

THE LEGAL SERVICES AUTHORITIES ACT, 1987

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

THE LEGAL SERVICES AUTHORITIES ACT, 1987

No. 39 OF 1987

[11th October, 1987.]

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

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Legal Services Authorities Act, 1987.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification, appoint; and different dates may be appointed for different provisions of this Act and for different States, and any reference to commencement in any provision of this Act in relation to any State shall be construed as a reference to the commencement of that provision in that State.

2. (1) In this Act, unless the context otherwise requires,—

(a) "Central Authority" means the National Legal Services Authority constituted under section 3;

(b) "District Authority" means a District Legal Services Authority constituted under section 9;

(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;

(d) "Lok Adalat" means a Lok Adalat organised under Chapter VI;

(e) "notification" means a notification published in the Official Gazette.

Short title, extent and commencement.

Definitions.

(f) "prescribed" means prescribed by rules made under this Act;

(g) "scheme" means any scheme framed by the Central Authority, a State Authority or a District Authority for the purpose of giving effect to any of the provisions of this Act;

(h) "State Authority" means a State Legal Services Authority constituted under section 6;

(i) "State Government" includes the administrator of a Union territory appointed by the President under article 239 of the Constitution.

(2) Any reference in this Act to any other enactment or any provision thereof shall, in relation to an area in which such enactment or provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

CHAPTER II

THE NATIONAL LEGAL SERVICES AUTHORITY

Constitution of the National Legal Services Authority.

3. (1) The Central Government shall constitute a body called the National Legal Services Authority to exercise the powers and perform the functions conferred on a Central Authority under this Act.

(2) The Central Authority shall consist of—

(a) the Chief Justice of India who shall be the Patron-in-Chief;

(b) a serving or retired Judge of the Supreme Court, nominated by the President, in consultation with the Chief Justice of India, who shall be the Executive Chairman; and

(c) such other members, possessing such experience and qualifications as may be prescribed and nominated by the Central Government.

(3) The Central Government shall appoint an officer of the Department of Legal Affairs of the Ministry of Law and Justice of the Government of India, not lower in rank than that of a Special Secretary to that Government as the Member-Secretary of the Central Authority.

(4) The terms and conditions of service of the members of the Central Authority shall be such as may be prescribed by the Central Government.

(5) The Central Government shall provide the Central Authority with such other officers and employees as it considers necessary for carrying out the functions of that Authority under this Act.

(6) The administrative expenses of the Central Authority, including the salaries, allowances and pensions payable to the officers and staff of the Central Authority shall be defrayed out of the Consolidated Fund of India.

(7) All orders and decisions of the Central Authority shall be authenticated by the Member-Secretary or any other officer of the Central Authority duly authorised by him in this behalf.

(8) No act or proceeding of the Central Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Central Authority.

4. The Central Authority shall, subject to the general directions of the Central Government, perform all or any of the following functions, namely:—

Func-
tions of
the
Central
Authority.

(a) lay down policies and principles for making legal services available under the provisions of this Act;

(b) frame the most effective and economical schemes for the purpose of making legal services available under the provisions of this Act;

(c) utilise the funds at its disposal and make appropriate allocations of funds to the State Authorities and District Authorities;

(d) 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 training to social workers in legal skills;

(e) organise legal aid camps, especially in rural areas, slums or labour colonies with the dual purpose of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through Lok Adalats;

(f) encourage the settlement of disputes by way of negotiations, arbitration and conciliation;

(g) undertake and promote research in the field of legal services with special reference to the need for such services among the poor;

(h) to do all things necessary for the purpose of ensuring commitment to the fundamental duties of citizens under Part IVA of the Constitution;

(i) monitor and evaluate implementation of the legal aid programmes at periodic intervals and provide for independent evaluation of programmes and schemes implemented in whole or in part by funds provided under this Act;

(j) recommend to the Central Government grants-in-aid for specific schemes to various voluntary social welfare institutions and the State and District Authorities, from out of the amounts placed at its disposal for the implementation of the legal services schemes under the provisions of this Act;

(k) develop, in consultation with the Bar Council of India, programmes for clinical legal education and promote guidance and supervise the establishment and working of legal services clinics in universities, law colleges and other institutions;

(l) take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures;

(m) make special efforts to enlist the support of voluntary social welfare institutions working at the grass-root level, particularly among the Scheduled Castes and the Scheduled Tribes, women and rural and urban labour; and

(n) coordinate and monitor the functioning of State and District Authorities and other voluntary social welfare institutions and other legal services organisations and give general directions for the proper implementation of the legal services programmes.

5. In the discharge of its functions under this Act, the Central Authority shall, wherever appropriate, act in coordination with other governmental and non-governmental agencies, universities and others engaged in the work of promoting the cause of legal services to the poor.

Central Authority to work in coordination with other agencies.

CHAPTER III

STATE LEGAL SERVICES AUTHORITY

6. (1) Every State Government shall constitute a Legal Services Authority for the State to exercise the powers and perform the functions conferred on a State Authority under this Act.

Constitution of State Legal Services Authority.

(2) A State Authority shall consist of—

(a) the Chief Justice of the High Court or any other serving or retired Judge of the High Court nominated by the Governor in consultation with the Chief Justice, who shall be the Chairman of the State Authority; and

(b) such other members possessing such experience and qualifications as may be prescribed and nominated by the State Government.

(3) The State Government shall appoint the Law Secretary or the Judicial Secretary of the State as the Member-Secretary of the State Authority.

(4) The terms and conditions of service of the members of the State Authority shall be such as may be prescribed by the State Government.

(5) The State Government shall provide to the State Authority with such officers and employees as it considers necessary for carrying out the functions of that Authority under this Act.

(6) The administrative expenses of the State Authority, including the salaries, allowances and pensions payable to the Member-Secretary and other officers and staff shall be defrayed out of the Consolidated Fund of the State.

(7) All orders and decisions of the State Authority shall be authenticated by the Member-Secretary or any other officer of the State Authority, duly authorised by him in this behalf.

(8) No act or proceeding of a State Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the State Authority.

7. (1) It shall be the duty of the State Authority to give effect to the policy and directions of the Central Authority.

Func-
tions of
the
State
Authority.

(2) Without prejudice to the generality of the functions referred to in sub-section (1), the State Authority shall perform all or any of the following functions, namely:—

(a) give legal service to persons who satisfy the criteria laid down under this Act;

(b) conduct Lok Adalats;

(c) undertake preventive and strategic legal aid programmes; and

(d) perform such other functions as the State Authority may, in consultation with the Central Government, fix by regulations.

8. In the discharge of its functions under this Act, the State Authority shall, wherever appropriate, act in coordination with other governmental agencies, non-governmental voluntary social welfare institutions, universities and others engaged in the work of promoting the cause of legal services to the poor and shall be guided by such directions as the Central Government, the State Government or the Central Authority may give to it in writing.

State
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with
other
agencies
and be
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to direc-
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given by
the
Central
Govern-
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etc.

9. (1) Every State Government shall constitute a Legal Services Authority for every District in the State to exercise the powers and perform the functions conferred on the District Authority under this Act.

Consti-
tution of
District
Authori-
ties.

(2) A District Authority shall consist of—

(a) the District Judge, who shall be its Chairman; and

(b) such other members possessing such qualifications and experience as may be prescribed and nominated by that Government.

(3) The State Government shall also appoint one of the members of the District Authority as the Secretary of that Authority.

(4) The terms and conditions of service of the members of the District Authority shall be such as may be prescribed by the State Government.

(5) The State Government shall provide every District Authority with such staff as it considers necessary for carrying out the functions assigned to the District Authorities under this Act.

(6) The administrative expenses of every District Authority, including the salaries, allowances and pensions payable to the Secretary of every District Authority and the other staff shall be defrayed out of the Consolidated Fund of the State.

(7) All orders and decisions of a District Authority shall be authenticated by the Secretary or any other officer of the Authority duly authorised by him in this behalf.

(8) No act or proceeding of a District Authority shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the District Authority.

Func-
tions of
District
Authority.

10. (1) It shall be the duty of every District Authority to perform such of the functions of the State Authority in the District as may be delegated to it from time to time by the State Authority.

(2) Without prejudice to the generality of the functions referred to in sub-section (1), the District Authority may perform all or any of the following functions, namely:—

(a) coordinate the activities of legal services in the District;

(b) organise Lok Adalats within the District; and

(c) perform such other functions as the State Authority may, in consultation with the State Government, fix by regulations.

District
Autho-
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act in
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agencies
and be
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to direc-
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by the
Central
Autho-
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11. In the discharge of its functions under this Act, the District Authority shall, wherever appropriate, act in coordination with other governmental and non-governmental institutions, universities and others engaged in the work of promoting the cause of legal services to the poor and shall also be guided by such directions as the Central Authority or the State Authority may give to it in writing.

CHAPTER IV

ENTITLEMENT TO LEGAL SERVICES

Criteria
for
giving
legal
services.

12. Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is—

(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

104 of 1956.
53 of 1986.

14 of 1987.

(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, or in a juvenile home within the meaning of clause (j) of section 2 of the Juvenile Justice Act, 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; or

(h) in receipt of annual income less than nine thousand rupees if the case is before a court other than the Supreme Court, and less than twelve thousand rupees or such other amount as may be prescribed by the Central Government if the case is before the Supreme Court.

13. (1) Persons who satisfy all or any of the criteria specified in section 12 shall be entitled to receive legal services provided that the concerned Authority is satisfied that such person has a *prima facie* case to prosecute or to defend.

Entitlement
to legal
services.

(2) An affidavit made by a person as to his income may be regarded as sufficient for making him eligible to the entitlement of legal services under this Act unless the concerned Authority has reason to disbelieve such affidavit.

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

14. The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Central Authority, by way of grants, such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

Grants by
the Central
Government.

15. (1) The Central Authority shall establish a fund to be called the National Legal Aid Fund and there shall be credited thereto,—

National
Legal
Aid Fund.

(a) all sums of money given as grants by the Central Government under section 14;

(b) any grants or donations that may be made to the Central Authority by any other person for the purposes of this Act;

(c) any amount received by the Central Authority under the orders of any court or from any other source.

(2) The National Legal Aid Fund shall be applied for meeting,—

(a) the cost of legal services provided under this Act including grants made to State Authorities;

(b) any other expenses which are required to be met by the Central Authority.

16. (1) A State Authority shall establish a fund to be called the State Legal Aid Fund and there shall be credited thereto—

State Legal
Aid Fund.

(a) all sums of money paid to it or any grants made by the Central Authority for the purposes of this Act;

(b) any grants or donations that may be made to the State Authority by the State Government or by any person for the purposes of this Act;

(c) any other amount received by the State Authority under the orders of any court or from any other source.

(2) A State Legal Aid Fund shall be applied for meeting—

(a) the cost of functions referred to in section 7;

(b) any other expenses which are required to be met by the State Authority.

District
Legal Aid
Fund.

17. (1) Every District Authority shall establish a fund to be called the District Legal Aid Fund and there shall be credited thereto—

(a) all sums of money paid or any grants made by the State Authority to the District Authority for the purposes of this Act;

(b) any grants or donations that may be made to the District Authority by any person for the purposes of this Act;

(c) any other amount received by the District Authority under the orders of any court or from any other source.

(2) A District Legal Aid Fund shall be applied for meeting—

(a) the cost of functions referred to in section 10;

(b) any other expenses which are required to be met by the District Authority.

Accounts
and audit.

18. (1) The Central Authority, State Authority or the District Authority (hereinafter referred to in this section as 'the Authority'), as the case may be, shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the income and expenditure account and the balance-sheet in such form and in such manner as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Authorities shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority concerned to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the auditing of the accounts of an Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the auditing of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authorities under this Act.

(4) The accounts of the Authorities, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually by the Authorities to the Central Government or the State Governments, as the case may be.

CHAPTER VI

LOK ADALATS

19. (1) The State or District Authorities may organise Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas, as they think fit.

Cognizance
of Lok
adalats.

(2) Every Lok Adalat organised for an area shall consist of such judicial officers of the area as may be specified by the State or District Authorities organising the Lok Adalat and such other members possessing such qualifications and experience as may be prescribed by the State Government.

(3) A Lok Adalat shall have jurisdiction to determine and arrive at a compromise or settlement between the parties to a dispute in respect of any matter falling within the jurisdiction of any civil, criminal or revenue court or any tribunal constituted under any law for the time being in force in the area for which the Lok Adalat is organised.

20. (1) Where, in any suit or other proceeding which is capable of being taken cognizance of by a Lok Adalat under the provisions of this Act and pending before any court or tribunal, if the parties thereof make a joint application to the court or tribunal indicating their intention to compromise the matter or to arrive at a settlement, the presiding officer of the court or tribunal, as the case may be, may, instead of proceeding to effect a compromise between the parties or to arrive at a settlement himself, and notwithstanding anything contained in any other law for the time being in force, pass an order that the suit or proceeding shall stand transferred to the Lok Adalat for arriving at a compromise or settlement.

Cognizance
of cases
by Lok
Adalats.

(2) Notwithstanding anything contained in any other law for the time being in force, the District Authority may, on receipt of an application from any person that any dispute or matter pending for a compromise or settlement needs to be determined by a Lok Adalat, refer such dispute or matter to the Lok Adalat for determination.

(3) Where any suit or proceeding is transferred to a Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section (2), the Lok Adalat shall proceed to dispose of the suit, proceeding, dispute or matter and arrive at a compromise or settlement between the parties.

(4) Every Lok Adalat shall, while determining any proceeding before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by legal principles and the principles of justice, equity and fair play.

(5) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, it shall be open to the parties to a suit or proceeding transferred from a court or tribunal under sub-section (1) to continue such suit or proceeding before such court or tribunal, or if it is a dispute or matter referred to a Lok Adalat under sub-section (1), any of the persons may institute a proceeding in an appropriate court.

(6) Where, under sub-section (5), the parties to a suit or proceeding intend to continue the proceeding in such suit or proceeding before the court or tribunal from which it was transferred, such court or tribunal shall proceed to deal with such suit or proceeding from the stage at which it was before the suit or proceeding was transferred to the Lok Adalat.

Award
of Lok
Adalat.

21. (1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or order of any other court or tribunal and where a compromise or settlement has been arrived at, by a Lok Adalat in a suit or proceeding transferred to it under sub-section (1) of section 20, the court-fee paid in such suit or proceeding shall be refunded in the manner provided under the Court-fees Act, 1870.

7 of 1870.

(2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.

Powers of
Lok Adalats.

22. (1) The Lok Adalat shall, for the purposes of holding any determination under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:—

5 of 1908.

(a) the summoning and enforcing the attendance of any witness and examining him on oath;

(b) the discovery and production of any document;

(c) the reception of evidence on affidavits;

(d) the requisitioning of any public record or document or copy of such record or document from any court or office; and

(e) such other matters as may be prescribed.

(2) Without prejudice to the generality of the powers contained in sub-section (1), every Lok Adalat shall have the requisite powers to specify its own procedure for the determination of any dispute coming before it.

(3) All proceedings before a Lok Adalat shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code and every Lok Adalat shall be deemed to be a civil court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

45 of 1860.

2 of 1974.

CHAPTER VII

MISCELLANEOUS

Members
and staff
of Authori-
ties
and Lok
Adalats to
be public
servants.

23. The members of the Central Authority, the State Authorities and the District Authorities, and officers and other employees provided to such Authorities and the members of the Lok Adalats shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Protection
of action
taken in
good faith.

24. No suit, prosecution or other legal proceeding shall lie against the Central Government or State Government or against the Chairman or any other member of any Central, State or District Authority or any other person authorised by such Chairman or other member, for any

thing which is in good faith done or intended to be done under the provisions of this Act or any rule, regulation or order made thereunder.

25. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time thing inconsistent therewith contained in any other law for the time other than this Act.

Act to have overriding effect.

26. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act receives the assent of the President.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

27. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

Power of the Central Government to make rules.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all matters in respect of which rules are required to be made by the Central Government under this Act.

28. A State Government may, by notification, make rules to provide for any matter, not being a matter specified in section 27, in respect of which rules are required to be made by the State Government under this Act.

Power of the State Government to make rules.

29. The Central Authority and every State Authority may, by notification, make regulations not inconsistent with the provisions of this Act and the rules made thereunder, to provide for all matters in respect of which regulations are required to be made by the Central or State Authorities under this Act.

Power to make regulations.

30. (1) Every rule made under this Act by the Central Government and every regulation made by the Central Authority thereunder shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Laying of rules and regulations.

(2) Every rule made under this Act by a State Government and every regulation made by a State Authority thereunder shall be laid, as soon as may be after it is made, before the State Legislature.