

NATIONAL LEGAL SERVICES AUTHORITY (LOK ADALAT) REGULATIONS, 2009

Permanent Lok Adalat:

**Steps taken by Sikkim State Legal Services Authority:*

- The Sikkim SLSA has also been deeply involved in settlement of disputes, acceptable to the parties as referred to under section 89 of the Code of Civil Procedure 1980 (as amended) in the form of Alternative Dispute Resolutions like Lok Adalats, Counseling and Conciliation and more recently through the process of mediation.
- Lok Adalat under section 19 of the Legal Services Authorities Act, 1987 read with Rule 17 A of the Sikkim State Legal Services Authority Rules 1995 have been established in Sikkim as follows:

Sl. No	Lok Adalats	Places where established
1.	u/s 19 of the Act of 1987	Lok Adalat at the High Court level at Gangtok and at the District level in East at Gangtok, North at Mangan, South at Namchi, West at Gyalshing and Sub-divisions in the North at Chungthang, South at Ravangla, West at Soreng, East at Pakyong and Rongli in the year 1999.
2.	Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS)	District Lok Adalat at Gangtok for the East & North District, Namchi for South & West Districts comprising of District Judge/ Chairman, DLSA with "Other Person." Taluk Levels at Gangtok, Pakyong, Rongli, Mangan, Chungthang comprising of the Civil Judge-cum-Judicial Magistrate/Ex-officio Chairperson, TLSC with "Other Persons" during 2009.
3.	Public Utility Services, under Legal Services Authorities 22B of the Legal Act, 1987.	East & North Districts at Gangtok in the District Court Complex, East Sikkim at Gangtok. South & west Districts at Namchi in the District Court Complex, South at Namchi during 2005.
4.	Lok Adalats for Government Departments and Statutory bodies	Gangtok, East Sikkim in the year 2001

Composition:

- The Bench of the High Court Lok Adalat consists of the Hon'ble sitting Judge who is also the Hon'ble Chairman of the High Court Legal Services Committee as Lok Adalat Judge with "Other Persons" who are **12** in number.

- The District and Taluk Lok Adalats consists of the Ld. District Judge as Judge, District Lok Adalat with 'Other Persons' at the District level. Similarly, Civil Judges with "Other Person" constitutes the Lok Adalat Bench of the Taluk level.

Procedure:

- Cases at pre-litigative and post-litigative stages of various natures like MACT, Civil Suit, Family Court Cases, Bank Recovery Cases are taken up for settlement.
- In cases to be settled/compromised they are returned to the Courts and no case is kept pending in the Lok Adalat for more than three months. Certified copies of order/awards passed by the Lok Adalat are made available to the parties on the same date free of cost, irrespective of whether the parties have applied for the same. The 'Other Person' of the High Court Lok Adalat attends on rotation basis.

Fees:

- Vide notification No. 102/SLSA dated 25/02/2013 the sitting of 'Other Persons' of the Lok Adalat are paid honorarium for attending Lok Adalats at High Court Level, District Court Level and Taluk level as follows:

1.	Lok Adalat at High Court Level	Rs. 5,000/- per month
2.	Lok Adalat at District Court Level	Rs. 3,000/- per month
3.	Lok Adalat at Taluk level	Rs. 2,000/- per month

(Honorarium are paid from the grants under the 13th Finance Commission and State Budget).

Statistics:

(w.e.f. April 1998 to April, 2014)

- **1733 nos.** of Lok Adalats were held at the High Court, District Court and Taluk level.
- **7753 nos.** of cases were instituted.
- **7616 nos.** of cases were disposed and **137 nos.** of cases are pending.

NATIONAL LEGAL SERVICES AUTHORITY (FREE AND COMPETENT LEGAL SERVICES) REGULATIONS, 2010

- In Sikkim, Free and competent legal services are made available to all sections who fulfill the requisite criteria laid down under Section 12 of the Legal Services Authorities Act, 1987 read with Regulation 28 and 29 of the Sikkim State Legal Services Authority Regulation, 1998. All applications received by the Sikkim SLSA for free legal services are disposed of expeditiously on priority basis and by the Ld. Courts whenever a person is not represented by a counsel due to economic constraints.
- The Sikkim State Legal Services Authority has so far provided free legal aid to **6225** beneficiaries (from April 1998 till 30th April, 2014) falling under different categories namely:-

Year	S.C.	S.T.	Women	Children	Under Trial Prisoners	General	Disabled	Total
April 1998 to 30 th April, 2014	100	412	1986	225	3044	452	06	6225

- Sikkim SLSA has so far provided free legal aid in the mode of Counseling, providing Advocates in legal proceedings as enumerated under Regulation 30 of the Sikkim State Legal Services Authorities Regulation, 1998 also.
- In order to facilitate legal aid and assistance of Advocates to the beneficiaries, the Sikkim SLSA has empanelled **146** Advocates as Panel Advocates (East & North – 112 and South & West - 34). The empanelment of the Advocates are done through an Interview by Committee consisting of Member Secretary, Sikkim SLSA, Additional Advocate General and Senior Advocate.
- These panel Advocates are governed under the Sikkim State Legal Services Authority Panel Advocates Term & Conditions Rule, 1999, categorically designating them as Legal Services Senior Advocates having continuous practice of 12 years and above, more than 7 (seven) years as Legal Service Advocate and who has completed three years of continuous practice as Legal Service Junior Advocate.

- The Lawyers are provided fees as per the following module:

Sl.No.	Description	Court	Revised Rate	
			Effective	Non-effective
(i)	Legal Services Advocate	District Court Tribunal/ other sub-ordinate Courts,	600/-	400/-
		High Court a) appearing independently District Court	1200/-	600/-
(ii)	Legal Services Advocate	District Court	600/-	400/-
	-do-	High Court	1200/-	600/-
	-do-	Civil Judge or any Magistrate or Tribunal	600/-	400/-
(iii)	Legal Services Junior Advocate	High Court	800/-	500/-

- The Sikkim SLSA does not have retainer lawyers, however, for ensuring legal representation to an unrepresented person in custody for opposing remand, seeking orders for bail, putting up remand applications and moving miscellaneous applications as may be required, Panel Advocates of the Sikkim SLSA having more than 5 years of experience on the criminal side have been appointed as Remand Lawyers for the Courts in Sikkim.
- In order to ensure the Access to Justice is not denied to anyone seeking free legal aid the State Legal Services Authority promptly but also by the Court's directly.
- As per NALSA's Free & Competent Legal Services Regulations, 2010, for close monitoring of the court based legal services and to evaluate the progress of cases in legal aided matters.
- Monitoring Committees as envisaged under Rule 10 of the above Regulations have been constituted at the High Court level comprising of the Hon'ble Chairman (Judge of the High Court), High Court Legal Services Committee, Registrar General, High Court of Sikkim and Additional Advocate General and at the District Court level comprising of District Judge, who is also the Chairperson, District Legal Services Authority, Member Secretary, Sikkim SLSA and Senior Advocates.
- Apart from the above, the Sikkim SLSA has directed the DLSA's/TLSC's to maintain a register of Legal Aid Cases (on the lines of a Suit Register in a civil court) to record the progress of the cases in which legal aid has been given.

- These Advocates on the panel are provided briefs according to their experience and weightage in trial work so far as cases of criminal nature are concerned. Further the Sikkim SLSA under the direction of Hon'ble Executive Chairman Justice S.P. Wangdi has taken up the task of orienting the Lawyers by providing Sensitization and Refreshers training programmes for Panel Lawyers since the year 2010.

Training and Orientation of Lawyers is also being undertaken by the Sikkim Judicial Academy. A two (02) days training programme for lawyers with up to 5 year of practices on 26th April and 27th April, 2014 was held by the Sikkim Judicial Academy in the High Court Premises.

- Training Programmes for the Panel Lawyers in Juvenile Justice (Care & Protection of Children) Act, 2000 & Juvenile Justice (Sikkim) Rules, 1990, Appreciation of Local Laws, Matters connected in terms of Section 436A, 437 (6)(7) Cr.P.C and other related important matters are also scheduled to be held in coordination with the Sikkim Judicial Academy.
- The Panel Lawyer are also utilized as "Resource Persons" during awareness programme organized by the Sikkim SLSA, DLSA's, TLSC's.

Recently on 29th April, 2014 to 6th May, 2014 Sikkim State Legal Services Authority gave an intensive training programme for the teachers teaching the subject "Lessons in Law" and also formulating of Legal Literacy Clubs in Schools of North District in pursuance to the meeting held with the Hon'ble Executive Chairman with the Principals of the North District on 5th April, 2014.

NATIONAL LEGAL SERVICES AUTHORITY (LEGAL AID CLINICS) REGULATION, 2011

Legal Services Clinic:

**Steps taken by Sikkim State Legal Services Authority:*

1. Regulation 15 of the Sikkim SLSA Regulations 1998, prescribes 52 functions of the SLSA wherein Sub-Regulation (21) & (23) pertains to holding Legal Aid Clinic in different Districts of the State for bringing Legal Aid Schemes to the door steps of the weaker sections of the society. This is conducted out in the form of Legal Awareness Programme conducted by the Ld. Judicial Officers as Chairpersons of the DLSAs/TLSCs with Panel Advocates as Resource Persons.
2. As per the NALSA's (Legal Aid Clinic Regulation, 2011), Sikkim has established three (03) legal aid clinics as follows:
 - i. Mediation Centre, Pentok, North Sikkim
 - ii. State Jail, Rongyek, East Sikkim
 - iii. ADR Centre, District Court premises, Namchi, South Sikkim.

3. Village Legal Care & Support Centres are also operating in the 16 nos. Block Administrative Centres in all the 4(four) Districts of Sikkim, as well as State Jail, Rongek, East Sikkim, ADR Centre at Namchi (South) and (North) at Pentok, Mangan.
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7. The Legal Aid Clinics in the ADR Centre also houses the front office manned by Para Legal Volunteers, periodically.

As per the directions of National Legal Services Authority in its letter of January 6, 2010, and the National Plan of Action 2010-11, the State Legal Services Authority were required to set up Legal literacy Clubs and Legal Aid Clinics in all High Schools and Colleges. The Legal Services Clinics aims at two objects, (a) to improve the legal skills of the students and (b) to inculcate an attitude amongst the students to provide effective legal services to the poor and marginalized sections of the society.

Status Report of Legal Aid Clinic/Legal Literacy Clubs in Schools/Colleges

- (i) The Sikkim SLSA has adopted the National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and Other Institutions) Scheme, 2013 as the “Pilot Project” for the year 2013-2014.

A meeting was held on 5th October, 2013 chaired by Hon’ble Shri Justice S.P. Wangdi, Judge, High Court of Sikkim/Executive Chairman, Sikkim SLSA with the Principal of various Schools and Colleges of the East District to implement the above project “Catch them Young” amongst the school children in its true spirit.

During the meeting, His Lordship informed the attendees that “Lessons in Law” has already been initiated for Classes IX and XI in various Schools and teachers have been trained for the same. This in turn would not only make the Students aware on the literary aspects of the legal provisions but the institution of Legal Aid Clinics would connect them with the real issues and problems of people making them more enthusiastic in contributing the society. He also added, that Legal Aid Clinics had started from the different Block Administrative Centres manned by the Panel Advocates and Para-Legal Volunteers, however, due to constraints of time and finance this would not be sustainable in the long run, hence, such a project is taken to inculcate the young minds about their legal rights and to make them aware for becoming a responsible citizen of tomorrow.

In order to explain the modalities of the functioning of Legal literacy Clinics/Clubs also, a meeting was further convened under the Chairmanship of Shri K.W. Bhutia Member Secretary, on 31.10.2013 for all the schools and colleges of East District. However in view of the winter vacation of the schools, the project is now in the process of implementation. In this regard, a meeting was held on 05.10.2013 in the Conference Hall of High Court of Sikkim under the Chairmanship of Hon’ble Shri Justice S.P. Wangdi, Judge, High Court of Sikkim and Executive Chairman, Sikkim SLSA with the Principals of Schools and Colleges with regard to the Legal Literacy Club and National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and other institutions) Scheme, 2013 in the East District of Sikkim.

Further, a meeting on implementation of Legal Literacy Clubs was held under the Chairmanship of Hon’ble Shri Justice S.P. Wangdi, Judge, High Court of Sikkim and Executive Chairman, Sikkim SLSA with the Principals of Schools and Colleges of the South District of Sikkim at the Namchi Girl School premises and the Hall of the Consumer Office in West District of Sikkim on 29th March, 2014.

Similarly on 5th April, 2014, such a programme was held at the A.D.R. Centre, Pentok, Mangan for North District.