

# The Legal Literacy Camp, Scheme, 1999

MADHYA PRADESH

India

## The Legal Literacy Camp, Scheme, 1999

### Rule THE-LEGAL-LITERACY-CAMP-SCHEME-1999 of 1999

- Published on 30 August 1999
- Commenced on 30 August 1999
- [This is the version of this document from 30 August 1999.]
- [Note: The original publication document is not available and this content could not be verified.]

The Legal Literacy Camp, Scheme, 1999Published vide Notification F. No. 38-Estt.-SLSA-99, dated 30-8-1999, published in M.P. Rajpatra Part 4 (Ga) dated 8-10-99 at pp. 567-576In exercise of the powers conferred by clause (g) of Section 2 read with clauses (c) and (d) of sub-section (2) of Section 7 of the Legal Services Authority Act, 1987 (No. 39 of 1987), the State Authority, hereby, frame the following Scheme, namely :-

#### 1. Short title.

- This Scheme may be called the Legal Literacy Camp, Scheme, 1999.

#### 2. Definition.

- In this scheme, unless the context otherwise requires,-Legal Aid means, providing lawyers to those who are unable to pay fees for the Legal Services, Legal Aid means not only Legal representation in court cases but also include legal advice, counselling, arbitration and conciliation, creation of legal awareness about their rights, duties and obligations etc. in the other words to ensure protection of legal and constitutional rights of the under privileged, the poor, the neglected and the indigent, its object is to make it impossible for any men. women or child to be denied the equal protection of laws simply because he or she is poor or indigent person.Our constitution promises equal justice to all citizens The promise of equal justice in our democratic society requires us to dedicate ourselves to the great task of converting that promise into reality because millions of our citizens claim redress against injustice in one form or another. One of the fundamentals of a true democracy that its citizens should be educated in their legal rights and that they should also be entitled to legal assistance in the assertion or defence of their rights.Therefore, the emergence of legal literacy should essentially be seen in the ongoing process of socialization of laws and legal process. Legal literacy implies basic awareness regarding laws and legal process for common man as an aid to equipping the person for a meaningful participation in the process of development.

### 3. Objects.

- The objectives of the State Legal Services Authority regarding legal literacy camp are as follows :- (i) to formulate guidelines for contents of legal literacy materials; (ii) to consider the use of visuals in legal literacy materials with a view to supporting or illustrating the legal concepts of legal processes; (iii) to undertake preparation of sample materials on legal literacy; (iv) to review the existing materials on legal literacy; (v) to organise the Legal Literacy Camps known as "Vidhik Saksharata Shivir" in rural areas as well as in urban slums; (vi) to provide the information about all schemes launched by State Government as well as Central Government and all statutory laws, rules etc. to the weaker section of the society including Scheduled Tribes, Scheduled Castes, Backward Classes, Agriculturists and Labourers, which are made for protection of their interests.

### 4. Identification of area.

- Subject to the approval of the State Legal Services Authority, the High Court Legal Service Committee, District Legal Services Authority, Tehsil Legal Services Committee shall choose the rural area as well as urban areas organising the Legal Literacy Camps in its district.

### 5. Constitution of "Saksharata Dal".

- Subject to the approval of the State Legal Services Authority, the High Court Legal Service Committee, District Legal Services Authority, Tehsil Legal Services Committee shall constitute the literacy team known "Saksharata Dal" for each area.

### 6. Constitution of Saksharata Dal for High Court Legal Services Committee.

(1) The "Saksharata Dal" shall consist of the following Ex-officio Members :-

- |  |              |
|--|--------------|
| 1. Chairman, H.C.L.S.C.                  | Chairman     |
| 2. Secretary, H.C.L.S.C.                 | Secretary    |
| 3. President, High Court Bar Association | Member       |
| 4. Directorate/Joint Director, Publicity | Member       |
| 5. District Legal Aid Officer            | Co-ordinator |

The Chairman of the High Court Legal Services Committee in consultation with the Chief Justice of the M.P. High Court shall nominate other not more than 7 members from those persons who possess the following experience and qualifications which shall include atleast one member each from Scheduled Castes, Scheduled Tribes, Other Backward Classes, Women, Law Student. Law Teacher and Disabled Persons :- (a) an eminent social worker who is engaged in the upliftment of the weaker sections of the people including Scheduled Castes, Scheduled Tribes, Other Backward Classes, Women. Children, minority, Rural and Urban labour; or (b) an eminent person in the field of law; or (c) a person of repute who is specially interested in the implementation of the legal awareness scheme; or (d) a person who is involved or was involved to educational field; or (e) Law students who

are involved in the scheme envisaged by the Act, Rules and Regulations thereunder.(2)Term of office and other conditions of appointment of the Saksharata Dal of High Court Legal Services Committee :-(i)Term. - The term of office of the members of the High Court Legal Saksharata Dal shall be for two years and they shall be eligible for renomination for one more term.(ii)Removal. - A member of the High Court Legal Saksharata Dal may be removed by the Chairman of the High Court Legal Services Committee with the consultation of the Chief Justice, if:-(a)he fails without sufficient cause, to attend three consecutive meetings of the High Court Legal Saksharata Dal Committee;(b)has been adjudged as an insolvent; or(c)has been convicted of an offence which in the opinion of the Chairman involves moral turpitude; or(d)has become physically or mentally incapable of acting as a member; or(e)has so abused his position as to render his continuance in the High Court Legal Saksharata Dal prejudicial to the public interest :Provided that, no such member shall be removed from the High Court Legal Saksharata Dal without providing reasonable opportunity of being heard.(iii)Resignation. - A member may, by writing under his own hand addressed to the Chairman, resign from the High Court Legal Saksharata Dal and such resignation shall come into effect from the date on which it is accepted by the Chairman of the High Court Legal Services Committee or on the expiry of 30 days from the date of tendering resignation, whichever is earlier.(iv)Vacancy. - If any member nominated under the High Court Legal Saksharata Dal for any reason, the vacancy shall be filled up on the same manner as the original nomination and the person so nominated shall be a member for the remaining term of the member in whose place he is so nominated.(v)Allowances. - Subject to the provisions all members nominated shall be entitled for travelling allowance and daily allowance in respect of journeys performed in connection with the Meeting/Camp held by the High Court Legal Saksharata Dal and shall be paid at such rates as may be admissible to a Class one Officer while travelling on official duty or as may be specified by the High Court Legal Services Committee. If a member is a Government employee, he shall be entitled to draw the travelling allowance and daily allowance at the rates to which he is entitled under the Service Rules applicable to him and shall draw from the department in which he is employed.(vi)Secretary. - The Secretary of the High Court Legal Services Committee or the person nominated by the Chairman of the High Court Legal Saksharata Dal shall be the Secretary of the High Court Legal Saksharata Dal.(3)Functions of High Court Legal Saksharata Dal :-(i)It shall be the duty of the High Court Legal Saksharata Dal to give effect to the policy and directions of the State Authority with regard to legal awareness.(ii)Without prejudice to the generality of the functions of the High Court, the High Court Legal Saksharata Dal shall perform all or any of the following functions, namely :-(a)hold Legal Literacy Camps to promote legal awareness in the society specially to illiterate and the weaker sections of the society;(b)publish/distribute pamphlets, booklets and other news letters for legal awareness;(c)establish and control Para Legal Clinic to promote legal awareness;(d)to arrange seminars and the work-shops to that effect;(e)take appropriate measures for spreading legal literacy and legal awareness amongst the people in particular to educate weaker section of the society about their rights, benefits and privileges guaranteed by the Constitution and by social welfare legislations and other enactments as well as administrative programmes and measures etc.(f)to take special efforts to collect the support of Voluntary Social Welfare Institutions working at the grass root level. Particularly among the Scheduled Castes, the Scheduled Tribes and other Backward Classes, Women and Rural and Urban Labour segment.(g)to produce video/documentary films, publicity material, literature and publications to inform general public about the various aspects of the Legal Services Programmes

## 7. Constitution of Saksharata Dal for District Legal Services Authority.

(1) The Saksharata Dal shall consist of the following Ex-officio Members :-

- |  |             |
|--|-------------|
| 1. The District Judge of the concerned District.                                   | Chairman    |
| 2. President, District Bar Association.  | Member      |
| Chief Judicial Magistrate in the District where the headquarters of District Judge |             |
| 3. and Chief Judicial Magistrate is not the same the senior most Additional Chief  | Secretary   |
| Judicial Magistrate at District Judge Headquarter.                                 |             |
| 4. District Social Welfare Officer.  | Member      |
| 5. Public Relation Officer.  | Member      |
| 6. District Legal Aid Officer.   | Coordinator |

The Chairman of District Legal Services Authority may, in consultation with the Executive Chairman, State Legal Services Authority nominate other not more than 7 members from those persons who possess the same experience and qualifications as prescribed for the members of Saksharata Dal of the High Court which shall include at least one member each from Scheduled Castes, Scheduled Tribes, Other Backward Class, Women, Law Students, Law Teachers and Disabled person. (2) Term of the office and other conditions of appointment of the District Saksharata Dal and function of Saksharata Dal shall be the same as prescribed for the Saksharata Dal of the High Court Legal Services Committee.

## 8. Constitution of Saksharata Dal for Tehsil Legal Service Committee.

(1) The Saksharata Dal shall consist of the following Ex-officio members :-

- |   |              |
|---|--------------|
| 1. Senior Most Judicial Officer posted in Tehsil. | Chairman     |
| 2. Sub-Divisional Officer (Revenue)               | Secretary    |
| 3. President, Tehsil Bar Association              | Member       |
| 4. Adhyaksha, Janpad Panchayat                    | Member       |
| 5. District Legal Aid Officer                     | Co-ordinator |

(2) The Chairman of the District Legal Services Authority may, in consultation with the Executive Chairman, State Legal Services Authority nominate other (not more than 7 members) from those persons who possess the same experience and qualification prescribed for the Members of the Saksharata Dal of the District Legal Service Authority which shall include at least one member each from Scheduled Castes, Scheduled Tribes, Other Backward Classes, Women, Law Student, Law Teacher (if available) and disabled person. (3) Term of the office and other conditions of appointment of Tehsil Saksharata Dal and functions of the Saksharata Dal shall be the same as prescribed for the Saksharata Dal of the District Legal Services Authority.

## 9. Place and date of organisation of Vidhik Saksharata Shivir.

- For organising the Vidhik Saksharata Shivir in any area the place of Shivir shall be selected by the High Court Legal Services Committee. District Legal Services Authority, Tahsil Legal Services Committee, as the case may be, which shall mainly be a public place Date of organising the Shivir shall be fixed by the High Court Legal Services Committee, District Legal Services Authority, Tahsil Legal Services Committee as the case may be and priority shall be given to the local market day of the area Time of Shivir shall be from 10.00 A.M. to 4 00 P.M. There should be two sessions of the Shivir 1st session from 10.00 A.M. to 1.00 P.M. and 2nd session from 2.00 P in to 4.00 P.M.

## 10. Organisation of the Shivir.

(1)About one hundred persons, who are residents of that area should be invited for getting the legal knowledge/information of schemes in a Legal Camp.(2)The media may be requested to render necessary assistance for publicity the State Legal Services Authority will take up this matter with the local centres.(3)The co-ordinator of the Saksharata Dal (District Legal Aid Officer) shall arrange all appropriate Ayojan before one week of such Shivir i.e., by Cinema Slide, Pamphlets, Posters, through local newspapers, etc., publicity may also be done by beating of drums in every village in the guidance of Revenue Officer.(4)Chief Justice/Patron-in-Chief, Executive Chairman, State Legal Services Authority, Chairman, High Court Legal Services Committee, Member-Secretary, State Legal Services Committee, Chairman, District Legal Services Authority, Chairman, Tehsil Legal Services Committee all local officer/workers of the different department of the State Government/Central Government who are related with the welfare schemes may be invited in Shivir to deliver lectures and discuss the following contents of Legal Literacy :-

- |   |   |
|---|---|
| (a) Constitution                                  | Preamble, fundamental rights and duties Directive principles of the State Policy, constitutional remedies             |
| (b) Family Law                                    | Marriage, Divorce and Separation, maintenance, inheritance and succession, Dowry related law, etc.                    |
| (c) Civil Laws                                    | Property rights, stay, specific performance Damages, compensation for the Accident law of negligence or nuisance etc. |
| (d) Criminal Law                                  | General.  |
| (e) Welfare Legislation                           | Bonded Labour (Abolition), Consumer Protection Adulteration (Food and Drugs) Environment protection etc.              |
| (f) Procedural Justice                            | How to get justice, jurisdiction of Courts, right to sue, arrest and bail, search and seizure right to legal aid etc. |
| (g) Law relating to the persons with disabilities | How to get equal opportunities protection of rights and full participation  |

(5)Essential literature, brochures, pamphlets, booklets etc. regarding schemes should be displayed/distributed in the Shivir with the assistance of concerning departments and other Legal Literacy material should also be displayed/distributed by the co-ordinator of the Shivir.(6)Chairman/Members of the Saksharata Dal and all other respected invitees will have

discourse on various subjects as referred to above. In addition to above, salient feature of the provision of Section 12 of Legal Services Authority Act, 1987 and relevant provisions of the regulations with regard to Legal Aid, Legal Services should be highlighted. It should be emphasised that Legal Services does not only include providing assistance to any deserving poor litigant in pending matter, but it also includes Legal Services for any pro-trial and post-trial matters. Further, the deserving persons shall also be legally assisted with regard to their problems relating to other Government agencies who are not giving required relief to such persons to which they are entitled. Moot Courts may also be held. In these camps, an attempt may be made to provide maximum Legal advice to the needy persons. Notifications [Notification F.No. 38-Estt-SLSA-99, dated 30-8-1999.] [Published in M.P. Rajpatra Part IV (Ga), dated 8-10-1999 at pp. 572-573.] - In exercise of the powers conferred by clause (g) of Section 2 read with clauses (a) and (b) of sub-section (2) of Section 7 of the Legal Services Authorities Act, 1987 (No. 39 of 1987) the State Authority, has framed Lok Adalat Scheme, 1997 which has already been published in the Madhya Pradesh Rajpatra Part 4(c), dated 9th January, 1998, the State Authority hereby issues the following instructions to organise Permanent and Continuous Lok Adalats under this scheme, namely :- For High Court Procedure for organising permanent and continuous Lok Adalat. - (1) For High Court there shall be a column in the Computer Sheet namely whether party would like to refer the matter to the Lok Adalat; (2) In daily cause list there should be a classification of those cases regarding which any proposal of settlement through Lok Adalat has been made by any party or a counsel; (3) Such cases which are included in daily cause list shall be listed before the appropriate Bench of the High Court and the counsel representing the party can give their consent for this purpose. Thereafter, Registry will issue S.P.C. to party concerned and the matter will be referred to Lok Adalat; (4) If there is a prayer for any interim relief in any matter in which any of the parties wants the matter to be referred to the Lok Adalat, such matter shall be listed before the appropriate Bench of the High Court for consideration of interim relief and thereafter, the matter may be referred to Lok Adalat; (5) In pending cases, if there is a proposal for settlement or after hearing both the parties if the Bench of High Court feels that there are chances of amicable settlement between any parties then such matter can be referred to Lok Adalat; (6) Any non-working Saturday at least once in every 3 months can be fixed to organise permanent and continuous Lok Adalat in the High Court. The Secretary of the High Court Legal Service Committee shall constitute Bench or Benches of the High Court, with the prior approval of the Chief Justice, comprising any of the following :- (i) A sitting or a retired High Court Judge; (ii) A member of Legal profession; (iii) An eminent person in the field of law or a Social Worker. For District Authorities

**1. (a) At every district headquarters at least one Additional District Judge and also a Civil Judge, Class I should be nominated to hold Lok Adalat on a permanent basis. Such Lok Adalat shall hold its sitting once in a month on nonworking Saturday or Sunday, as the case may be.**

(b) Each Bench of the Lok Adalat at district level be constituted comprising two or three of the following :- (i) Serving Judicial Officer; (ii) Any eminent person in the field of Law or a social worker; (iii) A member of Legal Profession. Such Bench or Benches of Lok Adalat shall be assisted by Class III and Class IV staff members of the Court of concerning Presiding Officer. At district

headquarters, Secretary of the district authority with the prior approval of the Chairman shall constitute Benches of Lok Adalat.

**2. (i) A party desirous of his dispute to be decided by amicable settlement before instituting the case in Court, shall file its case before Secretary of the concerned Committee. No Court fees shall be paid on such suit or petition.**

(ii)After presentation of the suit, it will be registered as a case for conciliation.(iii)After registration of the case, if opposite party is not present, then notices shall be issued to the opposite party/parties directing it/them to appear before the Bench of Lok Adalat, but no coercive processes shall be issued to compel the appearance of the parties. To ensure the service of notices, the same may be issued by registered post at the expenses of the District/Taluka Authority, as the case may be.(iv)On appearance of both the parties before the Lok Adalat. the bench of such Lok Adalat shall assist and advice and also give suggestions to the parties to settle the dispute amicably. The opposite party shall have the right to file written statement.

**3. If any of such parties is not represented by a Counsel, the Bench of Lok Adalat shall provide the assistance of the Legal Aid Officer to such party/parties to prepare and submit their case before the Bench of Lok Adalat and assist them and also the Bench of Lok Adalat in arriving at compromise between the parties.**

**4. The Bench of Lok Adalat will try to arrive at an amicable settlement between the parties within a reasonable time as far as possible within 3 months, from the date of appearance of the opposite party :-**

(i)The Bench of Lok Adalat shall pass such Legal order or award on the basis of the settlement arrived at between the parties, as it may deem proper in the ends of justice.(ii)The Bench shall have no right to record any evidence. But after perusing the pleadings, documents and other material available on the record the bench may ascertain the controversy between the parties.(iii)After making all possible efforts by the parties and the bench, if the dispute could not be settled amicably, the bench shall advise the party/ petitioner to seek his remedy in the competent Court of law having jurisdiction.

**5. Any order/award passed by Lok Adalat in pre-litigation and pending cases, its execution application shall be presented to the Court of District Judge and the District Judge shall have jurisdiction to make over the execution applications to the competent Court having jurisdiction in the matter.**