

# First All India District Legal Services Authorities Meet

August 3, 2022

**In news**– The Prime Minister of India has addressed the inaugural session of the First All India District Legal Services Authorities Meet recently.

## **About the meet-**

- The first-ever national level meet of District Legal Services Authorities (DLSAs) was held from 30-31 July 2022 at Vigyan Bhawan by National Legal Services Authority (NALSA).
- The meeting deliberated on the creation of an integrated procedure in order to bring homogeneity and synchronisation across DLSAs.
- During this meeting the Prime Minister also released a commemorative postal stamp on the 'Right to free legal aid'.

## **About District Legal Services Authorities-**

- District Legal Services Authority is **constituted in every District to implement Legal Aid Programmes and Schemes in the District.**
- They are constituted in line with National Legal Services Authority (NALSA) under Section 9 of the Legal Services Authorities Act, 1987.
- The District Authority is **under the direct supervision of the District Judge who acts as the ex-officio Chairperson** and is appointed by virtue of post.
- **The State Authority in consultation with the Chairman of the District Authority appoints a person** belonging to the cadre of Civil Judge (Senior Division) as full time

secretary of DLSA or in his absence Chief Judicial Magistrate, as the case may be, as Secretary of the District Legal Services Authority.

- There are a total of **676 District Legal Services Authorities (DLSAs) in the country.**
- Through DLSAs and State Legal Services Authorities (SLSAs), various legal aid and awareness programmes are implemented by NALSA.
- The DLSAs also contribute towards reducing the burden on courts by regulating the Lok Adalats conducted by NALSA.

### **Constitutional provisions-**

- **Article 39A of the Constitution of India provides 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 strives to ensure that constitutional pledge is fulfilled in its letter and spirit and equal justice is made available to the poor, downtrodden and weaker sections of the society.

### **The National Legal Services Authority (NALSA)-**

- **NALSA was constituted under the Legal Services Authorities Act, 1987 to provide free Legal Services** to the weaker sections of the society **and to organize Lok Adalats for amicable settlement of disputes.**
- It 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.

### **The State Legal Services Authority(SLSA)-**

- In every State, the SLSA was constituted to give effect to the policies and directions of the NALSA and to give free legal services to the people and conduct Lok Adalats in the State.
- It is headed by Hon'ble the Chief Justice of the respective High Court who is the Patron-in-Chief of the State Legal Services Authority.

### **Criteria for giving legal services-**

Section 12 of the Legal Services Authorities Act, 1987 prescribes the criteria for giving legal services to the eligible persons. Section 12 of the Act reads as Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is –

1. A member of a Scheduled Caste or Scheduled Tribe.
2. A victim of trafficking in human beings or begar as referred to in Article 23 of the Constitution.
3. A woman or a child.
4. A mentally ill or otherwise disabled person.
5. 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
6. An industrial workman; or
7. 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

8. 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
9. In receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Govt., 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 Govt., if the case is before the Supreme Court. (Rules have already been amended to enhance this income ceiling).

**Note:**

- **According to section 2(1) (a) of the Act, legal aid can be provided to a person for a 'case' which includes a suit or any proceeding before a court.**
- Section 2(1) (aaa) **defines the 'court' as a civil, criminal or revenue court** and includes any tribunal or any other authority constituted under any law for the time being in force, to exercise judicial or quasi-judicial functions.
- As per section 2(1)(c) **'legal service' includes** 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.
- **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.

## **History of Legal Aid Movement in India & the world-**

- **The earliest Legal Aid movement appears to be of the year 1851** when some enactment was introduced in **France** for providing legal assistance to the indigent.
- **In Britain, the history of the organised efforts on the part of the State to provide legal services** to the poor and needy dates back to 1944, when Lord Chancellor, Viscount Simon appointed Rushcliffe Committee to enquire about the facilities existing in England and Wales
- **In 1952, the Govt. of India also started addressing 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.
- **In 1980, a Committee at the national level was constituted** to oversee and supervise legal aid programmes throughout the country **under the Chairmanship of Hon. Mr. Justice P.N. Bhagwati** then a Judge of the Supreme Court of India.
- This Committee came to be known as **CILAS (Committee for Implementing Legal Aid Schemes)** and started monitoring legal aid activities throughout the country.
- The introduction of **Lok Adalats** added a new chapter to the justice dispensation system of this country and succeeded in providing a supplementary forum to the litigants for conciliatory settlement of their disputes.
- **In 1987 Legal Services Authorities Act was enacted to give a statutory base to legal aid programmes** throughout the country on a uniform pattern.
- This Act was finally enforced on 9th of November, 1995 after certain amendments were introduced therein by the

Amendment Act of 1994.

- **Hon. Mr. Justice R.N. Mishra** the then Chief Justice of India played a key role in the enforcement of the Act.
- **The National Legal Services Authority** was constituted on **5th December, 1995**.
- His Lordship **Hon. Dr. Justice A.S. Anand, Judge**, Supreme Court of India took over as the **Executive Chairman of National Legal Services Authority** on **17th July, 1997**.