

What are Legal Services?

Legal Services includes providing Free Legal Aid to those weaker sections of the society who fall within the purview of Section 12 of the Legal Services Authority Act, 1987. It also entails creating legal awareness by spreading legal literacy through legal awareness camps, print media, digital media and organizing Lok Adalats for the amicable settlement of disputes which are either pending or which are yet to be filed, by way of compromise. NALSA also undertakes necessary steps by way of social action litigation with regards to any matter of special concern to the weaker sections of the society. Legal services also encompasses facilitating the beneficiaries to get their entitlements under various government schemes, policies and legislations

What is included in free legal services/aid provided by the Legal Services Authorities? / What is the nature of free legal services?

Free legal aid is the provision of free legal services in civil and criminal matters for those poor and marginalized people who cannot afford the services of a lawyer for the conduct of a case or a legal proceeding in any Court, Tribunal or Authority. These services are governed by Legal Services Authorities Act, 1987 and headed by the National Legal Services Authority (NALSA).

Provision of free legal aid may include:

Representation by an Advocate in legal proceedings.

Payment of process fees, expenses of witnesses and all other charges payable or incurred in connection with any legal proceedings in appropriate cases;

Preparation of pleadings, memo of appeal, paper book including printing and translation of documents in legal proceedings;

Drafting of legal documents, special leave petition etc.

Supply of certified copies of judgments, orders, notes of evidence and other documents in legal proceedings.

Free Legal Services also include provision of aid and advice to the beneficiaries to access the benefits under the welfare statutes and schemes framed by the Central Government or the State Government and to ensure access to justice in any other manner.

According to Section 2(c) of the Legal Services Authorities Act, 1987, "legal services" includes 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.

Is Free Legal Aid Confined to the Cases before the Subordinate Courts?

No, free legal aid is not confined to cases before the subordinate Courts. Legal Aid is provided to the needy from the lowest Court to the Supreme Court of India. Legal Aid Counsel represent such needy persons before the lower Courts, High Courts and also before the Supreme Court of India.

What kind of cases can I apply free legal aid for?

According to Section 13 (1) of the Act, any individual who satisfies any criteria under Section 12 is entitled to receive legal services, provided that the concerned Legal Services Authority is satisfied that such person has a genuine case to prosecute or defend the matter. There is hence no bar as to which kind of cases one can apply and not apply for. All kinds of cases are included as long as the individual satisfies the eligibility under Section 12 of the Act.

Can I choose a lawyer of my choice under the free legal services/aid?

Yes, it is possible to avail the services of a lawyer of your choice under free legal services. According to regulation 7(6) of the National Legal Services Authority (Free and Competent Legal Services) Regulations 2010, the application for legal services will be scrutinized by the Member-Secretary or the Secretary and if the applicant has mentioned/expressed his/her choice of a lawyer on the panel, such Member-Secretary or Secretary can consider and allow the same.

Can I get only free legal consultation even if I do not want to pursue a proper case in the courts?

Yes, it is possible to get any kind of legal service under free legal aid/services.

Can I get free legal aid lawyer at any stage of case? Can I get free legal aid at the time of appeal even though I had my personal lawyer before the appellate stage?

Yes, you can apply to get free legal aid at any stage of the case as long as you are eligible to attain free legal services as per Section 12 of the Legal Services Authorities Act, 1987. Even if you had your personal lawyer before and require a lawyer under free legal aid only at the stage of appeal (and are eligible under Section 12), you can make an application to avail the same.

Who are Entitled to Free Legal Services?

The sections of the society as enlisted under Section 12 of the Legal Services Authorities Act are entitled for free legal services, they are :

- (a) A member of a Scheduled Caste or Scheduled Tribe;
- (b) A victim of trafficking in human beings or begar as referred to in Article 23 of the Constitution;
- (c) A woman 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 of clause (g) of Section 2 of the Immoral Traffic (Prevention) Act, 1956(104 of 1956); or in a juvenile home within the meaning of clause(j) of Section 2 of the Juvenile Justice Act, 1986 (53 of 1986); or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of Section 2 of the Mental Health Act, 1987(14 of 1987);or
- (h) a person in receipt of annual income less than the amount mentioned in the following schedule (or any 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 Rs 5 Lakh, if the case is before the Supreme Court.

The Income Ceiling Limit prescribed u/S 12(h) of the Act for availing free legal services in different States has been stated below:

| State/UT | Income Ceiling Limit (Per Annum) |
|-------------------|----------------------------------|
| Andhra Pradesh | Rs. 3,00,000/- |
| Arunachal Pradesh | Rs. 1,00,000/- |
| Assam | Rs. 3,00,000/- |

| State/UT | Income Ceiling Limit (Per Annum) |
|---------------------------|----------------------------------|
| Bihar | Rs. 1,50,000/- |
| Chhattisgarh | Rs. 1,50,000/- |
| Goa | Rs. 3,00,000/- |
| Gujarat | Rs. 1,00,000/- |
| Haryana | Rs. 3,00,000/- |
| Himachal Pradesh | Rs. 3,00,000/- |
| Jammu & Kashmir | Rs. 3,00,000/- |
| Jharkhand | Rs. 3,00,000/- |
| Karnataka | Rs. 3,00,000/- |
| Kerala | Rs. 3,00,000/- |
| Madhya Pradesh | Rs. 2,00,000/- |
| Maharashtra | Rs. 3,00,000/- |
| Manipur | Rs. 3,00,000/- |
| Meghalaya | Rs. 3,00,000/- |
| Mizoram | Rs. 25,000/- |
| Nagaland | Rs. 1,00,000/- |
| Odisha | Rs. 3,00,000/- |
| Punjab | Rs. 3,00,000/- |
| Rajasthan | Rs. 3,00,000/- |
| Sikkim | Rs. 3,00,000/- |
| Telangana | Rs. 3,00,000/- |
| Tamil Nadu | Rs. 3,00,000/- |
| Tripura | Rs. 1,50,000/- |
| Uttar Pradesh | Rs. 3,00,000/- |
| Uttarakhand | Rs. 3,00,000/- |
| West Bengal | Rs. 1,00,000/- |
| Andaman & Nicobar Islands | Rs. 3,00,000/- |
| Chandigarh UT | Rs. 3,00,000/- |
| Dadra & Nagar Haveli UT | Rs. 15,000/- |
| Daman & Diu | Rs. 1,00,000/- |
| Delhi | Rs. 3,00,000/- |
| Ladakh | Rs. 1,00,000/- |
| Lakshadweep | Rs. 3,00,000/- |
| Puducherry | Rs. 1,00,000/- |

Is a woman irrespective of her income/financial status eligible for free legal aid?

Yes, a woman is entitled for free legal aid irrespective of her income or financial status. A woman is eligible to apply for free legal aid by virtue of Section 12(c) of the Legal Services Authorities Act, 1987.

Till what age can a child apply for free legal aid?

A child is eligible for free legal aid till the age of majority i.e. 18 years. This is effectuated by Section 12 (c) of the Legal Services Authorities Act, 1987.

Are senior citizens eligible for free legal aid?

Senior citizens' eligibility for free legal aid depends on the Rules framed by the respective State Governments in this regard.

In Delhi for example, senior citizens are eligible for free legal aid subject to prescribed ceiling of annual income. Any individual above the age of 60 can apply for free legal aid/services.

Am I eligible for free legal aid if I do not earn/have enough money to pay for my case?

Yes, you are eligible for free legal aid if you fulfil the criteria under Section 12 (h) of the Legal Services Authorities Act, 1987. It states that those persons who have annual income of less than the amount prescribed by the respective State Government, if the case is before any court other than the Supreme Court, and less than Rs. 5 Lakhs, if the case is before the Supreme Court, are eligible for free legal aid. The income ceiling limit as prescribed by different States/Union Territories has been stated in the table in FAQ no. 1.

As per Section 13(2) of the Act, an affidavit made by a person as to his income is generally regarded as sufficient for making him/her eligible for the entitlement of legal services under the Act, unless the concerned Authority has reasons to question or disbelief such affidavit.

Where should I approach in order to seek free legal services/aid?

Depending upon the territorial and subject matter jurisdiction of the case, an individual should approach the following appropriate authority:

Taluk Legal Services Committee which is in the premises of the Court in that Taluk; or

District Legal Services Authority which is in the premises of the District Court in the District Headquarters; or

The concerned State Legal Services Authority (for particular cases, panels of which are maintained at State level);

The High Court Legal Services Committee which is in the premises of the concerned High Court; or

The Supreme Court Legal Services Committee for cases before the Hon'ble Supreme Court.

Each District Legal Services Authority, High Court Legal Services Committee and State Legal Services Authority has a front office where an application can be moved.

One can even access and apply on the online portal of NALSA (<https://nalsa.gov.in/>) or the website of the State Legal Services Authorities.

How can I apply for free legal aid?

You can apply for free legal aid either offline or online. You can fill up the ready-made form/application form that is available at your nearest Legal Services Authority and submit the same at either the Authority physically, or post the application to the Authority.

You can even make an application in writing on a simple piece of paper with the necessary details such as your name, gender, residential address, employment status, nationality, whether SC/ST (with proof in support), income per month (with affidavit), the case for which legal aid is required, reason for seeking legal aid, etc. and submit it physically or send by post.

Another option is to send the application online i.e. by email to NALSA (at nalsa-dla@nic.in), or through the online application form available online at NALSA's website by going on the 'Online Application' Link on the Home Page, along with uploading necessary documents.

It is also possible to make your application orally - a paralegal volunteer or an officer of the concerned Legal Services Authority will assist you in such cases.

Is there any other Information that I need to Furnish along with my Application?

You have to submit the completed application form to the authority along with full documentation which includes identity proofs, requisite certificates/affidavit as proof of belonging to a particular category for being entitled for free legal services.

For application through the online procedure, details regarding all the relevant documents required are provided in the website.

Do I have to pay any charge/fee for acquiring and submitting an application form for free legal aid?

No, there is absolutely no charge for getting an application form for free legal aid. You are not required to spend any money for both getting and submission of the application. For obtaining legal advice, you can call or visit the office of the concerned Legal Services Authority.

What if the Person in need of Free Legal Aid is Illiterate?

Such persons can be assisted by the SLSAs/DLSAs/TLSCs or panel Advocates etc., once they approach the legal services institutions. The Para Legal Volunteers (PLVs) who are stationed in the villages can also gather necessary information of such applicants and fill up the forms for them. The applicant is required to affix signature initials or thumb impression on the same.

Do I have to Incur Expenses at any Stage?

No, expenses like Process Fees, Drafting Fees, Typing Fees, Clerkage as well as Fees of panel lawyers (during or after the case is completed) are borne by the legal service institutions.

What are the timings of the Legal Services Authorities within which an individual seeking free legal aid can approach for assistance/application?

An individual seeking free legal aid can approach NALSA anytime between Monday and Friday - from 9:30 am to 6 pm. However, the online application can be filed at any time of the day or night as the website is functional 24 x 7. The other Legal Services Authorities can also be approached within their office hours which can be checked on their respective websites.

What is the procedure after my application is submitted with the Legal Services Institutions?

Legal aid is provided to the entitled persons through legal services authorities existing from the National to Taluka levels including the NALSA, State Legal Services Authorities, District Legal Services Authorities, Taluk Legal Services Committees, Supreme Court Legal Services Committee and High Court Legal Services Committees. If, however, an application or request for legal aid is received by NALSA, NALSA forwards the same to the concerned authority.

Once the application is submitted with the proper authority, it would be perused by the concerned Legal Services Institution as to what action is needed upon the same. The information about the next step on the application would then be sent to the parties concerned.

The action taken on an application received would vary from providing counselling/advice to the parties, providing a lawyer to represent them in the court, etc.

What is the procedure after my application is selected/legal aid is granted?

Once the application is selected, the applicant is given intimation about the assignment of a lawyer. A letter of appointment is also issued to the assigned lawyer with a copy to the applicant. The lawyer would thereafter contact the applicant at the earliest. The applicant may also contact the lawyer in the meanwhile.

What is the average time taken for an application to be processed and for an individual to be assigned a free legal aid lawyer?

According to Regulation 7(2) of the National Legal Services Authority (Free and Competent Legal Services) Regulations 2010, a decision on the application for free legal aid is to be taken immediately and not more than 7 days from the date of the receipt of the application.

How will I get an intimation/information of the acceptance, success, failure, etc. of my application? By email, SMS or Courier?

Once the application is scrutinized by the concerned authorities, the information of its success or failure is given to the applicant in the following ways:

If the application was made physically at the front office of any Legal Services Authority, an address (either residential or email) for correspondence is usually noted and information regarding the application is sent to the same.

If the application is made online via the NALSA website or the online portals of the Legal Services Authorities, an application number is generated and the appropriate Legal Services Authority is contacted. The applicant can track the status of the application on the online portal itself.

If the application has been received from Government Departments / CPGRAM, an email is sent to the applicant. The applicant can also get a scanned copy of the application on the CPGRAM website. Remarks regarding the application are also made on CPGRAM website and the website of the Legal Services Authority.

When can Legal Aid be Denied or Withdrawn?

Legal Aid can be denied at the initial stage before the application for legal aid is accepted. It can also be withdrawn at the later stage after the application has been accepted and legal aid has been provided. Legal aid can be denied or withdrawn in the following circumstances:

Legal aid can be denied if a person is found ineligible under Section 12 of the Legal Services Authorities Act, 1987

Legal aid can be withdrawn if the aided person who applied under the income category is found to possess sufficient means;

Legal aid can be withdrawn where the aided person obtained legal services by misrepresentation or fraud;

Legal aid can be withdrawn where the aided person does not cooperate with the Legal Services Authority/Committee or with the legal services advocate;

Legal aid can be withdrawn where the person engages a legal practitioner other than the one assigned by the Legal Services Authority/Committee;

Legal aid can be withdrawn in the event of death of the aided person except in the case of civil proceedings where the right or liability survives;

Legal aid can be withdrawn where the application for legal service or the matter in question is found to be an abuse of the process of law or of legal services.

Can I appeal if the free legal services are denied to me?

According to Regulation 7(5) of the National Legal Services Authority (Free and Competent Legal Services) Regulations 2010, the application for legal services will be scrutinized by the Member-Secretary or the Secretary and if any individual is aggrieved by the decision made upon their application, he/she has an option to appeal to the Executive Chairman or Chairman of the Legal Services Institution and the decision resulting from the appeal would be a final one.

Whom can I Approach if I want to Complain against the Conduct of a Legal Services Authority?

A complaint can be made regarding the conduct of a legal services authority to the higher authority in the following hierarchal order:

The National Legal Services Authority is the central authority and is headed by the the Hon'ble Chief Justice of India as its Patron-in-Chief, the second senior most judge of the Hon'ble Supreme Court is the ExecutiveChairman and a District Judge level Judicial Officer is the Member Secretary.

The State Legal Services Authorities are headed by the Chief Justices of their respective High Courts as their Patron-in- Chiefs, and the second senior most Judge of the respective High Courts as their Executive Chairman. They also have Member Secretaries heading the respective State Legal Services Authorities.

The High Court Legal Services Committees are headed by a sitting Judge of the respective High Court as their Chairman.

The respective District Legal Services Authorities are headed by a District Judge as their Chairman.

The respective Taluk Legal Services Committeesare headed by a Senior Judge as their Chairman.

What is the procedure if I am unhappy with the conduct of the lawyer assigned to me by a Legal Services Authority? Can I complain against him/her? Can he be replaced?

If you are unhappy with the conduct of the lawyer assigned to you, you can make a formal complaint (to the authority that assigned you the lawyer) by:

Writing a simple paper application and submitting the same to a Legal Services Authority;

Writing an email to the appropriate authority or NALSA (at nalsa-dla@nic.in);

Accessing the "Grievance Redressal" option on NALSA website (<https://nalsa.gov.in/>) or the respective website of the authority that assigned the lawyer.

However, you must ensure that your complaint describes the problem that you are facing with your lawyer. According to Regulation 8 (14) of the National Legal Services Authority (Free and Competent Legal Services) Regulations 2010, the Legal Services Institution is at liberty to withdraw any case from a panel lawyer during any stage of the proceedings.

Regulation 8 (17) states that if the panel lawyer engaged is not performing satisfactorily or has acted contrary to the object and spirit of the Act and the regulations, the Legal Services Institution shall take appropriate steps - including withdrawal of the case from such lawyer and even his/her removal from the panel.

A person in need of free legal services can approach the concerned authority or committee through an application which could either be made by sending in written form, or by filling up the forms prepared by the said authorities stating in brief the reason for seeking legal aid or can be made orally in which case an officer of the concerned legal services authority or a paralegal volunteer can assist the person.

Does NALSA Only Provide Legal Aid?

Besides legal aid, NALSA also spreads legal literacy and awareness by

conducting legal awareness camps in rural as well as urban areas;

through print media like newspapers, preparing and publishing legal-aid literature;

arranging workshops on legal topics for various functionaries of the legal systems such as lawyers, students, Non-Governmental organizations and Government agencies;

carrying out field surveys;

creating awareness about the law of the land amongst general public by utilizing digital mass media like Radio, Television, Internet, social media and the like etc.

NALSA also facilitates the beneficiaries of various government schemes, policies to avail the benefits. It facilitates resolution of disputes through alternative dispute resolution mechanisms such as Lok Adalat, Mediation, etc.

Can External Agencies participate in the activities of NALSA in disseminating Legal Literacy and Awareness?

Yes, external agencies can partner and participate in the activities of NALSA in disseminating legal literacy and awareness.

Does NALSA work with Persons in the Community?

Yes, NALSA engages volunteers (also known as 'Para Legal Volunteers') from different walks of life, such as: retired teachers, retired Government servants, NGOs, self-help groups, aganwadi workers, panchayats, educated prisoners with good behavior and serving long term sentences. Since they work in the grass root level, they act as a bridge between the Legal Services Authorities and the public so as to ensure that legal services reach to all sections of the people, to facilitate implementation of the schemes

of the government for the entitled sections, to achieve higher rate of legal awareness; thereby ensuring access to justice for all. They are provided basic legal training by the State Legal Services Authorities.

A person can also apply online for getting Legal Aid to any Legal Services Institution in the country by filling up the Legal Aid Application. Apply online for free legal aid "<https://nalsa.gov.in/lams/>"