

## **FREQUENTLY ASKED QUESTIONS (FAQS)**

### **1. 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

### **2. What is Free Legal Aid?**

Free legal aid entails 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 before an authority.

Provision of free legal aid may include:

- a) Representation by an Advocate in legal proceedings.
- b) Payment of process fees, expenses of witnesses and all other charges payable or incurred in connection with any legal proceedings in appropriate cases;
- c) Preparation of pleadings, memo of appeal, paper book including printing and translation of documents in legal proceedings;
- d) Drafting of legal documents, special leave petition etc.
- e) Supply of certified copies of judgments, orders, notes of evidence and other documents in legal proceedings.

### **3. Who is entitled to Free Legal Services?**

Any person who fulfills the eligibility criteria as prescribed by Section 12 of the Legal Services Authorities Act, 1987 can avail of the free legal services. This includes:

- a) member of a Scheduled Caste or Scheduled Tribe;
- b) victim of trafficking in human beings or beggar as referred in article 23 of the Constitution;
- c) woman or a child;
- d) disabled person;

- e) victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- f) an industrial workman; or
- g) persons in custody; or
- h) persons in receipt of annual income less than rupees nine thousand or such 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 rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.

#### **4. Whether Women from all Income Groups are Eligible for Free Legal Services?**

Yes, women irrespective of their income or lack of income are eligible for free legal services from NALSA

#### **5. Who should a Person Approach for Legal Services?**

If a person wants to avail of free legal aid/ services he/she can approach the nearest;

- a) Taluk Legal Services Committee which is in the premises of the Court in that Taluk; or
- b) District Legal Services Authority which is in the premises of the District Court in the District Headquarters; or
- c) The concerned State Legal Services Committee; or
- d) The High Court Legal Services Committee which is in the premises of the concerned High Court; or
- e) The Supreme Court Legal Services Committee for cases before the Hon'ble Supreme Court.

#### **6. What do I do if I need Legal Aid?**

A person who needs free legal aid/advice can approach the concerned authority or committee through an application which could either be made by sending a mail/letter 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. A person can also seek legal aid by applying online through the online application process as provided on the official website of NALSA.

### **7. 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 therewith.

### **8. Is there a Fee or Charge for Obtaining an Application Form for Legal Aid?**

Please note that there is no fee or charge for obtaining the application form.

For obtaining legal advice, you can call or visit the office of the concerned Legal Services Authority

### **9. 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. 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.

### **10. 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:

- a) Legal aid can be denied if a person is found ineligible under Section 12 of the Legal Services Authorities Act, 1987
- b) Legal aid can be withdrawn if the aided person who applied under the income category is found to possess sufficient means;
- c) Legal aid can be withdrawn where the aided person obtained legal services by misrepresentation or fraud;
- d) Legal aid can be withdrawn where the aided person does not cooperate with the Legal Services Authority/Committee or with the legal services advocate;
- e) Legal aid can be withdrawn where the person engages a legal practitioner other than the one assigned by the Legal Services Authority/Committee;

f) 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;

g) 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.

### **11. Do you have to Incur Expenses at any Stage?**

No, expenses like Process Fees, Drafting Fees, Typing Fees, Clerk age as well as Fees of panel lawyers is borne by the legal service institutions.

### **12. Whom can I Approach if I want to Appeal against the Denial of Legal Services to me?**

An appeal can be made to the Chairman of the concerned Authority/Committee on denial of grant of legal services within a reasonable time.

### **13. 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:

a) 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 Executive Chairman and a District Judge level Judicial Officer is the Member Secretary.

b) 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.

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

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

e) The respective Taluk Legal Services Committees are headed by a Senior Judge as their Chairman.

#### **14. Does ASLSA Only Provide Legal Aid?**

No, NALSA also spreads legal literacy and awareness by

- a) Conducting legal awareness camps in rural as well as urban areas;
- b) Through print media like newspapers, preparing and publishing legal-aid literature;
- c) Arranging workshops on legal topics for various functionaries of the legal systems such as lawyers, students, Non-Governmental organizations and Government agencies,
- d) Carrying out field surveys,
- e) 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.

#### **15. Can External Agencies Participate in the Activates 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.

#### **16. 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 represents such needy persons before the lower Courts, High Courts and also before the Supreme Court of India.