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

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

1. Short title, extent and commencement.—(1) These regulations may be called THE NATIONAL LEGAL SERVICES AUTHORITY (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS, 2010.

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

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

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

(*a*) "Act" means the Legal Services Authorities Act, 1987 (39 of 1987);

(*b*) "form" means a Form annexed to these regulations;

(*c*) "front office" means a room in the Legal Services Institution where legal services are made available;

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

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

[1][(*ea*) "Panel Lawyer" means a legal practitioner empanelled as a Panel Lawyer under regulation 8;]

(*f*) "Para-Legal Volunteer" means a para-legal volunteer trained as such by a Legal Services Institution;

[1][(*fa*) "Retainer Lawyer" means a Panel Lawyer designated as the Retainer Lawyer under sub-regulation (6) of regulation 8;]

(*g*) "Secretary" means the Secretary of the Legal Services Institution;

(*h*) "section" means the section of the Act;

(*i*) "State regulation" means regulation made by the State Authorities under the Act.

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

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

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* *Vide* Noti. No. L/61/10/NALSA, dated 9-9-2010, published in the Gazette of India, Ext., Pt. III, S. 4, dated 13-9-2010.

1. Inserted by Noti. No. L/61/2010-NALSA, dated 31-7-2012 (w.e.f. 25-8-2012).

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

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

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

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

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

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

4. Legal Services Institution to have a front office.—(1) All Legal Services Institutions shall have a front office to be manned by [1][* * *] one or more para-legal volunteers available during office hours:

[2][Provided that persons with the qualification of Masters Degree in Social work or Diploma or Masters Degree in Psychiatry or Psychology from any recognised institute or university may also be called to the front office as and when necessary.]

[3][(2) In the case of Court based legal services, services of a panel lawyer or retainer lawyer may be provided and such lawyer shall, after considering the application, forward the same to the Committee constituted under regulation 7;

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

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

(5) In case of urgent matters, the retainer lawyer may be called to the front office to provided legal assistance of appropriate nature to the persons in need of legal services:

Provided that the Committee constituted under regulation 7 may consider and approve the action taken by such lawyer.]

5. Proof of entitlement of free legal services.—(1) An affidavit of the applicant that he falls under the categories of persons entitled to free legal services under section 12 shall ordinarily be sufficient.

(2) The affidavit may be signed before a Judge, Magistrate, Notary Public, Advocate, Member of Parliament, Member of Legislative Assembly, elected

1. Omitted by Noti. No. L/61/2010-NALSA, dated 31-7-2012 (w.e.f. 25-8-2012).
2. Inserted by Noti. No. L/61/2010-NALSA, dated 31-7-2012 (w.e.f. 25-8-2012).
3. Substituted by Noti. No. L/61/2010-NALSA, dated 31-7-2012 (w.e.f. 25-8-2012).

representative of local bodies, Gazetted Officer, teacher of any school or college of Central Government, State Government or local bodies as the case may be.

(3) The affidavit may be prepared on plain paper and it shall bear the seal of the person attesting it.

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

7. Scrutiny and evaluation of the application for free legal services.— (1) There shall be a Committee to scrutinise and evaluate the application for legal services, to be constituted by the Legal Services Institution at the level of Taluk, District, State and above.

(2) The Committee shall be constituted by the Executive Chairman or Chairman of the Legal Services Institution and shall consist of,—

(*i*) the Member-Secretary or Secretary of the Legal Services Institution as its Chairman and two members out of whom one may be a Judicial Officer preferably having working experience in the Legal Services Institution and;

(*ii*) a legal professional having at least fifteen years' standing at the Bar or Government pleader or Assistant Government Pleader or Public Prosecutor or Assistant Public Prosecutor, as the case may be.

(3) The tenure of the Members of the Committee shall ordinarily be two years which may be further extended for a maximum period of one year and the Member-Secretary or Secretary of the Legal Services Institution shall, however, continue as the *ex officio* Chairman of the Committee.

(4) The Committee shall scrutinise and evaluate the application and decide whether the applicant is entitled to the legal services or not within a period of eight weeks from the date of receipt of the application.

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

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

(7) Any person aggrieved by the decision or order of the Committee, he or she may prefer appeal to the Executive Chairman or Chairman of the Legal Services Institution and the decision or order in appeal shall be final.

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

(2) The applications received under sub-regulation (1) shall be scrutinised and selection of the panel lawyers shall be made by the Executive Chairman or Chairman of the Legal Services Institution in consultation with the Attorney-General (for the Supreme Court), Advocate-General (for the High Court),

District Attorney or Government Pleader (for the District and Taluk level) and the respective Presidents of the Bar Associations, as the case may be.

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

(4) While preparing the panel of lawyers the competence, integrity, suitability and experience of such lawyers shall be taken into account.

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

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

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

(8) The strength of Retainer lawyers shall not exceed,—

(*a*) 20 in the Supreme Court Legal Services Committee;

(b) 15 in the High Court Legal Services Committee;

(*c*) 10 in the District Legal Authority;

(*d*) 5 in the Taluk Legal Services Committee.

(9) The honorarium payable to Retainer lawyer shall be,—

(*a*) Rs. 10,000 per month in the case of Supreme Court Legal Services Committee;

(*b*) Rs. 7,500 per month in the case of High Court Legal Services Committee;

(*c*) Rs. 5,000 per month in the case of District Legal Services Authority;

(*d*) Rs. 3,000 per month in the case of the Taluk Legal Services Committee:

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

[1][(10) The Panel Lawyer or, as the case may be, the retainer lawyer shall be available to deal with legal aid cases:

Provided that such lawyers may take up other briefs, but shall not appear against a party to whom legal aid has been given through the legal services institutions:

Provided further that such restriction shall not be applicable where both the parties have availed legal aid.]

(11) The panel prepared under sub-regulation (2) shall be re-constituted after a period of three years but the cases already entrusted to any panel lawyer shall not be withdrawn from him due to re-constitution of the panel.

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1. Substituted by Noti. No. L/61/2010-NALSA, dated 31-7-2012 (w.e.f. 25-8-2012).

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

(13) If a panel lawyer is desirous of withdrawing from a case he shall state the reasons thereof to the Member-Secretary or the Secretary and the latter may permit the panel lawyers to do so.

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

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

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

(2) The services of the legal aid clinics in the rural areas and in the law colleges and law universities shall also be made use of.

10. Monitoring Committee.—(1) Every Legal Services Institution shall set up a Monitoring Committee for close monitoring of the Court based legal services rendered and the progress of the cases in legal aided matters.

(2) The Monitoring Committee at the level of the Supreme Court or the High Court, as the case may be, shall consist of,—

(*i*) the Chairman of the Supreme Court Legal Services Committee or Chairman of the High Court Legal Services Committee;

(*ii*) the Member-Secretary or Secretary of the Legal Services Institution;

(*iii*) a Senior Advocate to be nominated by the Patron-in-Chief of the Legal Services Institution.

(3) The Monitoring Committee for the District or Taluk Legal Services Institution shall be constituted by the Executive Chairman of the State Legal Services Authority and shall consist of,—

(*i*) the seniormost member of the Higher Judicial Services posted in the district concerned, as its Chairman;

(*ii*) the Member-Secretary or Secretary of the Legal Services Institution;

(*iii*) a legal practitioner having more than fifteen years' experience at the local Bar-to be nominated in consultation with the President of the local Bar Association:

Provided that if the Executive Chairman is satisfied that there is no person of any of the categories mentioned in this sub-regulation, he may constitute the Monitoring Committee with such other persons as he may deem proper.

11. Functions of the Monitoring Committee.—(1) Whenever legal services are provided to an applicant, the Member-Secretary or Secretary shall send the details in Form II to the Monitoring Committee at the earliest.

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

(3) The Legal Services Institution may request the Presiding Officer of the Court to have access to the registers maintained by the Court for ascertaining the progress of the cases.

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

(5) The Monitoring Committee shall keep a watch of the day-to-day proceedings of the Court by calling for reports from the panel lawyers, within such time as may be determined by the Committee.

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

12. Monitoring Committee to submit bi-monthly reports.—(1) The Monitoring Committee shall submit bi-monthly reports containing its independent assessment on the progress of each and ever legal aid case and the performance of the panel lawyer or Retainer lawyer, to the Executive Chairman or Chairman of the Legal Services Institution.

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

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

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

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

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

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

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

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

[1][* * *]

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

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

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

(4) The State Legal Services Authorities shall also send consolidated half-yearly reports of the Monitoring Committees, indicating the success or failure of each of the legal aided cases, to the Central Authority.

(5) In appropriate cases, the Executive Chairman of the National Legal Services Authority may nominate and authorise the members of its Central Authority to supervise, monitor or advise the Legal Services Institution for effective and successful implementation of these regulations.

FORM I

National Legal Services Authority

(Free and Competent Legal Services) Regulations, 2010

(*See* regulation 3)

The Form of Application for Legal Services

(This may be prepared in the regional language)

Registration No.

1.	Name	:
2.	Permanent Address	:
3.	Contact Address with phone no. if any, e-mail ID, if any	

1. Omitted by Noti. No. L/61/10/NALSA, dated 6-8-2014 (w.e.f. 18-10-2014).

4.	Whether the applicant belongs to the category of persons mentioned in section 12 of the Act	:
5.	Monthly income of the applicant	:
6.	Whether affidavit/proof has been produced in support of income/eligibility under section 12 of the Act	:
7.	Nature of legal aid or advise required	:
8.	A brief statement of the case, if Court based legal services is required	:

Place:

Date:

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Signature of the applicant

FORM II

National Legal Services Authority

(Free and Competent Legal Services) Regulation, 2010

(*See* regulation 11)

Information furnished to the Monitoring Committee about the Legal Services provided

Dated:

IndiaCode

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

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Dated.....

Member-Secretary/Secretary