the court as per the records and even out of these 12 cases only 4 cases have completed in the period of more than 2 years. Rest of the cases i.e. 8 cases of free legal aid are still pending in the Court. And not to talk of the fate of remaining application, which were accepted for free legal aid during 2006-07, as they are just disappeared.

In other words, the Amreli District Authority has given free legal aid only in around 21% of the cases accepted by it and out of this 21% of the total cases accepted only 33% (7% of the total accepted applications for free legal aid) cases are reached the final stage and rest of 67% cases are lingering in the hands of its lawyers from more than 2 years.

During 2007-08, the Amreli District Authority has accepted 56 applications for free legal aid but provided free legal aid only in 4 cases and none of the cases of free legal aid has reached final stage.

Precisely, only around 07% of the total number of applicants, have given free legal aid and that is too with a 00% result.

During 2006-07-08, the Amreli District Authority had spent a paltry sum of Rs. 950/ on advocates' professional fees for giving their valuable services. In this dear world, sum of Rs. 200/ or 350/ as professional fees is quite disrespectful and dehumanizing and it may be one of the reasons behind low filing of cases by the lawyers, long duration pendency of cases of free legal aid and poor result in the cases of free legal aid. It may be the case of poor attention given by the lawyers in such cases and are more interested in their independent cases.

Further, that no lawyers have given a single penny towards reimbursement of the other expenses like stationary, typing cost etc. It will lead to dissatisfaction to the panel advocates and this might be one of the reasons, why there is very poor filing of cases in the Courts despite a lot of applications are being accepted for free legal aid and also poor result in cases of free legal aid.

In Jamnagar, the information received shows that the although there are only 3 lawyers on the panel⁴ but still other lawyers have been paid the fees for dealing with cases pertaining to free legal aid. The maximum amount has been paid to Mr. Maru which is a sum of Rs 1200-00. When the GR no. LAC1098/2177/D mentions that the maximum amount to be paid is Rs 350-00 then on what basis has Mr. Maru been paid a sum of Rs 1200-00 ? In another instance a lawyer has been paid a sum of Rs 150-00 while the GR clearly mentions that the minimum

⁴ As mentioned earlier.

amount to be paid is Rs 200-00. This shows that the DLSA is functioning according to its own whims and fancies.

In the rest of the districts, the information is not available. This shows that accounts are not maintained properly.

8. Lok Adalat and Permanent Lok Adalat

The data received for Lok Adalat indicates few things and our spot observations during Lok Adalats collaborate with each other.

In Jamnagar for instance the number of Lok Adalats held is 87 in 2006-07 and 71 in 2007-08. This is very less for the whole district.

In Dahod the DLSA has said that they do not have the information about the Lok Adalats held in the district. This indicates violation of the Legal Services Authorities Act as Section 19 (i) explicitly states that Every state/district/taluka authority may organize Lok Adalats. So, as a corollary if the DLSA is organizing then they should also have the details of the same.

In Gandhinagar, the number of Lok Adalats held has been steadily decreasing from 431, 309 and 183 held from 2006 to 2008 respectively. This shows that they have not been performing their duties up to the mark.

In the question where we have asked for the future planning of the Lok Adalats for next few months, in Dahod we have received answer 10.30. There is no mention of date in that.

In Junagadh it is mentioned that either the information pertaining to Lok Adalats is not available or that it will be given in person. This is gross violation of the Right to Information Act which clearly mentions that the proactive disclosure has to be disclosed.

Also in Dahod the information received through RTI mentions that even the cases in the pre litigative stage are also taken up by the Lok Adalat. For pre litigation stage structures are to be established separately which gives more space to the client group to negotiate as well as more time for peaceful conciliation. This shows that the DLSA is not carrying out its function of conducting Lok Adalat in a correct fashion.

Permanent Lok Adalat

In Palanpur district, following is the data received under the Permanent Lok Adalat.

S no	Year	Total cases	Number of cases in which judgment is out
1	2006	3105	1079
2	2007	3430	1809
3	2008	2295	884

As is clear from the table that the number of cases handled by the Permanent Lok adalat has been steadily decreasing. This is a cause for concern.

Even in Gandhinagar district:

In 2006 there were 7662 cases out of which 5402 cases were dismissed.

In 2007 there were 1914 cases out of 1545 cases were dismissed.

This also shows a decreasing trend. The cases handled by the permanent lok adalat is decreasing.

Whereas in other districts like Amreli, Junagadh, Navsari, Dahod and Jamnagar, no data has been provided. This shows that the DLSA is itself not aware of the information regarding Permanent Lok Adalt or it has not been conducting them.

9. No Public Interest Litigation has been filed

No PIL has ever been filed by any of the following district legal services authority : Amreli, Palanpur, Gandhinagar, Junagadh, Jamnagar, Dahod. Only in Navsari a PIL was filed regarding right to food in 35 villages. As the name implies, Public Interest Litigation is file din the interest of the public. The section 14 (2) of the LSAA clearly mentions tat it is the duty of the District Authority to Finance Public Interest Litigations which are for the general benefit of a large body or a class of people, who cannot themselves have recourse to law, due to penury, illiteracy or some other reason.

10. Permanent Redressal Cell:

No district has established a permanent Redressal cell till now. A permanent redressal cell is a standing conciliation committee aimed at the headquarter of a district with a view to provide permanent or quasi permanent infrastructure for resolving disputes between the parties which may be pending in courts or which may be in the offing.⁵

11. Legal Aid Clinic

There has been **no collaboration with any law college, university etcetera.** In fact a legal aid clinic does not exist at Amreli, Palanpur, Gandhinagar, Junagadh, Jamnagar, Dahod, Navsari. As per section 14 (3) of the Legal Services Authorities Act, it is a function of the district authority to conduct legal aid clinics in

⁵ As per section 14 (4) of the Legal Services Authorities Act, 1987.

collaboration with the law colleges and universities. Because of non establishment of this linkages the joint ownership of the legal aid program cannot be cultivated as well legal aid clinics are learning grounds for young students of law. They do not get this opportunity to learn through first hand experiences.

STATE LEGAL SERVICES AUTHORITY

Findings and Analysis :

1. The SLSA has incomplete members

According to the information received under Right to Information Act, the members of the State Legal Services Authority have not been appointed and that their appointment is pending. In fact they have responded by saying that they have asked the government for the permission to appoint members and that permission has still not been granted.

Lack of proper constitution of the State Authority shows non compliance of the act wherein it is clearly mentioned under **Section 6 of the Legal Services Authorities Act, 1987 and also in sec. 3 of The Gujarat legal services authorities rules,1997**, that the constitution of the state legal services authority has to be done as per the given rules. It is supposed to consist of fourteen other members apart from Patron-in-chief, Executive Chairman and the member secretary.

Thus it can be concluded that the constitution of the State Authority is not proper and is not done as per the LSAA, 1987. If the State Legal Services Authority is not properly constituted then it can impact the functioning of the Authority and all the functions which have to be carried out will be affected. The State Authority then shall not be able to conduct proper meetings and coordinate the efforts of the Taluka and District Legal services authority. It will also be unable to give effect to the policy and directions of the Central Authority. The organization of Lok Adalats alongwith the preventive and strategic legal aid programmes will also be affected.

2. No periodic internal meetings are held :

In the last two years no internal meetings have been held amongst the members of the SLSA. This is also in gross violation of the **sec. 12(1) of Gujarat rules, 1997** which explicitly mentions that the state authority shall meet at least twice at a year.

Internal meetings will help in planning the legal awareness camps and also identifying the issue on which the people need awareness. Proper planning can also be done regarding the dates on which the lok adalat has to be held. Coordination with various colleges, universities regarding the legal literacy camps can also then take place effectively. Also discussion and consultation on whether any case has to be filed as PIL can happen if the members meet periodically.

Therefore Periodic Internal meetings will help in better and smooth functioning of the SLSA.

3. Budgeting and Accounts are not maintained properly

Following information was received from the State Legal Services Authority regarding the grants received :

NALSA GRANT

Year	Proposed Budget	Granted Budget	Utilized Budget
2006-2007	37,00,000/-	20,00,000/-	14,77,100/-
2007-2008	40,00,000/-	5,00,000/-	6,43,685/-

STATE GRANT

Year	Proposed Budget	Granted Budget	Utilized Budget
2006-2007	23460/-	23460/-	25021/-
2007-2008	26500/-	24472/-	28074/-

The above mentioned data clearly shows the following points :

- Out of the granted budget of 20,00,000 in 206-07 , the SLSA utilized only 14, 77, 100 – 00. In the system where programmatic expenses are not allocated, the money unspent could have been utilized for the programmatic purposes.
- In 2007-08 the proposed budget was for Rs 40,00,000-00 and the SLSA received only Rs 5,00,000. This raises questions as to why was not the full proposed money sent by NALSA.
- There is also no expense sheet of any of the money spent.

In addition, the proposals which are given there is no specific budget for programmes like lokadalat, legal clinics, awareness prorammes etc.

Only expenses for salaries , allowances, administration. etc. are mentioned in these proposals .

The accounts have also not been audited for the year 2006-07 and 2007-08. Only the grant received by NALSA has been audited for the year 2006-07.

This also shows that the accounts of the SLSA are not in order and are not maintained properly.

4. No Public Interest Litigation has been filed so far:

Also no Public Interest Litigation has been filed so far by the SLSA in the last two years.

As the name implies, Public Interest Litigation is filed in the interest of the public. The **section 3 of the LSAA** clearly mentions tat it is the duty of the State Legal Services Authority to Finance Public Interest Litigations which are for the general benefit of a large body or a class of people, who cannot themselves have recourse to law, due to penury, illiteracy or some other reason.

Also Public Interest Litigations form an integral part of the mandate of right to free legal aid. Since they benefit such a large number of people so this should have been a top priority for the State Legal Services Authority. But this is not the case and the SLSA has been shirking from its responsibility.

5. Coordination with other organizations

For the year 2007 – 2008 State Authorities have not co-ordinated with any other organizations. It is critical that external organizations form the partnership with state authorities which will help dispensing of services as well as ownership of the legal aid work by more than one partners. If we do not collaborate and interact the system becomes close and no transparency is achieved.

Sec. 8 of Legal services Authorities Act, 1987. In the discharge of its functions the state authority shall appropriately 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 and shall also be guided by such directions as central authority may give to it in writing.

6. Conduction of Paralegal Training in the year 2006 – 2008

Total 89 trainings were organized by state authority in two years. Most of participants of training are law students. This is positive step of giving para legal training to law students. This should also cascade to other volunteer groups and cadres of para legals should be trained to bridge the gap between the lawyers and society.

7. Pre Litigation Forums

State Authorities were asked about the Permanent Conciliation forums. This are active in kutch – Bhuj in proper manner. In Bharuch also it is active. However in rest of the state it is not established. In Rajkot and Mehsana information is yet to be received by state authorities.

Sec. 3 (4) of Gujarat state legal services authority regulations, 1998. The state authority may also establish or direct the district authority to establish conciliation committees at various centres in the state with a view to providing permanent or quasi permanent infrastructure for resolving legal disputes between the parties, whether they may be pending in the courts or may be in the offing. For establishing such Committees it will be open for the state or district authority to take active assistance support of such social services organizations that have zeal for legal aid work.

This is the most critical mechanism for conciliation and negotiations at pre litigation stage which gives clients speedy justice as well as lessen the burden on

the courts. With this being inactive clients loses on the benefits which they can thereby access.

Also the regular monitoring of the mechanisms at places where it is going on to maintain the quality of services is important. The data of Mehsana and Rajkot is not with the State Authorities. The conciliations are pressurized processes, whether they are conducted with rights perspective etc needs to be monitored.

8. Lok Adalats and Permanent Lok Adalats

Lok Adalats are the most sought after mechanism in the legal aid services. Lok adalats are regularly conducted and cases are resolved also in lok adalats.

However from the observations at spot visits of the lok adalats as well as from the data received it is felt that lok adalats have become case disposal mechanism rather than speedy justice delivery mechanism.

In the Lok Adalat pre litigation cases are taken which as per Gujarat rules are out of perview. In Permanent Lok Adalats, pre litigation cases of public utility are taken up. Data shows cases of criminal, civil and MACP cases being taken up. Either there is confusion in providing the data or there has been mixing up of cases taken up in regular lok adalats and permanent lok adalats.

Also there is a clear disconnect between the spirit of the lok adalat and its current functioning. Today it has become more of a conciliation platform between lawyers and the real purpose behind a lok adalat seems to have been defeated.

FINDINGS IN A NUTSHELL

S.No	Findings	Suggestion
1	The DLSA has incomplete members	The members should be recruited as per the provisions of the Act and they should not be holding any additional charges
2	No periodic internal meetings are held	Periodic meetings should be held for proper planning and the minutes of the meeting should be made available.
3	No rules and regulations for the appointment of lawyers	The appointment of the panel advocates should be done in an absolutely transparent manner.
4	The amount of fees paid to the lawyers is very less and at times is completely erratic	The pay of the lawyers should be hiked and there should be clear rules establishing the same.
5	No proper organization of legal awareness camps	The legal awareness camps should be organized properly and for the same distinguished resource persons and experts should be invited.
6	The budget is not properly planned	The budget should be properly planned and the copy of the proposal of each district should be available with the SLISA.
7	The number of cases received is very less	The SLISA should make legal aid readily available at institutions which fall under the eligibility criteria like prisons, juvenile homes, beggars' homes etcetera.
8	No PIL has been filed in the last two years	The SLISA should take the issue of PIL's seriously and should file PIL's on a regular basis
9	The number of lok adalats held has been decreasing	The lok adalats should be properly organized
10	No permanent conciliatory mechanism has been established	Permanent Conciliatory mechanism should be established
11	Legal Aid Clinics have not been established.	There should be coordination with law colleges and universities regularly.

EXPERIENCES DURING ACCESSING RIGHT TO INFORMATION

Following are the experiences of filing applications under Right to Information Act across the state of Gujarat :

SURAT

In Surat the applicant had filed an application to receive information through the Right to information act for the purpose of legal aid research on 06/08/2008. The postal stamp clearly shows that the letter was received by Surat post office on 13/08/08. But there is no signature of the Surat District Legal Service Authority on the registered post acknowledgement slip.

Since the information was sent on 06/08/08 and no information had been received and the stipulated time period of 30 days was also over, so the applicant decided to go for an appeal.

A letter was sent through speed post regarding receipt of the RTI application and that the applicant should come in person and collect the information after paying a sum of Rs 78-00. (Dated 23-09-2008) but the speed post as per the stamp was sent on 07-10-2008 and received on 10-10-08.

When the applicant was present on the date of appeal i.e. on 17-10-2008, the judge who was also the head of the District Legal Services Authority started writing the order without even listening to the arguments of the applicant.

In the order its states that it received the rti application on 28-08-08. They also alleged hat the appeal which was sent on 16-09-2008 was received by the DLSA on 04-10-2008. The DLSA has therefore twisted the facts to suit its own convenience and also indulged in personal insults and comments. They sked the applicant whether she had filed rti in the whole of India and also told her to go and file her appeal in Gandhinagar as it was closer to her home. The judge then also mentioned in the order that the applicant had wasted the time of the court and also that if the applicant behaves like this in the future then she shall be penalized for the same. The second appeal is still pending.

Comments : All the information that was asked is a part of proactive disclosure and so constitutes the information that should be readily available with the authority⁶. Also the question of paying Rs 78-00 does not arise once the applicant ahs already gone into appeal.

If the DLSA had acted in accordance with the Right to Information Act then they would not have to rush to get the information at the last minute and also if they had computerized⁷ the information then that would have saved the cost of stationary.

JAMNAGAR

⁶ According to section 4 (1) (a) of the Right to Information Act, 2005

⁷ According to section 4 (1) (b) of the Right to Information Act, 2005

The application regarding the RTI information was sent on 06/08/08. Since no information was received so on 07/09/08 an appeal was filed. After the appeal, the applicant received a letter from the DLSA to come and collect the information in person from Jamnagar. It also stated that the hearing of the appeal shall be held on 24/10/2008 and requesting the presence of the applicant. During the proceeding of the appeal the applicant was informed that the information had been sent and received by the applicant. As a proof of the same, the Registered Post A.D was also presented. The registered post A.D did not bear the signature of the applicant.

But inspite of this the information was received later on and the judge also telephoned the applicant to ask her suggestions in computerizing all the information to prevent further lapses.

Comment : The fact that the DLSA did not send the information in 30 days itself is a lapse of the TI Act, 2005. Their attitude during the appeal in which they fabricated the receipt of the information by the applicant also shows their mentality and misconduct.

But the positive aspect is that they sent the information later and also asked for the suggestions of the applicant in computerizing all the information for future reference. This shows that perhaps the DLSA wants to prevent such misconduct in the future.

PANCHMAHAL

An application under RTI was filed on 06/08/08. The DLSA transferred some questions to TLSA. A letter was thereafter received from Godhra DLSA stating that after payment of Rs 126-00 dated 08/09/08 the full information shall be sent. The payment was made via money order on 24/09/08 and an appeal was also made on 10/10/2008 but no information has been received so far.

Comments : The DLSA has been shirking its responsibility. Since all the information was proactive disclosure they should have it readily available. This is in gross violation of the RTI Act, 2005.

ANAND

The RTI application was filed on 06/08/08 and subsequently a letter was received which asked the applicant to pay the deficit amount to the Anand DLSA and also stating that further proceedings would be held after that. But the letter did not specify how much amount had to be paid.

When the applicant went to pay the amount personally, it was found that the Superintendent was unaware of whether cash payment can be made or not. He insisted on stamp paper and also said that the register had been made today so he was not aware of the procedure. He also asked the applicant “not to raise so many questions”

Thereafter an appeal was filed on 16/09/08 and with reference to the appeal a letter was received by the DLSA that the applicant should pay a sum of Rs 402-00 and should collect the information in person.

Comments: The DLSA had not specified the amount to be paid. Therefore the applicant had to make a personal visit for the payment of the money. Also the Superintendent was unaware of whether cash payment can be made or not. The applicant was also asked not to raise so many questions. This shows that the DLSA is not sincere in its working and that the DLSA is also not aware of the proper procedures which have to be followed.

NADIAD

The application was filed on 06/08/08 asking for information of legal aid and a reply was received from Nadiad principle Senior Civil Court instead of from the information officer of DLSA. An appeal was therefore filed in Kheda district legal services authority on 16/09/08. A reply was received on 23/09/08 stating that the information will be given personally. There was no answer regarding the payment of fees and presence of the applicant at the time of appeal.

Comments: The Kheda DLSA did not behave according to the protocol and not having the signature of the information officer shows that they are not aware of the RTI Act, 2005. Also that there was no answer from them regarding the payment of fees speaks volumes about their ignorance.

STATE LEGAL SERVICES AUTHORITY

The applicant had gone to the Gujarat High Court Legal Aid clinic to get information regarding the names of the lawyers on the free legal aid panel but the clerk refused to give the information even though the information asked is under proactive disclosure. So an application was filed on 19/08/2008 under the RTI Act, 2005 in order to get information from the State Legal Services Authority and the High Court Legal services Committee. The information required comprised of the Lok Adalats that had been held, the legal awareness camps, the number, names and addresses of people who had attended the camps as well as those that had filed cases in the Lok adalat. According to the Section (6)(3) (h) of the Gujarat Legal Services Authority Act, 1987 the information should be readily available with the State Legal Services Authority as well as the State Legal services Authority. Instead they transferred the questions to The District Legal Service Committees and Ahmedabad's Metropolitan Court, City Civil and Labour Court. The District Legal Service Committees in turn transferred it to the Taluka Legal Service Committees. Most of the districts and talukas then replied by stating that the applicant should make the payment and then collect the information personally. This is also in violation of the Section 4 Right to Information Act, 2005 as the section states that the applicant can be called to take the information but not to make payment for the same. (check section)

A letter was the received from the Ahmedabad Metropolitan Court which stated that the applicant has to pay a sum of Rs 60,000-00 and the information shall be received after six months as that much time is required for the Court to collect the information and to put it in order. Since the time period of 30 days had already expired so the applicant appealed

in the State Legal Services authority and also in the Ahmedabad Metropolitan Court. In what is highly astonishing, the court sent 2 chowkidaars with summons at the house of the applicant. This highly embarrassed the applicant as her neighbours etcetera had also gathered on hearing the news.

In the proceeding of the appeal the Judge and the appellate authority accepted that the functioning of the State Legal Services Authority was not in conjunction with the Act and he also stated that the reality and the act are two very different things. According to him the Act is very idealistic while in reality things may not happen as per the Act.

Comments : The State Legal Services authority had not organized the information that it was supposed to have in accordance with the RTI Act, 2005. Also they denied the information to the applicant which also in gross violation of the RTI Act, 2005.

In addition the state Legal Services Authority sent the applicant a summons whereas it is clearly stated in the act that a summons is not to be sent for appeal under the RTI Act. It is indeed disheartening to note that the State Legal Services Authority which is an apex authority for free legal aid in the state of Gujarat is behaving in such a fashion.

Also in the order the judge has mentioned during the appeal that reality and the Act are two different things. This means that the State Legal Services Authority is not taking the Legal services Authorities act, 1987 seriously and has a highly lax and careless attitude when it comes to the system of dispensing free legal aid in the state of Gujarat.

AHMEDABAD

The Ahmedabad District Legal Services Authority replied through a letter within 30 days to pay Rs 1500/- and also to come and take the information personally. Since the information was in electronic format so the applicant asked, if it could be recorded in a compact disc and then sent. But since the computer was outdated and did not have a CD writer so the information was not received. The information was received only after attending personally twice as the signature of the secretary of District Legal Service Authority Committee was missing

The secretary dilly-dallied the whole procedure and also took a lot of time for her signature. Since she was given charge only 3 months ago therefore she read all the information and only then agreed to sign.

An appeal was also filed by the applicant since the time period of 30 days had been exceeded.

The DLSA had an old copy of the rules and the rule which said that a sum of 50 rupees had to be paid by the applicant had been deleted long back but the DLSA was not aware of the rules and asked the applicant to pay the sum of Rs 50-00. The DLSA did not even have an updated copy of the rules. The applicant then apprised them of the rules and the appeal is still going on.

Comments: It would have really helped if the DLSA had upgraded computers. It would save the cost of Xeroxing and would have also saved time. The DLSA also was not aware of the rules and regulations and were operating according to old rules. This shows the extent of lack of awareness that the Ahmedabad DLSA suffers from.

PATAN

The Patan District Legal Services Authority replied through a letter within 30 days to pay Rs 200/- personally for taking information. When the applicant was present personally she was told that according to rules of High Court you have to fill form A instead of form C and instead of Rs 20/- non judicial stamp Rs 50/- non judicial stamp was to be used. An application was sent according to such instruction again.

An appeal was also filed after 30 days and the DLSA said that you will have to withdraw your appeal only then will the applicant get the information. They were also insisting for the payment of Rs 200 even after the appeal.

Then the applicant wrote a letter stating that once she examines all the information and if it is complete then the applicant would withdraw the appeal but if the information was not complete then the appeal will not be withdrawn. A letter was sent stating that 2 previous correspondences were sent but since no reply was received so the application is being filed and stowed away.

Comments : The DLSA was insisting for the payment of Rs 200-00 even after filing an appeal. This is also in gross violation of the Right to Information Act as the Act explicitly states that no payment is to be taken from the applicant after filing an appeal. They were also insisting on the withdrawal of the appeal and blackmailing with regards to the application. This also speaks of gross misconduct on behalf of the District Legal Services Authority.

CONCLUSIONS

Major conclusions on the basis of the data received till now are as under:

1. No specific budgetary allocations for programmatic expenses
2. Constitution of Legal Aid authorities in most of the cases are exclusive and do not include external persons like social workers.
3. Weak monitoring systems as far as legal awareness camps, legal aid services, permanent conciliation forums are concerned
4. No selection norms or procedures for panel of Legal Aid lawyers. Also legal Aid Lawyers are under paid and payments made are also irregular
5. Legal Awareness camps more as formality and therefore does not able to achieve the objective. Quality of the camps needs to be improved
6. Lok Adalats are more of cases disposal mechanism rather than justice delivery mechanism
7. Management Information Systems needs to be computerized in all district legal aid authorities at the beginning and may be next step at taluka level as well.

Based on the experiences of seeking data through RTI it is felt that since data is not maintained in proper formats and systems there were lot of chaos. The authorities at all level were reluctant to give even the information which is mandatory to be given under pro active disclosure. Even before sending RTI at various levels efforts were made to get information of pro active disclosure but the efforts went in vain.

Second level of experiences in the process of RTI was the violations of RTI act at various levels. The ignorance as well as discrepancies faced created confusions.

Third level of experience was at very personal level faced by the persons who had asked for the information under their name. At many places they were pressurized, insulted and ignored. Whereas there are bright spots also where they were given positive responses by the authorities and were cooperative.

RECOMMENDATIONS FOR EFFECTIVE IMPLEMENTATION OF LEGAL SERVICES AUTHORITIES ACT, 1987 IN THE STATE OF GUJARAT

Recommendations for the effective implementation of National Legal Services Authorities Act are for the better access to justice. The recommendations are at the following levels:

- I. Ownership
- II. Structure
- III. Budget and improving quality of services
- IV. Planning and Monitoring
- V. Monitoring Information Systems

I. OWNERSHIP

The concept of Free Legal Aid as charity to Right to Access to Justice we have traveled a long way. Access to justice is not just limited to legal advice and representation in court but it extends to information and education of the law, law reform and working on the unmet needs of the vulnerable sections of the society. Here the structural discrimination of the vulnerable groups is accepted and further interventions are designed accordingly. With this goal of access to justice for all Judiciary cannot be expected to own the whole process of Legal Aid.

We have to work towards a system which has **joint ownership**. The identified **stakeholders** in the process can be

- a. Judiciary
- b. Lawyers (Bar Council as well in individual capacity)
- c. Law Colleges (as institution, Faculty as well as students)
- d. Para Legals
- e. Civil society organizations working with legal perspective

Judiciary and Lawyers are definitely linked to the system because there are direct linkages with the litigation part of the legal aid activities.

At present there is no intermediary wrung between the common person and the supposedly highly specialized lawyerly skills. It is important to recognize the role of paralegal in the entire judicial system and to legitimize it. They can perform the activities like legal awareness, information about pre litigation processes, networking, and liasoning with relevant authorities, socio legal research, counseling and conciliation etc.

Civil society organizations have always worked towards the realization of the rights of the vulnerable. They are the watch dogs for the access of rights of the vulnerable. There are already provisions in the state rules where involvement

of such organizations in the legal aid processes is mentioned. To make it more mandatory identification of organization which are socio legal organization working with rights perspective to become the equal stake holders . These organizations can hold the pre litigation processes, special trainings can be organized to build the perspective as well as the skills.

If one and all work towards with equal accountability to the public then definitely trust worthy structure with joint ownership can be established.

When we say that Legal Aid is not just limited to litigation processes, other aspect of rights education and pre litigation processes are also associated which may not solely dependent on the lawyers. These activities are mainly

1. Community Legal Education
2. Alternative Dispute Resolution

Counseling and Conciliation (Kayami Samadhan Panch)

Lok Adalat

Law Clinics

3. Public Interest Litigations

1. Community Legal Education

Right to know one's rights is acknowledged in all the international covenants. Rights education through specially designed legal awareness programs will lead to achievement of this purpose. The Community Legal Education requires special methodology and approach to make it effective. The right technique of the effective legal awareness programs will definitely raise awareness about the rights and people accessing legal aid authorities at all levels. This right education can be definitely be taken up by the trained para legal, law colleges as well as NGOs working with legal perspective but with equal participation from the Authorities and not just limiting themselves to one banner.

The media kits developed can also be utilized to spread the rights education at proper forums other then legal awareness camps.

2. Alternative Dispute Resolution Mechanisms

Counseling and conciliation

One of the critical objective of the act is establishing effective alternative dispute Resolution Systems at various levels. This will help in lessening the burden of court cases and speedy delivery of justice as well. The mechanisms for alternative Dispute Resolution are quite essentially different in different contexts. The systems effective in Dang may not work effectively in some urban or non tribal area. Therefore we need systems based in contexts with some minimum non negotiable principles to be followed in the alternative systems whether they are lok adalats or Kayami Samadhan Panch

Therefore Pre litigation processes are important and given due recognition in the National Legal Services Act as well as in Gujarat state rules. However the implementation of the same needs more sincere efforts. The quality of the services can be enhanced with the involvement other stakeholders more seriously. Identification of one or two NGOs working with legal perspective in each district where Kayami Samdhan Panch can be institutionalized and joint ownership is established. These organizations can be trained in delivering the quality services with rights perspective.

Lok Adalats

The most sought after dispute resolution system accessed at present are Lok Adalat. However our observations of lok adalats gives a hint that much more needs to be ascertained to stop Lok adalats from becoming the mechanism for settling the cases and lessening the burden of the court at the cost of justice being delivered to the client who has waited for the justice.

The role of social worker assigned in the lok adalats should be given to a trained para legal rather than a social worker. Para Legal will have trained ears, as well as rights perspective in their interventions.

Law Clinics

Law colleges are training centers for the young lawyers. To give them the experiential learning it is important that law colleges and institutions take proactive steps. Activating law clinics in the law colleges will serve this purpose. Also those who are teaching cannot just remain academicians. They have to get linked with the field realities and difficulties. Therefore the involvement of the law professors in the processes of law clinics is important.

Secondly exposure the law students needs is experiencing the court procedures. It will serve the twin purpose if the law students get attached to the lawyers practicing cases in free legal aid while working with the lawyers they learn the ropes of court processes and lawyers also get back hand support. So every year of law college they have designed internship programs and active involvement in the legal aid authorities at taluka, district and state level. Whether it is five year course or three year course every year designed processes should be linked with the legal aid processes.

It was good initiative in the last two year by State Legal Service Authority to give training of para legal to law students. This should be an ongoing process rather than one time event. Also para legal trainings should be conducted to create a high quality cadre to para legals to make services more accessible and of better quality

Public Interest Litigation

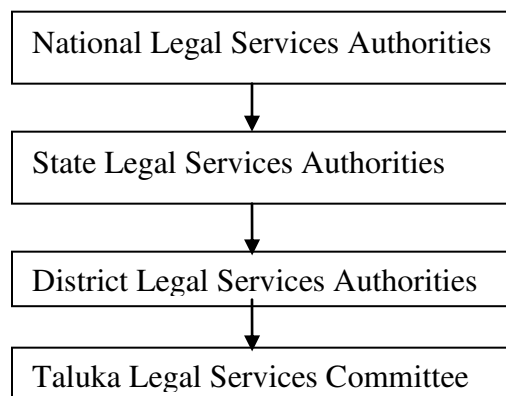
The concept of Public Interest Litigation has grown along with the legal aid movement. The inability of the economically and socially marginalized sections to access the justice system led to the innovation of PIL as a tool to bring forth the causes to the constitutional courts under article 32 and 226 of the constitution. PILs broadened the scope of existing laws as well as worked positively to reform the institutions. Courts have taken proactive stands and tackled inactions in several areas concerning the criminal justice system especially in the Jail reforms, plight of under trial prisoners, right to speedy trial etc. In Gujarat, The Gujarat Legal Aid Committee had by 1990, filed as many as 20 PILs under the high court on various issues confronting the underprivileged sections. However in the data that we asked from year 2002 to 2008 not a single PIL has been filed by the State authorities.

The present simmering issues in the State demands that proactive stands are taken up by State Legal Aid Authorities to take up Research and documentation resulting in seeking institutional reform and law reform through Public Interest Litigation.

II. STRUCTURE

The National Act has laid down the three tier structure for the better access to justice. In the state rule another tier of Taluka Legal Services Committee is added. At the surface this looks a fairly decentralized structure. But when we go into the functions and roles and responsibilities at each level it comes out that this is highly centralized structure with orders coming from state authorities and districts and talukas follows. For making the legal services accessible till grass root level it is quite essential that district and taluka units plan and implement at their level and monitoring structures are at local, zonal state and national level.

The composition of these authorities is mainly consisting of ex officio members who are serving either in government or judiciary. Outside participation is kept at minimum in the present structure.



The Act involves other stake holder at advisory level however this has to seep down to implementing level also. However to make this a joint ownership structure, other statutory bodies like Samajik Nyay Samities, Family Counselling Centres, Takedari Samiti, etc should be brought into the structure as equal partners. These are mandatory bodies have their regular involvement with the grass root and have to deal with people at day to day basis. This will also develop an informal internal accountability system within the government machinery.

The major change in the structure which needs to be implemented is **exclusive appointment of Legal Aid Authorities functionaries who are able to give full time to fulfill the functions**. This will lead to enhancement of the quality of services, better planning and monitoring of the services at all levels.

Lawyers and Litigation

As said before lawyers are the most critical part of the process. The involvement of the lawyers in the effective implementation of the legal aid schemes cannot be denied. Major focus of legal aid at present is also litigation oriented and therefore lawyers are central in the process.

However the role envisaged for the lawyers at various stages of evolution of Legal Aid movement in India is at present dormant. The 1977 report also expected th lawyers to play a proactive role for the rights of the under priveldged or objectively stand against the unjust social order. However the lawyers have remained at back seat in the present context. Even if this proactive stand taking is kept aside and we just look towards the services provided by the lawyers as legal aid lawyers, the state is not very positive. Major reason cited for this is lack of interest of lawyers in legal aid. This is due to two important factors - lack of incentives – Financial as well as recognition of the services at various forums.

The low fee structures are unrealistically low and thus competent lawyers keeps at bay from legal aid programs. This impacts the quality of the services as well. Senior lawyers does not come and those who takes up the cases are young lawyers.

Here there is dire need of intervention by State Legal Authorities for encouraging the lawyers.

There are several systems opted by different countries like USA, UK, India and South Africa.

1. Public Defender
2. Judi Care Model
3. Pro Bono
4. Amicus Curiae

One of the common system adopted by USA, UK and South Africa with different combinations is appointment of Public defenders. Public defenders are the lawyers on pay roll of government appointed for legal aid services. The combination of above mentioned systems can be set up in our State to make the services more effective.

1. Set the standards and selection processes for setting up the lawyers panel.

There is a need of uniform standards for selection of lawyers for Legal Aid for the quality of services provided. The combination can be depending on the seriousness of the offence. For example in cases involving offences punishable with imprisonment of over seven years, the judicare model with a private counsel representing the case at the rates fixed by the authorities can be practiced. For cases involving capital punishment a combination of senior and a less experienced lawyer can be provided.

Also suggestion is that in all the cases taken up at taluka and district levels law students be attached with the lawyers to give them first hand experience of court procedures. This will motivate the lawyer to perform better as well as provide them an added support. They will also get an opportunity to mentor the young law students.

2. The client should choose the lawyer

The choice of lawyer to the client is an expectation of high order in present circumstances. However at least in the cases involving serious consequences for the life of the client then the choice of lawyer should be given to the client.

3. Restructuring the fees scales

One of the motivating factors for lawyers in the system will be reworking of the fees scales according to level of expertise, seriousness of offences, type of cases etc.

4. Recognition in the profession

Giving the services in the Legal aid should be recognized in the professional career of the lawyer. Whether it is selection as public prosecutor or as JMFC or as judge, the services provided by them in legal aid should be counted as one of important criterion and added value. this will motivate the lawyers to perform better and also will encourage them to take up legal aid cases sincerely.

5. Institutionalizing the system of Legal Aid Lawyers to visit prisons , police stations, juvenile homes thereby catering to the needs of undertrial prisoners, juvenile offenders should be done. The lawyers should be paid for these services as well.

III. Budget and Improving Quality of services

As mentioned earlier the budget is not properly planned and this often leads to non implementation of free legal aid. It is suggested that there should be a clearly marked separate allocation for specific programmes like Legal Awareness Camps, Lok Adalats, Permanent Conciliation Forums etcetera. This will lead to a clear demarcation and also help to identify the amount of money to be spent in such programmes.

Also as we have recommended earlier that separate officers be appointed for specific programmes and also to oversee the delivery of justice to the people instead of ex officio members. This will make it easy to monitor the whole system and also to ensure an improvement in the quality of services delivered to the people.

IV Planning and Monitoring

As said above it is important that overall there seems a need for better planning. In the present centralized system the planning is also centered at state authorities. Thus what is suggested is that the Taluka and District Units become units of planning and implementation with earmarked resources for promoting these strategic legal services. Strategic ness of a plan is based on :

- a. Ground Realities of the taluka and districts
- b. Resources available in the talukas both human and financial
- c. Hindering forces which have to be neutralized
- d. Spaces for involvement of community for it to be a movement

Keeping these points in mind it is imperative that strategic planning be done to implement the Legal Services Act in letter and spirit.

VI. Monitoring Information System

From the experiences that we had during accessing Right to information regarding the status of Legal Aid in the state, information gaps were quite evident. It is quite plainly evident that the District Legal services Authority does not have information about the taluka Legal Services committee and the State Legal Services authority does not have information about the activities and plans of the District Legal Services Authority.

It is therefore suggested that all the data of the district legal services authorities as well as the State legal services authorities should be computerized and regularly updated. This will lead to easy monitoring and retrieval of data simultaneously. The web site of Gujarat State Legal Services Authorities should be regularly updated. Ideal example for the same is website of Delhi State Legal Services Authorities where information about cases, legal awareness camps etc is updated every month.

ANNEXURES

1. National Legal Services Authorities Act, 1987
2. Status of RTI applications in the districts
3. Order of Appeals in RTI – Surat
4. Order of Appeal in RTI - Ahmedabad

1. Legal Services Authorities Act:

A committee on Implementaion of Legal Aid Schemes (CILAS) was appointed in 1980 under the chairmanship of Justice P.N Bhagwati. The committee was mandated to look into the implementation of legal aid schemes all over India. Several legal aid and advice borads were established under the aegis of the committee. However given the ineffectiveness of CILAS, the need for the creation of a statutory authority to deal with legal aid was strongly felt. The Legal Services Authorities Act (LSAA) was passed in 1987 in response to that need.

The Act was passed with the following objectives in mind :

- To provide free and competent legal services to the weaker sections
- To ensure that the opportunities for securing justice are not denied to any citizen by reason of economic and or other disabilities
- To organize lok adalats

The term legal services is defined as , *“the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter”*

The term “legal aid “ has thus been broadened to comprehensively deal with the concept of legal aid rather than merely performing a list of activities.

Criteria for providing legal services. – The criteria for entitlement to legal services is as follows:

- (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
- (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.

The person to whom legal aid is provided is not called upon to spend anything on the litigation once it is supported by a Legal Services Authority.

In addition to the above, legal service may be granted:
I in cases of great public importance;
I special cases considered deserving of legal services.

Cases for which legal aid is not available:

- s Cases in respect of defamation, malicious prosecution, contempt of court, perjury etc.
- s Proceedings relating to election;
- s Cases where the fine imposed is not more than Rs.50/-;
- s Economic offences and offences against social laws;
- s Cases where the person seeking legal aid is not directly concerned with the proceedings and whose interests will not be affected, if not represented properly.

Several new categories of beneficiaries have been added to the earlier list. Interestingly, the rules framed by the Gujarat lay down a different economic criterion for eligibility. A person whose annual income from any source is less than Rs 20,000-00 is entitled to Legal Services under the rules for filing or defending a case before any court other than the supreme Court. The rules are silent with regard to the eligibility criteria for filing a case before the Supreme Court.

Legal Services Authorities after examining the eligibility criteria of an applicant and the existence of a prima facie case in his favour provide him counsel at State expense, pay the required Court Fee in the matter and bear all incidental expenses in connection with the case. The person to whom legal aid is provided is not called upon to spend anything on the litigation once it is supported by a Legal Services Authority. A nationwide network has been envisaged under the Act for providing legal aid and assistance. National Legal Services Authority is the apex body constituted to lay down policies and principles for making legal services available under the provisions of the Act and to frame most effective and economical schemes for legal services. It also disburses funds and grants to State Legal Services Authorities and NGOs for implementing legal aid schemes and programmes.

In every State a State Legal Services Authority is constituted to give effect to the policies and directions of the Central Authority (NALSA) and to give legal services to the people and conduct Lok Adalats in the State. State Legal Services Authority is headed by the Chief Justice of the State High Court who is its Patron-in-Chief. A serving or retired Judge of the High Court is nominated as its Executive Chairman.

The Act creates a 3 tier structure for the purposes of implementation. At the first level, there is a central authority followed by the state authority and the district authority. The state of Gujarat has further added taluka legal services committee to the structure. The functions of each of them have been laid down under the act.

Functions of the Central Authority. -The Central Authority shall perform all or any of the following functions, namely: -

- (a) Lay down policies and principles for making legal services available under the provisions, of this Act;
- (b) Frame the most effective and economical schemes for the purpose of making legal services available under the provisions of this Act;
- (c) Utilise the funds at its disposal and make appropriate allocations of funds to the State Authorities and District Authorities;
- (d) Take necessary steps by way of social justice litigation with regard to consumer protection, environmental protection or any other matter of special concern to the weaker sections, of the society and for this purpose, give training to social workers in legal skills;
- (e) Organise legal aid camps, especially in rural areas, slums or labour colonies with the dual purpose of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through Lok Adalats;
- (f) Encourage the settlement of disputes by way of negotiations, arbitration and conciliation;
- (g) Undertake and promote research in the field of legal services with special reference to the need for such services among the poor;
- (h) To do all things necessary for the purpose of ensuring commitment to the fundamental duties of citizens under Part IVA of the Constitution;
- (i) Monitor and evaluate implementation of the legal aid programmes at periodic intervals and provide for independent evaluation of programmes and schemes implemented in whole or in part by funds provided under this Act;
- (j) Provide grants-in-aid for specific schemes to various voluntary social service institutions and the State and District Authorities, from out of the amounts placed at its disposal for the implementation of legal services schemes under the provisions of this Act;

(k) Develop, in consultation with the Bar Council of India, programmes for clinical legal education and promote guidance and supervise the establishment and working of legal services clinics in universities, law colleges and other institutions;

(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;

(m) Make special efforts to enlist the support of voluntary social welfare institutions, working at the grass-root level, particularly among the Scheduled Castes and the Scheduled Tribes, women and rural and urban labour; and

(n) Coordinate and monitor the functioning of State Authorities, District Authorities, Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees and voluntary social service institutions and other legal services organizations.

RULES FRAMED UNDER THE ACT

The central authority consists of 12 members comprising of the Secretary, department of legal affairs secretary, department of expenditure and two chairmen of the state legal services authority and member-secretary. The powers and functions of the member secretary are as follows:

(a) To work out modalities of the Legal Services Schemes and Programmes approved by the Central Authority and ensure their effective monitoring and implementation throughout the country;

(b) To exercise the powers in respect of administrative, finance and budget matters as that of the Head of the Department in a Central Government;

(c) To manage the properties, records and funds of the Central Authority;

(d) To maintain true and proper accounts of the Central Authority including checking and auditing in respect thereof periodically;

(e) To prepare Annual Income and Expenditure Accounts and Balance Sheet of the Central Authority;

(f) To liaise with the social action groups and the State Legal Services Authorities;

(g) To maintain up-to-date and complete statistical information, including progress made in the implementation of various Legal Services Programmes from time to time;

(h) To process project proposals for financial assistance and issue Utilization Certificates thereof;

(i) To convene Meetings/Seminars and Workshops connected with Legal Services Programmes and preparation of Reports and follow-up action thereon;

- (j) To produce video/documentary films, publicity material, literature and publications to inform general public about the various aspects of the Legal Services Programmes; and
- (k) To perform such other functions as may be expedient for efficient functioning of the Central Authority.

The members of the central authority hold office for a term of two years. The member-secretary hold office for 5 years or till the age of 62.

SUPREME COURT LEGAL SERVICES COMMITTEE

The Supreme Court legal services committee consists of nine members. Some eminent members of the same are the attorney general of India, Registrar General of the Supreme Court.

Functions of the State Authority. -

The State Authority shall perform all or any of the following functions, namely: -

- (a) Give legal service to persons who satisfy the criteria laid down under this Act;
- (b) Conduct Lok Adalats including Lok Adalats for High Court cases;
- (c) Undertake preventive and strategic legal aid programmes; and

Functions of District Authority. -

- (a) Co-ordinate the activities of the Taluk Legal Services Committee and other Legal Services in the District];
- (b) Organise Lok Adalats within the District; and
- (c) Perform such other functions determined by the State Authority

Functions of Taluk Legal Services Committee. -The Taluk Legal Services Committee may perform all or any of the following functions, namely: -

- (a) Coordinate the activities of legal services in the taluk
- (b) Organise Lok Adalats within the taluk; and
- (c) Perform such other functions as the District Authority may assign to it.

Table I Status of RTI Applications filed during free legal aid research

	Name of the district	Date Of Application Of Rti	Response Status
1	Dang	11 th August	No information has been received
2	Bharuch	1/8/08	No information has been received
3	Amreli		Received information
6	Ahmedabad (district)		No information was received
7	Junagadh		information has been received
8	Jamnagar	6\8\08	Information has been received
10	Rajkot	6\8\08	No information has been received
11	Porbander	6\8\08	Information not received
12	Kheda	6\8\08	Information has not been received
13	Anand	6\8\08	No information has been received
15	Surat	6\8\08	No information was received
16	Valsad		
17	Navsari		Received data
20	Surendranagar		Received information
21	Patan		No information received
22	Panchmahal Godhara	6\8\08	No information received
23	Dahod	6\8\08	Information has been received
24	Gandhinagar		Received information
25	Kutch		No information has been received
	Rajya kanuni sewa satta mandal	19 th august 2008	Information was received
	High Court Kanuni Sewa Samiti		Received information