

Introduction to Legal Aid

Since 1952, the Govt. of India started addressing to the question of Legal Aid for the poor in various conferences of Law Ministers and Law Commissions. In 1960, some guidelines were drawn by the Govt. for Legal Aid schemes. In different States Legal Aid Schemes were floated through Legal Aid Boards, Societies and Law Departments, expert committees were constituted from 1950 onward to advise Governments on providing Legal Aid to the poor have been unanimous that the formal Legal System is unsuited to the needs of the poor. In 1980, a Committee at the National level was constituted to oversee and supervise Legal Aid programs throughout the country under the Chairmanship of Hon'ble Mr. Justice P.N. Bhagwati the then Judge of the Supreme Court of India. This Committee was known as CILAS (Committee for Implementing Legal Aid Schemes) and started monitoring Legal Aid activities throughout the country. On the recommendation of CILAS, the Govt. of India enacted State Legal Services Authority Act, 1987 which came into force in the year 1995. The National Legal Services Authority was constituted in the year 1995.

Eligibility for Free Legal Aid

1.	As per Section 12 of the State Legal Services Authorities Act, 1987 the following are entitled to free Legal Services:-
(i)	A member of Scheduled Caste or Scheduled Tribe.
(ii)	A victim of trafficking in human being or beggar.
(iii)	A woman or a child.
(iv)	A person with disability such as suffering from blindness, leprosy, loco motor disability, hearing impairment, mental incapacity.
(v)	A victim of mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster.
(vi)	An Industrial workman.
(vii)	An undertrial in custody, including a juvenile, i.e., a person up to the age of 18 years in a Protective home or a mentally ill person in a psychiatric hospital or psychiatric nursing home.
(viii)	Any citizen of India belonging to general category whose annual income from all sources does not exceed Rs.1,50,000/- (Rupees One Lac Fifty Thousand).
2.	The subject matter in which legal services may be availed.
(i)	All cases of a civil nature such as property disputes, matrimonial and custody matters, labour or service matter, compensation in motor accident cases, consumer disputes, etc.
(ii)	All cases involving criminal offences.
(iii)	All cases involving violation of fundamental rights as guaranteed by the Constitution of India.
3.	In what cases legal aid cannot be availed.
(i)	Defamation.
(ii)	Malicious prosecution.
(iii)	A person charged with contempt of court proceedings or perjury.
(iv)	Proceedings relating to any election.
(v)	Proceedings in respect of economic offences and offences against social laws, such as complaints against untouchability or caste basis or prejudices.
4.	How to apply for Legal Aid.
(i)	An application for legal services may be presented preferably in Form-I (add link) in the local language or English.
(ii)	The applicant may furnish a summary of his grievances for which he seeks legal services, in a separate sheet along with the application.
(iii)	An application, though not in Form-I, may also be entertained, if reasonably explains the

	facts to enable the applicant to seek legal services.
(iv)	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.
(v)	Oral requests for legal services may also be entertained in the same manner as an application under Sub-regulation(1) and (2).
(vi)	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.
(vii)	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.
5.	Proof of entitlement of free legal services:-
(i)	An affidavit of the applicant that he falls under one of the categories of persons entitled to free legal services under section 12 shall ordinarily be sufficient.
(ii)	The affidavit may be signed before a Judge, Magistrate, Notary Public, Advocate, Member of Parliament, Member of Legislative Assembly, elected 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.
(iii)	The affidavit may be prepared on plain paper and it shall bear the seal of the person attesting it.
6.	The nature of legal services provided:-
(i)	All relevant charges payable or incurred in connection with any legal proceedings.
(ii)	Charges for drafting, preparing filing of any legal proceedings and representation by a legal practitioner in legal proceedings.
(iii)	Cost of obtaining any certified copy/copies of judgements, orders and other miscellaneous expenses in legal proceedings
(iv)	Cost of preparation of paper book (including paper, printing and translation of documents) in legal proceedings and expenses incidental thereto.
7.	When can legal services be withdrawn:-
(i)	Where the aided person is possessed of sufficient means.
(ii)	Where the aided person obtained legal services by misrepresentation or fraud.
(iii)	Where the aided person does not co-operate with the Legal Services Authority/Committee or with the legal service advocate.
(iv)	Where the person engages a legal practitioner other than the one assigned by the Legal Service Authority/Committee.
(v)	In the event of death of the aided person except in the case of civil proceedings where the right or liability survives.
(vi)	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 service.
8.	Whether any appeal can be filed for denial of legal services?
(i)	Yes, Appeal can be made to the Chairman of the Authority/Committee on denial of grant of legal services within a reasonable time.
9.	Whether any complaint or suggestion can be filed?
(i)	Yes, Complaints/Suggestions are welcome for improvement of free legal aid and services.
(ii)	Complaints/Suggestion can be sent by post or addressed to the Member Secretary.