

All About Legal Services Authority Act,1987

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Introduction :-

An act to constitute legal services authorities to provide free and competent legal services to the weaker sections of society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities and to organize Lok Adalats to secure the operation of the legal system promotes justice on the basis of equal opportunity

Q1. When was this act enacted and is it applicable to whole India ?

Ans. This Act was enacted by the Parliament in the Thirty-Eighth year of the Republic of India . Yes this Act is applicable in whole India except the state of Jammu and Kashmir.

Q2. What is the Constitution of National Legal Services Authority / Central Authority? Also explain the constitution of Supreme Court Legal Services Committee.

Ans. National Legal Services Authority

Central Government constitute a Body to be called as National Legal Services Authority . It shall consist of -

1. The Chief justice Of India who shall be the Patron –in- Chief.
2. A serving or retired Judge of Supreme Court of India to be nominated by the President , in consultation with Chief Justice Of India , who shall be Executed Chairman .
3. Such members of other members possessing such experience and qualifications as may be prescribed by the Central Government to be Nominated by Government .
4. The Central Government shall appoint a person to be Member –Secretary of the Central Authority .

Supreme Court Legal Services Committee

The Central Authority shall constitute a Committee to be called as Supreme Court Legal Services Committee . It shall consist of :-

1. A sitting judge of Supreme Court who shall be the Chairman

2. Such member of other members possessing such experience and qualifications as maybe prescribed by the Central Government
3. The Chief Justice Of India shall appoint a Secretary to the Committee
4. The Committee may appoint such member of officers and other employees as prescribed by the Central Government .

Q3. What are the functions of NALSA?

1. Ans. 1. To lay down policies and principles for making Legal Services available under the provisions of the Act.
2. To frame the most effective and economical schemes for the purpose of making the legal services available under this act.
3. To utilise the funds at its disposal and make appropriate allocations of funds to the State authorities and District authorities
4. To take necessary steps by way of social justice litigation with regard to consumer protection ,environmental protection or any other matter of special concern to the weaker sections of the society and for this purpose give special training to legal workers
5. To organise legal aid camps specially on rural areas ,slums or labour colonies with the dual purpose of educating weaker sections of society as to their rights as well as encouraging of settling their disputes through Lok Adalats.
6. To encourage the settlement of Disputes by ways of negotiation, conciliation and arbitration
7. To undertake and promote research in the field of legal services with special references to need for such services among poor
8. To do all things necessary for the purpose of ensuring commitment to the fundamental duties of the citizens.
9. To monitor and evaluate the implementation of the legal aid problems at specific periodical intervals for independent evaluation of programmes and schemes implemented.
10. To provide grants in aid for specific schemes to various voluntary social services institutes working at grass root level specially amongst SC and ST, women and rural and urban labour.

11. To develop programmes for clinical legal education and promote guidance and supervise the establishment and working of legal services clinics in universities, law colleges , etc.

Q4. What is the constitution of State Legal Services Authority? And also state about High Court Legal Services Authority?

Ans. In every State a State Legal Services Authority is constituted to give effect to the policies and directions of the Central Authority (NALSA) and to give legal services to the people and conduct Lok Adalats in the State. State Legal Services Authority is headed by the Chief Justice of the State High Court who is its Patron-in-Chief. A serving or retired Judge of the High Court is nominated as its Executive Chairman.

High Court State Legal Services include a Chairman who is a sitting High Court judge, members to be nominated by Chief Justice of High Court , a Secretary

Q5. What are the functions of State Authority ?

Ans. The functions are -:

1. To give legal services to person who deserve it.
2. To conduct Lok Adalats
3. To undertake preventive and strategic legal aid programmes.

Q6. What is the constitution and functions of District Authority ?

Ans. District Legal Services Authority is constituted in every District to implement Legal Aid Programmes and Schemes in the District. The District Judge of the District is its ex-officio Chairman.

Functions :-

1. To co-ordinate the activities of Taluk Legal Services Committee and other legal services in the district.
2. To conduct Lok Adalats in the district.

Q7. What is the constitution of Taluk Legal Service Committee and state its functions ?

Ans. Taluk Legal Services Committees are also constituted for each of the Taluk or Mandal or for group of Taluk or Mandals to coordinate the activities of legal services in the Taluk and to

organise Lok Adalats. Every Taluk Legal Services Committee is headed by a senior Civil Judge operating within the jurisdiction of the Committee who is its ex-officio Chairman.

Functions:-

1. To coordinate the activities of legal services in the taluk.
2. To organise Lok Adalats with taluk

Q8. What is the criteria for giving legal services under this act ?

Ans. Persons who are entitled legal services under this act are :-

1. To a member of Scheduled Tribe or Scheduled Cast
2. To a victim of trafficking in human beings or beggars
3. To women and children
4. To a person with disability
5. To a person being victim of mass disaster, ethnic violence, caste atrocity, flood, drought , earthquake or industrial disaster.
6. To a person in custody , including custody in protective homes like juvenile home etc.
7. To a person whose annual income is less than 9 thousand rupees as prescribed by State Government and 12 thousand rupees as prescribed by Central Government.

Q9. What is Lok Adalat ?

Ans. Lok Adalat is one of the Alternative dispute resolution mechanisms in India, it is a forum where cases pending or at pre litigation stage in a court of law are settled. They have been given statutory status under the Legal Services Authorities Act, 1987. Under this Act, the award (decision) made by the Lok Adalat is deemed to be a decree of a civil court and is final and binding on all parties and no appeal against such an award lies before any court of law. If the parties are not satisfied with the award of the Lok Adalat (though there is no provision for an appeal against such an award), they are free to initiate litigation by approaching the court of appropriate jurisdiction.

Q10. What is the composition of Lok Adalat ?

Ans. Central, State, District and Taluk Legal Services Authority has been created who are responsible for organizing Lok Adalats at such intervals and place.

Lok Adalat consists of :-

1. A serving or judicial officers
2. Or other persons as prescribed by Central Authority or State Authority or District Authority

The nature of cases brought in Lok Adalat are :-

1. Any pending case
2. Any matter which is falling within the jurisdiction of , and is not brought before any court in which Lok Adalat is being organised

Q11. What are the reference of cases by Lok Adalat?

1. By consent of both the parties to the disputes
2. One of the parties makes an application for reference.
3. Where the Court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat.
4. Compromise settlement shall be guided by the principles of justice, equity, fair play and other legal principles
5. Where no compromise has been arrived at through conciliation, the matter shall be returned to the concerned court for disposal in accordance with Law.

Q12. Explain the concept of award in Lok Adalat ?

Ans. After the agreement is arrived by the consent of the parties, award is passed by the conciliators. The matter need not be referred to the concerned Court for consent decree. The Act provisions envisages as under:

1. Every award of Lok Adalat shall be deemed as decree of Civil Court
2. Every award made by the Lok Adalat shall be final and binding on all the parties to the dispute.
3. No appeal shall lie from the award of the Lok Adalat.

Q13. What are the powers of Lok Adalat ?

Ans .

1. To summon and enforce the attendance of any witness and examining him on oath
2. To discover and produce any document
3. The reception of evidence on affidavits
4. The requisitioning of any public record or document or copy of such record or document from any court or office.
5. Lok adalat shall have requisite power to specify its own procedure for the determination of any dispute coming before it .

Q14. What are the advantages and disadvantages of Lok Adalat ?

Ans. Advantages :-

1. Lok Adalat are meant for conciliated settlement of disputes outside court which is what most of our people like if the matter allows for this kind of settlement. There is a fear among a large number of people about taking disputes to court, not just about delay in getting justice but also for financial reasons. In fact, one of the reasons for the formation of Lok Adalat or people's court is to provide fair and uncomplicated justice to the financially deprived section of our society. Though government provides legal aids to poor, there is a fear of monetary loss during the time period which is why most people prefer Lok Adalat.
2. . Family disputes like property acquisition and matrimonial issues are far better and faster solved by these Lok Adalats in comparison to courts. Though there are family courts for these matters, people would always prefer settlement outside court and in a fair and just manner which is delivered well by Lok Adalat. It saves time and expenses and also is easier for parties to make their claims which is not the case when the matter is in court and witnesses are afraid of getting involved into legal matters.
3. The number of cases that require jurisdiction is increasing at an alarming rate and let's face it – we have far inadequate number of courts and judges in our country than we require which leads to unnecessary delay even in smaller cases. If more and more people could

understand the significance of Lok Adalat and resort to them for easy litigations, there would be lesser pending cases in the files gathering dust since years in courts.

4. Lok Adalat can be a decent supplement to the work of courts and could contribute to justice in a good way only if awareness is increased and people are encouraged to opt for them. For illiterates and poor there are even more advantages of taking matters to Lok Adalat. Proceedings are conducted faster and in simple arrangements and even in local languages.
5. There is no absolute need of advocates by the victim and the convict, who can either prefer to have their cases pleaded by the lawyer or simply talk to the judge about the matter directly. This is not a possibility in courts where a third person pleads the case and the people involved only get a say when their turn comes.
6. Even if the case is filed in court, the expenses are refunded to the party when the case is solved by Lok Adalat which is another reason why people should be made more aware of this litigation system where there is no fee involved.

Disadvantages:-

1. . Faster justice comes with a price of settlement made at the cost of lesser compensation and the petitioner had no time to claim higher amount which he justly should have got as seen in many cases after which apex court ordered Lok Adalat to be careful about not impairing the right of any party involved in the issue. Faster and easier justice must not come with the price of injustice which is what falls as a disadvantage of Lok Adalat.
2. Not all cases are suitable for Lok adalat jurisdiction. Lok Adalat is all about settlement and compromise which is not what every case requires. Most cases in India require punishment and correctional methods which is not under the dealing of Lok adalat. These cases would usually fail here and would then be recommended to courts.

Q16. What are Permanent Lok Adalats ?

Ans. The basic features of a permanent Lok Adalat are identical to a Lok Adalat. There are, however, certain modifications made. The key difference is that a typical Lok Adalat can only be summoned occasionally and not on a daily basis, a permanent Lok Adalat is an established system which is operational throughout just like any other court or tribunal.

The Legal services Authorities Act, 1987, which had established Lok Adalats, did not, at first, establish permanent Lok Adalat. It was the Amendment Act of 2002 that enabled the establishment of the first permanent Lok Adalat.

Q17. What are the difference between Lok Adalat and Permanent Lok Adalats ?

Ans Lok Adalat are usually conducted on special occasions to dispose of cases .Now on every second Saturday Lok Adalat are conducted on different type of cases. But only few judicial officers try to settle the score between litigants. Mostly the cases which are already settled in routine forward to lok Adalat for final pronouncement. Don t hesitate to write it is wastage of time and money and to befool the system. Only regular presiding officers along with two members one from Advocate and one from society preside the lol Adalat.

On other hand Permanent Lok Adalat are enacted under State legal services . One retired session judge along with two members who are retired from different departments. Only few civil type matters can be referred to Permanant Lok Adalat. Like consumers forms process is simple and without court fees. Courts are opened 10 to 5 on each n every working days . But shortage of staff and ignorance of people Permanent Lok Adalat are not much popular.

Q18. State any case law related to significance of Lok Adalat ?

Ans. *Abdul Hasan and National Legal Services Authority Vs. Delhi Vidyut Board and others*

The petitioner filed a writ petition before Delhi High Court for restoration of electricity at his premises, which was disconnected by the Delhi Vidyut Board (DVB) on account of non-payment of Bill. Inter alia, the grievances of the citizens were not only confined to the DVB but also directed against the State agencies like DDA, Municipal Corporation, MTNL, GIC and other bodies, Court notices were directed to be issued to NALSA and Delhi State Legal Service Authority. His lordship Hon'ble Mr. Justice Anil Dev Singh passed the order giving directions for setting up of permanent Lok Adalat.

The scholarly observations of His Lordship Mr. Justice Anil Dev Singh deserve special commendations and are worthy of note. It will be profitable to reproduce the important text and abstract from this judgment, which should be an eye opener for all of us. It should also steer the conscience of all, as there is an increasing need to make Lok Adalat movement a permanent feature

Q19. What is free legal aid ?

Ans. Legal Aid implies giving free legal service to poor and needy people who cannot afford the services of lawyers to conduct a case or a legal proceeding before any court, tribunal or any other authority .