

F.No. L/45/2018/NALSA
National Legal Services Authority

12/11, Jamnagar House,
Shahjahan Road, New Delhi
Cont. no. 011-23382778, e-mail: nalsa-dla@nic.in
Dated : 19th February, 2019

Tender Document

Subject: Request for proposal for evaluation of legal aid provided in civil and criminal matters in courts, tribunals, quasi-judicial bodies and jails.

Online bids in two bid system are invited for and on behalf of NALSA from experienced and reputed agencies for **evaluation of legal aid provided in civil and criminal matters in courts, tribunals, quasi-judicial bodies and jails**. Manual bids shall not be accepted.

Tender document may be downloaded from department website www.nalsa.gov.in and Central Public Procurement Portal (CPPP) site <https://eprocure.gov.in/eprocure/app> as per the schedule as given in CRITICAL DATE SHEET as under:

CRITICAL DATE SHEET

Published Date	19 th February, 2019 (17:30 hrs)
Bid Document Download Start Date	19 th February, 2019 (18:00 hrs)
Bid Submission Start Date	19 th February, 2019 (18:00 hrs)
Pre Bid Conference	11 th March, 2019 (11:30 hrs)
Bid Submission End Date	25 th March, 2019 (17:00 hrs)
Bid Opening Date	29 th March, 2019 (11:30 hrs)

SEARCHING FOR TENDER DOCUMENTS

1. There are various search options in-built on the CPP Portal, to facilitate bidders to search active tenders by parameters. These parameters include Tender ID, organization name, location, date etc. There is also an option of advanced search for tenders, wherein the bidders may combine a number of search parameters such as organization name, form of contract, location, date, other keywords etc. to search for a tender published on the CPP Portal.
2. Once the bidders have selected the tender they are interested in, they may download the required documents/ tender schedules. These tenders can be moved to the respective 'My Tenders' folder. This would enable the CPP Portal to intimate the bidders through SMS, e-mail in case there is any corrigendum issued to the tender document.
3. The bidder should make a note of the unique Tender ID assigned to each tender, in case they want to obtain any clarification and help from the Helpdesk.

PREPARATION OF BIDS

1. Bidder should take into account any corrigendum published on the tender document before submitting their bids.
2. The bidder should go through the tender advertisement and the tender document carefully to understand the documents required to be submitted as part of the bid. Please note the number of covers in which the bid documents have to be submitted, the number of documents - including the names and content of each of the document that need to be submitted. Any deviations may lead to rejection of the bid.
3. The Bidder should prepare the bid documents to be submitted in advance as indicated in the tender document / schedule; generally, the document format can be in PDF / XLS / RAR / DWF formats. Bid documents may be scanned with 100 dpi with black-and-white option.

4. To reduce the time and effort required in uploading the same set of standard documents which are required to be submitted as a part of every bid, a provision of uploading such standard documents (e.g. PAN card copy, annual reports, auditor certificates etc.) has been provided to the bidders. Bidders can use "My Space" area available to them to upload such documents. These documents may be directly submitted from the "My Space" area while submitting a bid, and need not be uploaded subsequently

SUBMISSION OF BIDS

1. Bidder should log into the site well in advance for bid submission to enable him upload the bid in time i.e. on or before the bid submission time. Bidder will be responsible for any delay due to other issues.

2. The bidder has to digitally sign the required bid documents and upload them one by one as indicated in the tender document.

3. Bidder must select the payment option as "offline" to pay the tender fee of Rs. 1000/- in the form of Demand Draft in favour of "PAO, Department of Legal Affairs" payable at New Delhi and the EMD of Rs. 57,750/- (5% of the estimated tender value) should be submitted physically. The successful bidder would be required to submit the Performance Security @ 5% on the contract value.

4. Bidder should prepare the EMD as per the instructions specified in the tender document. The original should be posted/couriered/submitted in person to the Tender Processing Section, latest by the last date of bid submission. The details of the DD/any other accepted instrument, physically sent, should tally with the details available in the scanned copy and the data entered during bid submission time, else the uploaded bid may be rejected.

5. The serve time (which is displayed on the bidders' dashboard) will be considered as the standard time for referencing the deadlines for submission of the bids by the

bidders, opening of bids etc. The bidders should follow this time during bid submission.

6. All the documents being submitted by the bidders would be encrypted using PKI encryption techniques to ensure the secrecy of the data. The data entered cannot be viewed by unauthorized persons until the time of bid opening. The confidentiality of the bids is maintained using the secured Socket Layer 128 bit encryption technology. Data storage encryption of sensitive fields is done.

7. The uploaded tender documents become readable only after the tender opening by the authorized bid openers.

8. Upon the successful and timely submission of bids, the portal will give a successful bid submission message & a bid summary will be displayed with the bid no. and the date & time of submission of the bid with all other relevant details.

9. The bid summary has to be printed and kept as an acknowledgement of the submission of the bid. This acknowledgement may be used as an entry pass for any bid opening meetings.

ASSISTANCE TO BIDDERS

- Any queries relating to the tender document & the terms and conditions contained therein should be addressed to the Tender Inviting Authority for a tender or the relevant contact person indicated in the tender
- Any queries relating to the process of online bid submission or queries relating to CPP Portal in general may be directed to the 24x7 CPP Portal Helpdesk. The contact number for the helpdesk is 1800 233 7315.

1. Invitation for tender

1.1 NALSA, hereby invites proposals for conducting **evaluation of legal aid provided in civil and criminal matters in courts, tribunals, quasi-judicial bodies and jails.**

1.2 The purpose of this RFP is to provide interested "bidders" with the necessary information to enable them to prepare and submit their responses for the services to be rendered to NALSA in conformity with the terms and conditions listed in this document (**Annexure-A**).

1.3 Please note that all the information requested to be submitted in specific formats have to be provided only in the form and formats given in the RFP.

1.4 Responses should contain all the necessary information and incomplete information may lead to rejection of bids.

1.5 Bidders must keep watching our website/CPPP during the intervening period before and after submitting response to RFP as subsequent changes/clarifications, if any, related to RFP will only be posted on the web site/ CPPP.

1.6 Bidders must plan for presentation well in advance. NALSA will provide not more than 1 week to bidders for the presentation.

1.7 If you request for additional information, the same shall be provided expeditiously, but any delay in providing such information will not be considered a reason for extending the submission date of your proposal. For any queries you may write to nalsa-dla@nic.in

1.8 The proposal shall be valid for a period of Ninety (90) days only from the due date for receiving the proposal.

2. BACKGROUND AND CONTEXT OF EVALUATION

Towards fulfilling the Preambular promise of securing to all the citizens, Justice – social, economic and political, Article 39 A of the Constitution of India provides for free legal aid to the poor and weaker sections of the society, to promote justice on the basis of equal opportunity. To achieve the said vision of Access to Justice, the Legal Services Authorities Act, 1987 was enacted by the Parliament of India. It came into force on 9th November, 1995.

The Legal Services Authorities Act, 1987 creates a framework of Legal Services Authorities across the country. There is a Central Authority by the name of National Legal Services Authority (NALSA) at the National level, State Legal Services Authorities (SLSA) at the State level, District Legal Services Authorities (DLSA) at the District level and Taluka Legal Services Committees (TLSC) at the Taluka/Sub-divisional level. NALSA's Vision and Mission are as follows:

Vision

The vision of NALSA is to promote an inclusive legal system in order to ensure fair and meaningful justice to the marginalized and disadvantaged sector.

Mission

To legally empower the marginalized and excluded groups of the society by providing effective legal representation, legal literacy and awareness and bridging the gap between the legally available benefits and the entitled beneficiaries.

To strengthen the system of Lok Adalats and other Alternative Dispute Resolution mechanisms in order to provide for informal, quick, inexpensive and effective resolution of dispute and minimize the load of adjudication on the overburdened judiciary.

As per the Scheme of the Act, NALSA is a Central Authority – an umbrella body to lay down policies under the Act which are to be implemented by other Legal Services Institutions throughout the country. The State Legal Services Authorities and District Legal Services Authorities are also statutory bodies having their own

composition as laid down in the Act. The broad statutory functions of Legal Services Authorities are as under:

- Providing free legal aid and advice.
- Legal awareness and empowerment.
- Promoting and implementing ADR Mechanism.
- Devising and implementing Preventive and Strategic programmes.
- Intervention through social justice litigation.
- Implementing State funded victim compensation schemes for victims of crime.

Legal Services Authorities are manned by Judges at their respective levels and have empanelled lawyers and para legal volunteers as their workforce. There are about 63757 Panel Lawyers and around 69290 Para Legal Volunteers. Legal Services Authorities at State, District and Taluka level have Para Legal Volunteers. Providing of legal aid to the entitled categories is one of the core functions of legal services authorities. Legal aid is being provided to prisons/accused in criminal cases who are unrepresented and require legal aid. It is also been provided in civil cases . Apart from this, in Tribunals and other quasi-judicial bodies also free legal aid is provided to eligible persons who need it.

In Criminal cases, legal aid is provided even at the remand stage during the course of investigation. Around 9600 Panel Advocates are engaged across the country for providing legal services to unrepresented arrestees at remand stage.

Legal aid applications seeking legal aid in the matters before the Courts are received through various modes such as NALSA Portal, e-mails, through post, in person. To ensure that the legal aid applications are promptly dealt with, the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 has been amended. Similarly, Amendment in the said Regulation has also been affected with regard to the monitoring mechanism. Now, after the amendment, Monitoring Committees are Monitoring and Mentoring

Committees. The said amendments have been made with an objective to ensure quality legal aid. **The said Regulation is annexed as Annexure-B.**

3. Objectives of Evaluation:

The main purpose of the evaluation exercise is to examine the existing framework with regard to legal aid being provided in courts, tribunals and quasi-judicial bodies. The evaluation is expected to evaluate the existing practices with regard to marking of legal aid lawyer and management of legal aided cases by Legal Services Authorities. It is expected that the entire exercise of evaluation will culminate in making recommendations for restructuring the existing framework by adopting best practices to ensure quality legal aid. Evaluation exercise has the following four objectives:-

- To evaluate the existing framework with regard to the assignment of legal aided cases to panel lawyers.
- To evaluate the responsiveness of panel lawyers and legal services authorities to legal aid beneficiaries.
- To enquire into the existing standards and practices for monitoring and quality assurance which are at present being followed by Legal Services Authorities in monitoring legal services being provided in court based matters.
- To evaluate existing databases of legal aid beneficiaries in generating knowledge to inform the conceptualisation and design of database for effective management of legal aided cases.

It is expected that the evaluation and impact assessment exercise will generate a knowledge product that can contribute towards improved design with regard to the

better management and monitoring of legal aided cases for quality delivery of legal services.

4. Scope of the Required Work:

The scope of the evaluation is closely related to the objectives mentioned above. The evaluation shall be conducted in about six districts selected out of 36 State Legal Services Authorities and also in about 4 High Court Legal Services Committees to be selected out of 36 High Court Legal Services Committees. The evaluation shall particularly assess the following:

- Approach in assigning legal aid cases to panel lawyers.
- Practices being following in informing legal aid beneficiary about assignment and status of legal aided case from time to time.
- Effectiveness of existing monitoring mechanisms.
- Reporting Mechanisms in place for ensuring updation of database relating to legal aided cases.
- Management of legal aided cases files.
- Practices in existence for consultation/communication between panel lawyer and legal aid beneficiary with regard to legal aided case.
- Mechanisms in place to ensure prompt and effective access to legal aid.

5. Approach and Methodology:

The Legal Services Authorities Act, 1987 along with various Rules and Regulations are available on the websites of NALSA and almost all the State Legal Services Authorities. This may be used as a guide during the course of evaluation. The evaluation approach will combine methods such as interviews, field visits, documentation review, group discussion etc. to assess all the aspects of framework relating to legal aided cases such as management and monitoring. A comprehensive consultative process with legal services institutions at various levels, officials and legal aid beneficiaries would be required. The Legal Services Authorities at various

levels will cooperate in providing the documents relating to the various legal aided cases. It is expected that evaluator will conduct interviews with all the relevant stake holders including the beneficiaries.

6. Deliverables:

The Evaluators are expected to deliver the following:

- Report: The report should objectively evaluate the existing practices with regard to the management and monitoring of legal aided cases. It is expected that specific findings with evidence shall be given.
- Recommendations are expected to suggest course corrections, additions or any other improvements to the existing operational framework with regard to legal aided cases.
- Recommendations on best practices followed by various legal services authorities to further strengthen the rendering of legal services in court based matters.
- Quality aspect is expected to be delved into intensively, and the suggestive framework for better design touching upon this aspect is expected in report.

7. Format of Technical Proposal

7.1 The duly signed technical proposal is to be submitted in the following format only:

1. Project Title
2. Name of the Organization
3. Head of the organization
4. Contact Details including email
5. Introduction of the organization, indicating past experience in the subject area (in not more than 1 page)

6. Information pertaining to the registration of the organization; attach a copy of the organization's Registration Certificate
7. Justification for applying for this project
8. Description of team (team leader, team members) with brief backgrounds of team members in the following format (also attached detailed CV of each team member)

Name	Designation	Qualifications	Experience (No. of Years)	Description of the tasks to be performed

9. The proposed methodology of the evaluation. The methodology must include the following elements:

- Criteria for identification of Sample.
- Collection of Data
- Primary data
- Secondary data
- Analysis of data through the questionnaire

10. Achieving desired objectives as mentioned at Section 3 as above.

11. A table of deliverables/results against the proposed activities, outputs and objectives for the survey

12. The time schedule with milestones / performance targets/ Work Plan. **In any case, the Project is to be completed within three months.**

13. Justification to fulfilment of technical selection criteria.

14. Provide information on whether the project will be sub-contracted

15. Provide the names and contact details (including the name of the person-in-charge) and telephone numbers of 2 funding agencies that have supported the work of the organization in the last 3 years

16. Provide the following information:

- Has the agency submitting the proposal or any of its collaborating partners been penalized by any organization for poor quality of work or breach of contract in the last five years? (Yes/No)
- Has the agency submitting the proposal or any of its collaborating partners ever failed to complete any work awarded to it by any public entity/ Government Organization in last five years? (Yes/No)
- Has the agency submitting proposal or any of its collaborating partners been blacklisted by any Government Department/Public Sector Undertaking in the last five years? (Yes/No)

19. Statement expressing that the applying agency and its collaborating partners, if any, unconditionally accept all the terms of this RFP.

8. Eligibility Criteria:

S.No.	Criterion	Supporting documents to be submitted as Proof
1	Agency (consulting, research institution, policy research institution, academic institution, registered societies, market research agency etc.) should have been operating in India for a period of at least 5 years out of which 2 years must be in evaluation/assessment of access to justice on the date of the proposal submission with registered/fully operational office in Delhi /NCR	
2	Agency should have annual turnover of at least Rs. 5.00 Crores or more in each of the last four financial years (2017-18, 2016-17,2015-16,2014-15). This will not be applicable to the govt. research institutions/academic institutions,	Copy of the audited profit and loss account/balance sheet for the last three Financial Years

	universities, etc. and non-profit organisations.	
3	Agency should have completed at least 5 empirical assessment studies in the last 5 years. Work orders of such studies of more than 3 lacs with regard to it be also submitted along with the tender documents.	

9. Pre-Bid meeting

- To clarify issues and to answer questions on any matter that may be raised at that stage, the pre-bid meeting shall be held at Conference Hall, National Legal Services Authority, 12/11, Jam Nagar House, New Delhi as per critical date sheet.
- Designated representative from the bidding agency may attend the pre-bid meeting. The bidder is requested, as far as possible, to submit any questions in writing/email, to reach the Department not later than two days before the meeting. It may not be practicable at the meeting to answer questions received late, but responses will be transmitted over email for questions received late.
- Any modification of the bidding documents that may become necessary as a result of the pre-bid meeting shall be made by the Department exclusively through the issue of a Corrigendum and not through the minutes of the pre-bid meeting.

10. Bid Evaluation

- The online Technical bids will be opened in presence of competent authority on behalf of National Legal Services Authority, 12/11 Jamnagar House, New Delhi. The bidders or their authorized '-' representatives may be present, if they so desire.
- The NALSA, through bid evaluation committee, shall evaluate, and shortlist technically qualified offers. The technically qualified bidders will make a

presentation on their methodology & execution strategy, the date and venue of which will be communicated separately. The cut off for technical bids is 75%. The financial bids will be opened later in a pre-decided date and venue in the presence of competent authority of the NALSA and successful bidder is selected for the placement of contract through the bid evaluation committee.

- The weights given to Technical and Financial proposals will be in the ratio of 60:40.
- NALSA reserves the right to accept or reject any offer without assigning any reason whatsoever.

11. Technical evaluation criteria: (Max marks: 100)

S.No.	Technical Evaluation	Max Marks	Marks system	Mark Reference
1	Relevant experience evaluating projects.	Prior 25 of	5 marks for each similar assignment	A self-attested certificate listing [assignment of similar nature executed in the past along with the Work orders for each assignment confirming year, area of activity and contact details of the client.(In case of all conditions are not met, a certificate from the bidder mentioning any missing detail should be provided.)
2	Experience of working with government agencies	15	Number of Projects executed for .Central/ State Government/ PSU. Three marks for each assignment	A self-attested certificate listing the details of the project executed (Name, Area, Location, period, each details of client etc.)
3	Experience qualifications & of the proposed team members	20	Team members who would be working on the assignment have M.B.A or bachelors plus M.B.A qualification or Post-Graduate degree in Economics or	CV of the team members. As per Rule 171 (v) of GFR, bid evaluation Committee of the NALSA shall be reviewing the CVs and will interview the Team Leaders and the 5 leading Members of the evaluating team as shortlisted by the evaluators.

			Statistics or social science. In addition, Legal advisors in the team will be preferred. 5 Marks for each qualified team member subject to maximum of 20 marks.	
4	Quality of the proposal submitted & alignment of the proposal with the ToR, project objectives & deliverables	15	Understanding, expertise & the experience, as mentioned in the proposal shall be reviewed and scored.	Based on proposal, evaluation shall be done by the bid evaluation Committee of NALSA
4	Methodology	25	The methodology for sampling, selection of establishments and the process for conducting the said study. Coverage pattern also to be assessed.	Based on proposal, evaluation shall be done by the bid evaluation Committee of NALSA

12. Financial evaluation criteria: (Max marks: 100)

- Financial bid should be duly signed and should list all costs associated with the Assignment for evaluation. These normally cover; remuneration for staff (in the field and at headquarters), accommodation (per diem, housing), transportation (for mobilization and demobilization), equipment (vehicles, office equipment, furniture, and supplies), office rent, insurance, printing of documents, surveys etc.; The Financial bid must broadly separately provide all the above heads and the taxes, duties (factoring in any future changes in nature of taxes) etc. Along with the grand total in one consolidated figure written as Indian Rupees in words and figures. The grand total will be considered for the financial evaluation.

- At the first instance, the technical bids shall be opened and evaluated by a bid evaluation committee of the NALSA. Financial bids of only the shortlisted technically acceptable offers shall be opened for further evaluation and ranking before awarding the contract.
- The proposal with the lowest cost will be given a financial score of 100 and other proposals will be given the financial scores that are inversely proportional to their prices. The financial proposal shall be allocated a weightage of 20%. For working out the final score, NALSA shall be using the following formula:
 - Final Score: {60% of 100 X [(Technical score) / (Max Technical score)]} + {40% of 100 X [(Min Financial Bid) / (Financial quote)]}
 - The proposal will be ranked in terms of total points. The proposals with total highest points will be considered for award of contract.

General Terms of Contract

1. Legal status

The agency/contractor shall be considered as having the legal status of an independent contractor vis-a-vis NALSA. The agency's personnel, collaborating partners and sub-contractors shall not be considered in any respect as being the employees or agents of NALSA.

2. Source of instructions

The agency shall neither seek nor accept instructions from any authority external to NALSA in connection with the performance of its services under this contract. The agency shall refrain from any action which may adversely affect NALSA and shall fulfil its commitments with the fullest regard to the interests of NALSA.

However, the feedback from the Secretaries DLSA, Panel Lawyers and beneficiaries will be taken by face-to-face interview or with other effective methodology for making assessment.

3. Agency's responsibility for employees

The agency shall be responsible for the professional and technical competence of its employees and will select, for work under this contract, reliable individuals who will perform effectively in the implementation of this contract, respect the local customs, and conform to a high standard of moral and ethical conduct.

4. Assignment

Apart from the consortium/ tie-ups existing at, the time of tendering and specified in the proposal, the agency shall not assign, transfer, pledge or make other disposition of this contract or any part thereof, or any of the contractor's rights,

claims or obligations under this contract except with the prior written consent of NALSA.

5. Sub-contracting

In the event the agency requires the services of sub-contractors, the agency shall obtain the prior written approval and clearance of NALSA for all sub-contractors. The approval of NALSA of a sub-contractor shall not relieve the agency of any of its obligations under this contract. The terms of any sub-contract shall be subject to and conform with the provisions of this RFP.

6. Officials not to benefit The agency warrants that no official of NALSA has received or will be offered by the agency any direct or indirect benefit arising from this contract or the award thereof. The agency agrees that breach of this provision IS a breach of an essential term of this contract.

7. Regular functioning of Courts

The evaluation by the evaluators shall be carried out courteously without causing any impediments in the smooth functioning of DLSA officers or courts etc.

8. Indemnification

The agency shall indemnify, hold and save harmless, and defend, at its own expense, NALSA, its officials, agents, servants and employees from and against all suits, claims, demands, and liability of any nature or kind, including their costs and expenses, arising out of acts or omissions of the agency, or the agency's employees, officers, agents or sub-contractors, in the performance of this contract. This provision shall extend, inter alia, to claims and liability in the nature of workmen's compensation, products liability and liability arising out of the use of patented inventions or devices, copyrighted material or other intellectual property by the agency, its employees, officers, agents, servants or sub-contractors. The obligations under this article do not lapse upon termination of this contract.

9. Encumbrances/liens

The agency shall not cause or permit any lien, attachment or other encumbrance by any person to be placed on file or to remain on file in any public office or on file with NALSA against any monies due or to become due for any work done or materials furnished under this contract, or by reason of any other claim or demand against the agency.

10. Title to equipment

Title to any equipment and supplies that may be furnished by NALSA shall rest with NALSA and any such equipment shall be returned to NALSA at the conclusion of this contract or when no longer needed by the agency. Such equipment, when returned to NALSA, shall be in the same condition as when delivered to the agency, subject to normal wear and tear. The agency shall be liable to compensate NALSA for equipment determined to be damaged or degraded beyond normal wear and tear.

11. Use of name, emblem or official seal of NALSA, GOI

The agency shall not in any manner whatsoever use the name, emblem or official seal of NALSA or NALSA in connection with its business or otherwise, without written approval from the concerned party.

12. Confidentiality and terms of use

All maps, drawings, photographs, mosaics, plans, reports, recommendations, estimates, documents and all other data compiled by or received by the agency under this contract shall be the property of NALSA, shall be treated as confidential.

(a) Confidentiality clause: the agency (and its subcontractors) agrees and accepts that the technology, ingredients, information, software and expertise deployed under the project shall be treated as the exclusive property of the NALSA.

(b) Any information about the legal cases, litigants, judiciary, processes, ingredients supplied by Department, Judiciary and associated parties are to be

solely utilized by the Agency for the evaluation purposes only. The Agency shall not under any circumstance reveal any information related to project and its evaluation to any third party without prior written permission of the NALSA.

(c) The Agency further agrees and undertakes to not Copy, distribute, reveal, modify, disassemble, decompile, or reverse engineer the information and process related to NALSA, without the written consent of the NALSA.

(d) In the event that agency comes into knowledge of proprietary or intellectual property information in any form related to the project it undertakes to keep confidential all such information.

(e) That the Agency unconditionally agrees that the intellectual property, information, ingredients or processes and information about the project cannot be sold, revealed or shared with to any third party without prior approval of the NALSA.

(f) The agency may not communicate at any time to any other person, government or authority external to NALSA, any information known to it by reason of its association with NALSA which has not been made public except with the authorization of NALSA nor shall the agency at any time use such information to private advantage. These obligations do not lapse upon termination of this contract.

13. Settlement of disputes

Amicable settlement

The parties shall use their best efforts to settle amicably any dispute, controversy or claim arising out of, or relating to this contract or the breach, termination or invalidity thereof.

Arbitration

Unless, any such dispute, controversy or claim between the parties arising out of or relating to this contract or the breach, termination or invalidity thereof is settled amicably under the preceding paragraph of this clause within sixty (60) days after receipt by one party of the other party's request for such amicable settlement, such dispute, controversy or claim shall be referred by either party to arbitration in accordance with the Indian Arbitration and Conciliation Act, 1996.

The parties shall be bound by any arbitration award rendered as a result of such arbitration as the final adjudication of any such controversy, claim or dispute. The Parties shall jointly appoint a Sole Arbitrator whose decision the parties shall recognize and respect as final and binding. The venue of arbitration proceedings shall be New Delhi. Any or all disputes arising out of this Agreement shall be subject to the exclusive jurisdiction of the courts in Delhi.

14. Copyright

The study will be the property of NALSA. Appropriate logos will be used and copyright information will also be accordingly mentioned stating that the material may be used after acknowledgement.

15. Adherence to timelines

The agency understands and agrees that this research study is to be conducted in a time bound manner and any delay on its part may impact the funding for the research study being given to them. Funding will not be released beyond 31st March 2019. NALSA will not be responsible for any release of monies after this date.

16. ENTIRE AGREEMENT:

This Agreement and the Annexures hereto represent the entire Agreement as to the subject matter hereof and supersedes any prior understandings between the parties on the subject-matter hereof.

17. FORCE MAJEURE:

Notwithstanding anything to the contrary herein contained, nothing herein shall apply if either party is prevented from discharging its obligation hereunder due to any cause arising from or related to any act of God, war, riot, fire, civil commotion, strike lock out or any or orders of quasi-governmental or Courts, local authority or any similar cause.

**THE NATIONAL LEGAL SERVICES AUTHORITY (FREE AND
COMPETENT LEGAL SERVICES) REGULATIONS, 2010**
(As amended vide notification F.No. L/61/10/NALSA dated 22.10.2018)

- In exercise of the powers conferred by section 29 of the Legal Services Authorities Act, 1987 (39 of 1987) and in pursuance of the provisions in section 4 of the Act to make available free and competent legal services to the persons entitled thereto under section 12 of the said Act, the Central Authority hereby makes the following regulations, namely: -

1. Short title, extent and commencement. – (1) These regulations may be called the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

(2) They shall be applicable to Supreme Court Legal Services Committee, State Legal Services Authorities, High Court Legal Services Committees, District Legal Services Authorities, and Taluk Legal Services Committees in India.

(3) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions. – (1) In these regulations, unless the context otherwise requires, -

(a) “Act” means the Legal Services Authorities Act, 1987 (39 of 1987);

(b) “Form” means a Form annexed to these Regulations;

(c) “Front Office” means a room in the Legal Services Institution where legal services are made available;

(d) “Legal Practitioner” shall have the meaning assigned to it in clause (i) of section 2 of the Advocates Act, 1961 (25 of 1961);

(e) “Legal Services Institution” means the Supreme Court Legal Services Committee, a State Legal Services Authority, the High Court Legal Services Committee, District Legal Services Authority or the Taluk Legal Services Committee, as the case may be;

¹(ea) “Monitoring and Mentoring Committee” means the Committees set up under regulation 10;

(eb) “Panel Lawyer” means a legal practitioner empanelled as a Panel lawyer under regulation 8;

(f) “Para-Legal Volunteer” means a para-legal volunteer trained ²under the ‘National Legal Services Authority Scheme for Para Legal Volunteers’ and empanelled by a Legal Services Institution;

³(fa) “Retainer Lawyer” means a Panel Lawyer designated as the Retainer Lawyer under sub-regulation (9) of regulation 8;

¹ Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

² Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

³ Inserted vide notification dated 31/7/2012, published in the Gazette of India on 25/8/2012.

(g) “Secretary” means the Secretary of the Legal Services Institution;

(h) “Section” means the section of the Act;

(i) “State regulation” means regulation made by the State Authorities under the Act.

2. All other words and expressions used but not defined in these regulations shall have the same meanings assigned to them in the Act.

3. Application for legal services.- (1) An application for legal services may be presented preferably in Form-I in the local language or English.

(2) The applicant may furnish a summary of his grievances for which he seeks legal services, in a separate sheet along with the application.

(3) An application, though not in Form-I, may also be entertained, if reasonably explains the facts to enable the applicant to seek legal services.

(4) 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.

(5) Oral requests for legal services may also be entertained in the same manner as an application under sub-regulation (1) and (2).

(6) 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.

(7) 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.

4. Legal Services Institution to have a front office.- (1) All Legal Services Institutions shall have a front office to be manned by ⁴[a Retainer Lawyer on rotational basis and] one or more para-legal volunteers available during office hours.

⁵Provided that persons with the qualification of Masters degree in Social Work or Diploma or Masters’ degree in psychiatry or psychology from any recognised institute or university may also be called to the front office as and when necessary.

⁶(2) *****

⁷(3) The Para-Legal Volunteers in the front office shall render services such as issuing of simple notices, drafting of applications and petitions, providing basic information on the course of action to be taken

⁴ Inserted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

⁵ Inserted vide notification dated 31/7/2012, published in the Gazette of India on 25/8/2012.

⁶ Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

⁷ Inserted vide notification dated 31/7/2012, published in the Gazette of India on 25/8/2012.

in a situation and to act as an intermediary between the persons in need of legal services and the legal services institutions to enable such persons to gain access to justice.

⁸(4) The Para-Legal Volunteers or the panel lawyer or the retainer lawyer, as the case may be, in the front office may obtain secretarial assistance from the staff of the Legal Services Institutions.

⁹(5) *****

¹⁰**5. Proof of entitlement of free legal services.** – A self-certificate of the applicant, along with self-attested copy of relevant documents or certificates, if any, that he falls under the categories of persons entitled to free legal services under Section 12 of the Act shall ordinarily be sufficient.

¹¹(2) *****

¹²(3) *****

6. Consequences of false or untrue details furnished by the applicant. –The applicant shall be informed that if free legal services have been obtained by furnishing incorrect or false information or in a fraudulent manner, the legal services shall be stopped forthwith and that the expenses incurred by the Legal Services Institutions shall be recoverable from him or her.

¹³**7. Scrutiny and evaluation of the application for free legal services.**- (1) The application for legal services, for eligibility of the applicant and existence of a prima facie case to prosecute or to defend, shall be scrutinised by the Member-Secretary or Secretary, as the case may be, or any officer, deputed by him:

Provided that a defendant in a civil case and an accused or a convict in a criminal case shall be deemed to have prima facie case to defend or to file an appeal against his conviction and sentence:

Provided further that in case, there is some difficulty to determine the prima facie case to prosecute, the Member-Secretary or Secretary may for this purpose, seek opinion from a panel lawyer having more than seven years standing at the Bar:

Provided further that in case of the Supreme Court Legal Services Committee, the Secretary shall seek opinion from an Advocate having more than fifteen years standing at the Bar.

(2) A decision on application for legal services shall be taken immediately, but not more than seven days from the date of receipt of the application.

⁸ Inserted vide notification dated 31/7/2012, published in the Gazette of India on 25/8/2012.

⁹ Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

¹⁰ Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

¹¹ Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

¹² Omitted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

¹³ Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

(3) If the applicant is not covered under the categories mentioned in section 12, he or she shall be advised to seek assistance from any other body or person rendering free legal services either voluntarily or under any other scheme.

(4) The Legal Services Institution shall maintain a list of such agencies, institutions or persons who have expressed willingness to render free legal services.

(5) Any person aggrieved by the decision or order of the Member-Secretary or the Secretary, as the case may be, he may prefer appeal to the Executive Chairman or Chairman of the Legal Services Institution and the decision or order in appeal shall be final.

(6) In case the Member-Secretary or Secretary of the Legal Services Institution decides to provide legal services through a panel lawyer, the choice of the panel lawyer, if expressed by the applicant, may be considered.

148. Selection of legal practitioners as panel lawyers. – (1) Every Legal Services Institution shall invite applications from legal practitioners for their empanelment as panel lawyers and such applications shall be accompanied with proof of the professional experience with special reference to the type of cases which the applicant-legal practitioners may prefer to be entrusted with.

(2) The applications received under sub-regulation (1) shall be scrutinised and selection of the panel lawyers shall be made by the Executive Chairman or Chairman of the Legal Services Institution in consultation with the Attorney General [for the Supreme Court], Advocate General [for the High Court], District Attorney or Government Pleader [for District and Taluka level] and the Monitoring and Mentoring Committee set up under regulation 10:

Provided that the Executive Chairman or Chairman of the Legal Services Institution may also suo moto empanel any legal practitioner;

(3) No legal practitioner having less than three years' experience at the Bar shall ordinarily be empaneled.

(4) District Legal Services Authorities and Taluk Legal Services Committees shall get the panel approved from the Executive Chairman of the State Legal Services Authority.

(5) The Executive Chairman or Chairman of the Legal Services Institution shall take into consideration the competency, integrity, suitability, and experience of lawyers for the empanelment.

(6) There may be representation of the Scheduled Castes, the Scheduled Tribes, women and differently abled lawyers in the panel.

(7) The Executive Chairman or Chairman of the Legal Services Institution may maintain separate panels for dealing with different types of cases like Civil, Criminal, Constitutional Law, Environmental Law, Labour Laws, Matrimonial disputes, Juvenile Justice, etc.

¹⁴ Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

(8) The Member-Secretary or Secretary, as the case may be, may assign a case to a panel lawyer of a subject matter other than for which he has been empanelled.

(9) The Chairman of the Legal Services Institution may, in consultation with the Executive Chairman of the State Legal Services Authority or National Legal Services Authority, as the case may be, prepare a list of legal practitioners from among the panel lawyers to be designated as Retainers.

(10) The Retainer lawyers shall be selected for a period fixed by the Executive Chairman on rotation basis or by any other method specified by the Executive Chairman;

(11) The strength of Retainer lawyers shall not exceed, -

- (a) twenty in the Supreme Court Legal Services Committee;
- (b) fifteen in the High Court Legal Services Committee;
- (c) ten in the District Legal Authority;
- (d) five in the Taluk Legal Services Committee.

(12) The honorarium payable to Retainer lawyer shall not be less than, -

- (a) rupees forty thousand per month in the case of Supreme Court Legal Services Committee;
- (b) rupees twenty five thousand per month in the case of State Legal Services Authority or High Court Legal Services Committee;
- (c) rupees fifteen thousand per month in the case of District Legal Services Authority;
- (d) rupees ten thousand per month in the case of the Taluk Legal Services Committee:

Provided that the honorarium specified in this sub-regulation is in addition to the honorarium or fee payable by the Legal Services Institution for each case entrusted to the Retainer lawyer.

(13) The panel prepared under sub-regulation (2) for the period of three years shall also be reviewed and updated periodically by the Executive Chairman or the Chairman, as the case may be, keeping in view the performance of the panel lawyers.

(14) The Legal Services Institution shall be at liberty for withdrawing any case from a Retainer Panel Lawyer during any stage of the proceedings.

(15) If a panel lawyer is desirous of withdrawing from a case he shall state the reasons thereof to the Member-Secretary or the Secretary, as the case may be, and the panel lawyer may be permitted to do so by an order.

(16) The panel lawyers shall not ask for or receive any fee, remuneration or any valuable consideration in any manner, from the person to whom he has rendered legal services under these regulations.

(17) If the panel lawyer engaged is not performing satisfactorily or has acted contrary to the object and spirit of the Act and these regulations, the Legal Services Institution shall take appropriate steps including withdrawal of the case from such lawyer and his removal from the panel.

(18) The panel lawyers shall undergo training periodically as per modules prepared by the National Legal Services Authority and the State Legal Services Authority.

(19) The participation in the training programme shall be a relevant consideration for the retention or continuation of panel lawyers.

¹⁵9. Legal services by way of legal advice, consultation, drafting and conveyancing. - (1) The Executive Chairman or Chairman of the Legal Services Institution may maintain a separate panel of senior lawyers, law firms, retired judicial officers, mediators, conciliators and law professors in the law universities or law colleges for providing legal advice and other legal services like drafting and conveyancing.

(2) The Executive Chairman or Chairman of the Legal Services Institution, as the case may be, may maintain a separate panel of retired senior bureaucrats, senior executives, retired police officials, doctors, engineers, psychiatrists, marriage counsellors, chartered accountants, educationists and other experts of the specialised field for legal services and honorarium payable to them shall be decided by the Executive Chairman of State Legal Services Authority or the Chairman of the Supreme Court Legal Committee, as the case may be.

(3) The Member-Secretary may send a request to Senior Advocates to volunteer their pro bono professional services for rendering advice as and when required.”.

¹⁶10. Monitoring and Mentoring Committee. - (1) Every Legal Services Institution shall set up a Monitoring and Mentoring Committee for close monitoring of the court based legal services rendered and the progress of the cases in the legal aided matters and to guide and advise the panel lawyers.

(2) The Monitoring and Mentoring Committee at the level of the Supreme Court shall consist of, -

(i) a sitting or retired judge of the Supreme Court or a Senior Advocate as may be nominated by the Chairman, Supreme Court Legal Services Committee;

(ii) Secretary, Supreme Court Legal Services Committee;

(iii) a renowned Academician or an Advocate-on-Record having ten years of practice to be nominated by the Chairman of the Supreme Court Legal Services Committee;

(iv) The Legal Service Counsel-cum-Consultant, Supreme Court Legal Services Committee.

(3) The Monitoring and Mentoring Committee at the level of the High Court shall consist of, -

(i) a sitting or retired Judge of the High Court or a Senior Advocate as may be nominated by the Chairman, High Court Legal Services Committee;

(ii) Secretary, High Court Legal Services Committee.

(4) The Monitoring and Mentoring Committee at the State or District Legal Services Authority shall consist of, -

¹⁵ Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

¹⁶ Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

- (i) Member-Secretary or Secretary of the Legal Services Institution, as the case may be;
 - (ii) one serving judicial officer from the State Higher Judicial Service;
 - (iii) one retired judicial officer or one Advocate of fifteen years' standing or more.
- (5) The Monitoring and Mentoring Committee at the Taluk Legal Services Committee shall consist of, –
- (i) Chairman of the Taluk Legal Services Committee;
 - (ii) one retired judicial officer;
 - (iii) one advocate of 10 years standing or more.
- (6) The members of the Monitoring and Mentoring Committee shall render their services on the days as may be required and fixed by the Executive Chairman or Chairman of the Legal Services Institution and the members except serving Judicial Officers shall be paid the honorarium as fixed by the Executive Chairman.
- ¹⁷**11. Procedure of the Monitoring and Mentoring Committee.** - (1) Whenever court based legal aid is provided to an applicant, the Member-Secretary or Secretary as the case may be, shall send the details in Form II to the Monitoring and Mentoring Committee at the earliest.
- (2) The Legal Services Institution shall provide adequate staff and infrastructure to the Monitoring and Mentoring Committee for maintaining the records of the day-to-day progress of the legal aided cases.
- (3) The Monitoring and Mentoring Committee shall assist the Legal Services Institution in organising training programmes for panel lawyers from time to time to enhance the skill of the panel lawyers.
- (4) The Monitoring and Mentoring Committee shall mentor the panel lawyers and guide them in providing quality legal services.
- (5) The Monitoring and Mentoring Committee shall maintain a register for legal aided cases for monitoring the day-to-day progress of the case and the end result (success or failure) in respect of cases for which legal aid is allowed and the said register shall be scrutinised every month by the Member-Secretary or Secretary or the Chairman, as the case may be.
- (6) The Legal Services Institution may request the Presiding Officer of the court to allow access to the registers maintained by the court for ascertaining the progress of the cases.
- (7) The Monitoring and Mentoring Committee shall keep a watch on the progress of the case by calling for reports from the panel lawyers within such time as may be determined by the Committee.
- (8) If the progress of the case is not satisfactory, the Committee may advise the Legal Services Institution to take appropriate steps.

¹⁷ Substituted vide notification dated 22/10/2018, published in the Gazette of India on 25/10/2018.

(9) The Committees shall meet at least once in a fortnight.

(10) The Monitoring and Mentoring Committee may meet as and when the meeting is convened by the Member-Secretary or the Secretary as the case may be.

12. Monitoring and Mentoring Committee to submit bi-monthly reports.— (1) The Monitoring and Mentoring Committee shall submit bi-monthly reports containing its independent assessment on the progress of each and every legal aid case and the performance of the panel lawyer or Retainer lawyer, to the Executive Chairman or Chairman of the Legal Services Institution.

(2) After evaluating the reports by the Committee, the Executive Chairman or Chairman of the Legal Services Institution shall decide the course of action to be taken in each case.

(3) It shall be the duty of the Member-Secretary or Secretary of the Legal Services Institution to place the reports of the Monitoring Committee before the Executive Chairman or Chairman of the Legal Services Institution and to obtain orders.

13. Financial assistance. — (1) If a case for which legal aid has been granted requires additional expenditure like payment of court fee, the fee payable to the court appointed commissions, for summoning witnesses or documents, expenses for obtaining certified copies etc., the Legal Services Institution may take urgent steps for disbursement of the requisite amount on the advice of the panel lawyer or Monitoring and Mentoring Committee.

(2) In the case of appeal or revision the Legal Services Institution may bear the expenses for obtaining certified copies of the judgment and case records.

14. Payment of fee to the panel lawyers. - (1) Panel lawyers shall be paid fee in accordance with the Schedule of fee, as approved under the State regulations.

(2) The State Legal Services Authority and other Legal Services Institution shall effect periodic revision of the honorarium to be paid to panel lawyers for the different types of services rendered by them in legal aid cases.

(3) As soon as the report of completion of the proceedings is received from the panel lawyer, the Legal Services Institution shall, without any delay, pay the

15. Special engagement of senior advocates in appropriate cases. - (1) If the Monitoring and Mentoring Committee or Executive Chairman or Chairman of the Legal Services Institution is of the opinion that services of senior advocate, though not included in the approved panel of lawyers, has to be provided in any particular case the Legal Services Institution may engage such senior advocate.

(2) Notwithstanding anything contained in the State regulations, the Executive Chairman or Chairman of the Legal Services Institution may decide the honorarium of such senior advocate.

¹⁸[*****]

¹⁸ Omitted vide notification dated 6/8/2014, published in the Gazette of India on 18/10/2014.

16. Evaluation of the legal aid cases by the National Legal Services Authority and State Legal Services Authorities. – (1) The Supreme Court Legal Services Committee shall send copies of the bi-monthly reports of the Monitoring and Mentoring Committee of the Supreme Court Legal Services Committee to the Central Authority.

(2) The High Court Legal Services Committees, the State Legal Services Authorities shall submit copies of the bi-monthly reports of their Monitoring and Mentoring Committees to their Patron-in-Chief.

(3) The District Legal Services Authorities and Taluk Legal Services Committees shall submit copies of the bi-monthly reports of their Monitoring and Mentoring Committees to the Executive Chairman of the State Legal Services Authority.

(4) The State Legal Services Authorities shall also send consolidated half- yearly reports of the Monitoring Committees, indicating the success or failure of each of the legal aided cases, to the Central Authority.

(5) In appropriate cases, the Executive Chairman of the National Legal Services Authority may nominate and authorise the members of its Central Authority to supervise, monitor or advise the Legal Services Institution for effective and successful implementation of these regulations.

FORM –I

National Legal Services Authority
(Free and Competent Legal Services) Regulations, -2010
(see regulation-3)

The Form of Application for Legal Services
(This may be prepared in the regional language)

Registration No.

1. Name :
2. Permanent Address :
3. Contact Address with phone no. if any, e-mail ID, if any :
4. Whether the applicant belongs to the category
of persons mentioned in section -12 of the Act :
5. Monthly income of the applicant
:
6. Whether proof has been produced in support of
income/eligibility u/s 12 of the Act :
7. Nature of legal aid or advise required :
8. A brief statement of the case, if court based legal services
is required :

.....
Signature of the applicant

Place:

Date:

Form-II

*National Legal Services Authority
(Free and Competent Legal Services) Regulation, 2010
(see regulation-11)*

Information furnished to the Monitoring and Mentoring Committee about the legal Services provided

- (i) Name of the Legal Services Institution :
- (ii) Legal aid application number and date on which legal aid was given. :
- (iii) Name of the legal aid applicant :
- (iv) Nature of case :
(civil, criminal, constitutional law etc.).
- (v) Name and roll number of the lawyer assigned to the applicant :
- (vi) Name of the Court in which the case is to be filed/defended :
- (vii) The date of engaging the panel lawyer :
- (viii) Whether any monetary assistance like, court fee, advocate commission fee, copying charges etc. has been given in advance? :
- (ix) Whether the case requires any interim orders or appointment of commission? :
- (x) Approximate expenditure for producing records, summoning of witnesses etc. :
- (xi) The expected time for conclusion of the proceedings in the Court :

MEMBER-SECRETARY / SECRETARY

Dated