

GOVERNMENT OF KERALA

Abstract

Legal Aid to the Poor - Governmental Co-operation in Respect of the Legal Aid Activities of Private Organisations-Guidlines-Approval of - orders Issued.

LAW (H) DEPARTMENT

G.O.(P) No.225/86/Law.

Dated. Trivandrum, 5th December 1986.

Read:- Judgment dated 2.5.1986 of the S.C. in Writ Petition No.463 of 1986 (Civil).

ORDER

More and more private organizations are coming forward asking for Governmental Co-operation for the Legal Aid Activities undertaken by them. The Supreme Court has also in its judgment in W.P.No.463/86 emphasized the importance of the involvement of Public in the Legal Aid programmes.It has necessitated the Government to lay down norms for lending support to voluntary organizations and social action groups in operating legal aid programmers and organizing legal and camps.

Therefore, the Government after considering the questions in detail are pleased to issue the guidelines **are** under to this order.

By Order of the Governor,

L.MANOHARAN,
Law Secretary.

Appendix

GUIDELINES REGARDING GOVERNMENTAL CO-OPERATION IN RESPECT OF
THE LEGAL AID ACTIVITIES OF PRIVATE ORGANISATIONS.

Whereas the State Government has an obligation under article 39 A of the Constitution, which embodies a directive principle of State Policy, to set up a comprehensive and effective legal aid programme in order to ensure that the operation of the legal system promotes justice on the basis of equality.

Whereas, the Government feels that in order to secure the people 's participation and involvement in the free legal aid programme voluntary private organizations willing to take up legal aid programme must be encouraged ,

and whereas, considering the possibility of abuse of such Governmental encouragement ,it is deemed necessary to lay down norms which should guide the

Government and the subordinate authorities in lending support to voluntary organizations operating in the field of free legal aid,

now, therefore, the Government hereby lay down the following norms subject to which Government Co-operation will be extended to such private legal aid organisations.

I. Categories or Organisation to which Government Co-operation will be extended

Government will extend Co-operation to the following categories of voluntary organisations for free legal aid.

1. Voluntary organisations and social action groups which are recognised by the Committee for Implementing Legal Aid Schemes set up by the Government of India or whose programme or programmes are supported by way of grant or otherwise by the Government of India or the State Government or the Committee for Implementing Legal Aid Schemes, New Delhi, or the Kerala State Legal Aid & Advice Board, Trivandrum.

2. Voluntary organisations and social action groups which organise Legal aid camps or lok adalats neethimelas in conjunction with or with the support of the Committee for Implementing Legal Aid Schemes, New Delhi or on the Kerala State Legal Aid and Advice Board, Trivandrum.

3. Voluntary organisations and social action groups which are recognised by the State Government or the Kerala State Legal Aid and Advice Board, on an application being made in that behalf.

II Condition subject to which co-operation will be extended to recognised organisations.

1. Government Co-operation will be extended only to legal aid activities within the Kerala State.

2. Normally Government Co-operation will be extended only if the Government are satisfied about the credentials of the organisation seeking co-operation.

3. Preference in the matter of Co-operation will be given to organisations having a permanent office and a definite and long standing plan of action. Temporary or Ad hoc organisation will also be granted Co-operation if there is satisfactory proof that such organisations are sufficiently equipped to undertake legal aid work.

4. Only such co-operation as is possible within the financial and administrative constraints of the Government will be extended.

5. The organisation should specify the kind of assistance required

6. No such organisation shall have the right to claim financial assistance from the Government.

7. Government will not in any way be responsible for any of the consequence arising from the activities of such organisations.

8. The activities of such organisations should not in any manner adversely affect the legal aid activities of the Government or of the Kerala State Legal Aid & Advice Board.

9. Such organisation should furnish such information in respect of their legal aid programme, as the Government, the Kerala State legal Aid and Advice Board or the Collector of the District concerned may require.

10. Such organisations should comply with such instructions as may be issued by the Government from time to time in the interest of the free legal aid programme.

11. Where any of the categories of organisations mentioned in para I above proposes to hold any financial aid camp or to discontinue its legal aid activity or proposes to wind up the organisation the Government and the Collector of the District concerned should be informed of the fact at least one month in advance.

III Procedure for recognition.

Private Organization for free legal aid, desiring recognition of the Government may make an application in that behalf of Collector of the District Concerned furnishing details regarding the name of the organization concerned, the name of its official representative, the names of its promoters, its programme of action and other relevant details. The Collector shall then conduct an inquiry into the credentials of the organization concerned and report to Government. On a consideration of the report if the Government are satisfied of the credentials of the organization concerned, such organization will be recognized and the fact of such recognition will be communication to its representative and Collector concerned.

Provided that such recognition will be withdrawn in any organization does not effectively carry out legal aid work or if such organization ceases to take no Legal work or in an manner abuse the assistance of from the Government.

The application for recognition may be in the form specified in the annexure.

Annexure

APPLICATION FOR RECOGNITION

Name of the organization with address .

Name of the representative with whom correspondence may be carried on .

Name of the promoters/Office Bearers of the organization.

Other details regarding the credentials of the organisation.

Whether the organisation is a permanent or a temporary one. If it is a temporary one the term of the organisation should be specified.

Whether the organisation is recognised by the CILAS

Whether the organisation's activities are being held in conjunction with or with support of the CILAS/KSLA & Bd

Details of the free legal aid programme of the organisation.

Date & place of the legal aid camp to be held by the organisation

Government offices if any involved in the disputes to be taken up for reconciliation etc. by the organisation

The nature of co-operation desired from the Government

Whether follow-up action in respect of the previous legal aid camp if any, by the organisation has been completed. If not the reason therefore.

Other relevant details.

Place :

Signature of the Represent

Endt.on No. E5-20896/92 I.Dis.dated : 11.8.92

Copy to Principal Chief Conservator of Forests, Social Forestry and Project, Thiruvananthapuram, Chief Conservator of Forests, Wild Life, Thiruvananthapuram, Chief Conservator of Forest (Vigilance) Thiruvananthapuram, and all Conservator of Forests and Field Director, Kottayam, Copy to E,F,C, and F for information and further action.

For Chief Conservator of Forests.