



A CRITICAL ANALYSIS OF THE DISTRICT LEGAL SERVICES AUTHORITY IN GOALPARA'S (DLSA) COMPOSITION, IMPLEMENTATION, PROCEDURES AND EFFICACY UNDER THE LEGAL SERVICES AUTHORITY ACT, 1987

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Abstract

The present study deals with the composition of District Legal Services Authorities, the eligibility criteria, the services provided by the District Legal Services Authorities, Legal Aid Counsels at Goalpara District, Assam Para Legal volunteers, Legal Aid clinics, introduction of new scheme of legal Aid Defense Counsel system, structure of District Legal Services Authorities, its staffs, panel lawyers, Legal aid clinics, legal literacy clubs, para legal volunteers etc. within Goalpara District of Assam.

Key-words: District, Legal, Services, Authorities, lawyers.

INTRODUCTION

The Legal services Authority Act, 1987 was established to provide free and competent legal services to the weaker section 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 organize Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.¹ This Act plays a pivotal role in ensuring the effective delivery of legal aid services at the national, state and district levels. These authorities are instrumental in upholding the constitutional principles of justice, equality, and the right to a fair trial. The District Legal Services Authority (DLSA) established under section 9 of Legal Services Authorities Act, 1987 plays a significant role in grassroots implementation of legal aid programs so that the benefits of the Act are accessible to the citizens in every corner of the district. This authority's principal function, as enshrined in the Act, revolves around providing free and competent legal services to the needy and eligible sections of the society in accordance with the criteria specified under section 12 of the Act. In addition to the core function, the DLSA, is entrusted with the significant responsibility of organizing Lok Adalats as envisaged under section 19 of the Act, serve as a alternative dispute resolution mechanisms, providing a platform for the amicable and consensual resolution of disputes quicker and cost effective. Furthermore, the DLSA actively engages in promoting legal literary and awareness among the masses, particularly in the rural and remote areas of the district. The District Legal Services Authority functioning under the ambit of section 9 of the Legal Services Authority Act, 1987 serves as a crucial link in the chain of legal services provision in India. Its multifaceted role in providing legal aid organizing Lok Adalats, and promoting Legal awareness is instrumental in actualizing the Act's vision of ensuring that justice is not a mere privilege of the affluent but a fundamental right accessible to every individual, thereby reinforcing the democratic ethos of equality and justice for all.

¹ Bare Act Legal Services Act, 1987

It is noteworthy to mention that the role of the District Legal Services Authority is very significant for effective implementation of the Act. As the present research paper is confined with the implementation of free legal aid service within Goalpara district of Assam. As such it is very necessary to examine the establishment, composition, and functions of District Legal Services Authorities Goalpara along with its various Legal Aid Clinics, Para Legal Volunteers, Legal Aid Defense Counsels etc.

COMPOSITION OF LEGAL SERVICES AUTHORITY, GOALPARA

Legal Services Authority Goalpara has constituted in pursuance to the notification of Assam State Legal Services Authority letter No. LGL/176/94/pt/11/48, dated 07-04-98² conferred by section 9 of the Legal Services Authority Act, 1987 (Central Act no: 39 of 1987), read with Rule 10 of the Assam State Legal Services Authorities Rules 1996 wherein, the Governor of Assam in consultation with the Hon'ble Chief Justice, Gauhati High Court, pleased to constitute the District Legal Service Authorities for the respective districts of the State of Assam with immediate effect. Accordingly in the year 1999, under the Chairmanship of B. D. Bhuyan, the then District and Sessions Judge, Goalpara the District Legal Services Authority was constituted with its prime motive to ensure equality of justice for all, especially the weaker zone of the society, irrespective of caste, creed and race with the following namely³

Sl no	List of office bearer	Designation
1	District and Sessions Judge	Chairman
2	Secretary District Legal Services Authority	Secretary
3	District Magistrate, Goalpara	Ex- office Member
4	Superintendent of Police, Goalpara	Ex- Officio Member
5	Chief Judicial Magistrate	Ex- Officio Member
6	District Govt. Pleader	Ex officio Member
7	Shri Chahabuddin Ahmed	Member
8	Shri Jiten Das	Member
9	Shri Dhananjay Rabha	Member

Table- 7.1 this table shows the composition of District Legal Services Authority, Goalpara.

The office of the District Legal Services Authority, Goalpara is situated within the Court premises which can easily be accessed to the litigants. The overall function of District Legal Services Authority, Goalpara is controlled and managed by the Secretary of DLSA who is appointed by the Hon'ble Gauhati High Court amongst the Judicial Officers of Grade II which is equivalent to Chief Judicial Magistrate. Presently, Mrs. Jahnabi Devi, AJS is performing as

² Source collected from the official website of DLSA, Goalpara dlsagoalpara@gmail.com last visited 17th July, 2023

³ Data collected from DLSA, Goalpara website on 12/1//23

Secretary, DLSA Goalpara. The front office of District Legal Services Authority is well maintained and the strength of the office is in total 5 numbers. Out of which one is Front Office Coordinator, two L.D Assistants and one Accountant and one office Peon.⁴

ELIGIBILITY CRITERIA FOR ENTITLEMENT OF FREE LEGAL AID SERVICE

During the course of research, it is found that the DLSA, Goalpara has displayed a hoarding in the front office of DLSA which portrays the categories of persons who are entitled for free legal aid service. It is found that the following categories of persons are entitled for Free Legal Aid Service,

- a. Women and Children
- b. Members of SC/ST
- c. Industrial Workman.
- d. Victims of mass disaster, violence, flood, drought, earthquake, industrial disaster
- e. Disabled persons
- f. Person in custody
- g. Persons whose annual income does not exceed Rs. 1,00,000/-

There are 8 (eight) categories of persons who are entitled for free legal aid under DLSA, Goalpara. It is further observed that the aforesaid person can sought for free legal aid service through an application to the secretary or to the court concern.

SERVICES PROVIDED BY THE DISTRICT LEGAL SERVICES AUTHORITY

During the course of research, the researcher tried to find out as to the services rendered by DLSA and found that in addition to organizing different Legal Awareness Program, the DLSA, Goalpara has provided following services-

1. Providing Advocate in a legal proceeding;
2. Payment of court fee, process fees and all other charges payable or incurred in connection with any legal proceedings;
3. Obtaining and supply of certified copies of orders and other documents in legal proceedings.
4. Preparation of appeal, paper book including printing and translation of documents in legal proceedings.
5. Victim Compensation.
6. Organization of Legal Awareness Camps
7. Organization of Lok Adalat.

LEGAL AID COUNSELS IN GOALPARA

⁴ ibid

As per notification of Ministry Law & Justice (Department of Legal Affairs) and NLSA notification L/61/10/NLSA⁵, the District Legal Services Authority, Goalpara on 14-06-2017 had constituted the revised Panel of Legal Aid Counsels for Goalpara District as under-

Sl. No	Panel Advocates for the purpose of	Nos,
1	Panel Advocates for Civil and Criminal Cases	15 Nos.
2	Jail Visiting Penal Lawyers	07 Nos
3	Panel Lawyers' for Legal Aid Clinic	04 Nos.
4	Panel Lawyers' for Juvenile Justice Board	05 Nos.

Table- 7.2, showing the data of revised panel of Legal Aid Counsels.

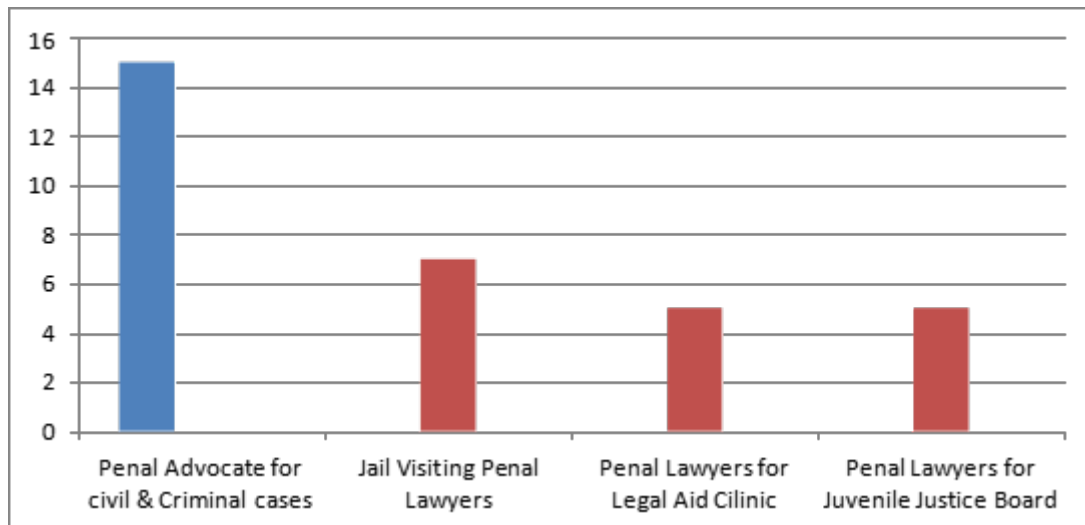


Fig 7.1 shows the number of advocates for different activities under DLSA, Goalpara

INTRODUCTION OF NEW SCHEME ‘LEGAL AID DEFENSE COUNSEL SYSTEM

The researcher during the course of research could learn that realizing the need to ponder over the reforms required in the Legal Aid Movement of India a new model of Legal Services Delivery, the ‘Legal Aid Defense Counsel System’ (LADCS), in line with public defender system, has introduced by NALSA recently. Each Legal Aid Defense Counsel Office may have 01 Chief Legal Aid Counsel, 1 to 3 Deputy Chief Legal Aid Defense Counsels, 2 to 10 Assistant Legal Aid Defense Counsels (number of positions depending upon legal aid work in the district). This system will have the effect of enhancing the responsiveness of the Legal Aid Mechanism in country and will ensure accountability on the part of the Legal Aid providers. At the first instance in the state of Assam this new system has been introduced in 17

⁵ Data collected from DLSA office, on 05/12//23

districts including the district of Goalpara. Accordingly under the aegis of National Legal Services Authority and on approval of Assam State Legal Services Authority, the District Legal Services Authority, Goalpara in pursuance to the Advertisement vide no DLSA (G)/2147 dated 31st August, 2022 was pleased to appoint one Chief Legal Aid Defense Counsel, two Deputy Chief Legal Aid Defense Counsel and two Assistant Legal Aid Defense Counsel has been appointed.⁶ The details of which are given below-

LIST OF LEGAL AID DEFENSE COUNSEL APPOINTED UNDER NEW SCHEME

Sl. No	Name	Designation
1	Debajit Adhikary	Chief Legal Aid Defense Counsel
2	Anowar Hussain	Deputy Chief Legal Aid Defense Counsel
3	Shohidur Rahman	Deputy Chief Legal Aid Defense Counsel
4	Manju Patgiri	Assistant Legal Aid Defense Counsel
5	Aparna Das	Assistant Legal Aid Defense Counsel

Table- 7.3 showing the details of Legal Aid Defense Counsel under New Scheme of NLSA

This Legal Aid Counsel system appointed under the NLSA scheme involves full time engagement of lawyers with support system, dealing exclusively with legal aid work in criminal matters at every stage starting from the pre-arrest, arrest & remand stage to the conclusion of trials and appeals etc. It will enhance the availability and accessibility of Legal Aid in a timely manner and help in creating a mechanism to provide qualitative and competent legal services in a professional manner to underprivileged and disadvantaged section of the society.

After introduction of this system, the old system of Panel Advocates of all forms as stated above has been ceased and casted all the responsibilities to the Legal Aid Defense Counsel system to look into all the affairs of Legal Aid Service. This system will have the effect of enhancing the responsiveness of the Legal Aid Mechanism in country and will ensure accountability on the part of the Legal Aid providers. The Legal Aid Defense Counsel System will also provide a unique opportunity for Law Students to learn from the best. The Chief Legal Aid Defense Counsel will be given the liberty to engage law students as interns, to give them exposure to practical aspects of criminal law including preparation of defense strategy and doing legal research in various factual scenarios.

PARA LEGAL VOLUNTEERS

Para Legal Volunteers are the sine qua non for effective implementation of free legal aid service para legal training programme can be organized among law students in collaboration with social welfare organizations as well as voluntary agencies (NGOs) in persuading the people to seek justice through conciliation, compromise, negotiation and

⁶ Source collected from the official website of DLSA, Goalpara dlsagoalpara@gmail.com last visited 17th July, 2023

arbitration and the like. The para legal volunteers are also organizing seminars on socio-legal problems among the people. In Goalpara para legal are visiting jails to assist the inmates of jail, juvenile home to bring awareness among them about various provisions of law. Para legal also keeps on visiting the open jail, remand home, destitute home to enlighten the inhabitants about various reformative provisions of law and availability of free legal aid. Presently there are 5 (five) Nos. para legal volunteers in Goalpara district.⁷

STRUCTURE OF DISTRICT LEGAL SERVICE AUTHORITY, GOALPARA, ASSAM

OFFICIAL STAFF				
Chairman	Secretary	U. D	L.D	Peon
District & Sessions Judge	Secretary DLSA	(one) nos	1 (one) nos	1 (one) nos

Table 7.4 showing the strength of the staffs of District Legal Service Authority, Goalpara, Assam.

It is found that the overall strength of the staffs at District Legal Service Authority, Goalpara, Assam is very low comparing the pendency of cases as well as demography of the district. It is very difficult to carry out various affairs of the DLSA in its full potentiality with such less number of staffs. It is pertinent to mention herein that the Secretary, DLSA is the overall in-charge of DLSA headed by District & Sessions Judge as Chairman. The Secretary DLSA is responsible for ensuring that the schemes of NLSA have been properly implemented.

LEGAL AID CLINICS AVAILABLE IN GOALPARA DISTRICT

For effective implementation of free legal aid, the role of legal aid clinic is very important as the Clinic lays the foundation of free legal Aid to the needy and downtrodden people who approach the clinic at the first instance. The researcher came to know that there are only five Legal Aid Clinic which are working under DLSA, situated on the different parts of the district.³³¹ The details of which are given below-

Sl. No	Place where Clinic is situated	Urban/ Rural
1	District Jail	Urban
2	Transit Camp (Matia),	Rural
3	Goalpara Law College, situated at Bhalukdubi	Rural
4	Matia Block-situated under Matia P.S	Rural

⁷ Source collected from the official website of DLSA, Goalpara dlsagoalpara@gmail.com last visited 17th July, 2023

5	Rongjuli Block situated under Rongjuli P.S	Rural
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Table 7.5 shows about the Legal Aid Clinic working under DLSA, Goalpara

On analysis of Legal Aid Clinics, it is found that though there are 20 (twenty) Police Stations in Goalpara District, but not a single legal aid clinic is found to be set up in any police station.

Further, there are as many as 8 (eight) blocks in Goalpara District, but the legal aid clinic is found to be set up only in Matia, Balijana and Rongjuli Block. There are no legal aid clinic existed in any other block. During study, it is found that the large number of cases are found to be lodged from Lakhipur and Jaleswar Block and most of the people of these block falls under rural areas and they are unaware about the service of District Legal Service Authority.

LEGAL LITERACY CLUBS

During the course of research, the researcher found that there are only 6 (six) Legal Literacy Clubs found to be set up by DLSA, Goalpara. Out of which P.R. Govt. H.S & M.P School & Central Girls High School is situated at Urban areas falls under Municipal Board and other situated at Rural area. The name of the institutions where the Legal Literary Clubs has been set up by DLSA, Goalpara is given below-

- P. R. Govt. HS & MP School, Goalpara
- Central Girls School, Goalpara
- J. N Memorial School, Agia
- Tiplai High School, Rongjuli
- Dudhnoi College, Dudhnoi
- Ambari Bazar Tiniali High School

During the course of research, the researcher has observed that though there are as many as 11(Eleven) recognized Colleges funded by the Govt. of Assam in Goalpara District and more than 10 numbers of Junior Colleges existed in the district. Despite, having adequate numbers of colleges/ Institutions of higher education, the Legal Literacy Club has been introduced only in 6 (six) colleges which is comparatively very less.

PARA LEGAL VOLUNTEERS

The researcher during the course of research gas visited the office of DLSA, Goalpara and tried to find out as to the existence of Para Legal Volunteers in Goalpara District. During his visit and the information collected from the office of DLSA, Goalpara it is found that there are as many as 8 (eight) Para Legal Volunteers who are found to be active in Goalpara District³³². The details have been given below -

Sl No	Name of PLVs	Address
1	Nagarsing Rabha	Vill- Goraimari, P.S- Agia, Dist- Goalpara, Assam

2	Nirmal Sutradhar	Vill- Futuripara, P.S- Mornai, Dist- Goalpara, Assam
3	Chandan Sutradhar	Vill- Rangjuli, P.S- Rangjuli, Dist- Goalpara, Assam
4	Shahjahan Ali (Sr)	Vill- Saktola, P.S- Lakhipur, Dist- Goalpara, Assam
5	Kofijul Ahmed	Vill- Azadnagar, Pithbari, P.S- Goalpara, Dist- Goalpara, Assam
6	Nilambar Kalita	Vill- Sidhabari, P.S- Matia, Dist- Goalpara, Assam
7	Shahjahan Ali	Vill- sidhabari, nayapara, P.S- Matia, Dist- Goalpara, Assam
8	Jiliki Koch	Vill- Kashibari, P.S- Lakhipur, Dist- Goalpara, Assam

Table 7.6 showing the list of PLVs of various locations within the district of Goalpara

During the course of research, it is come to the notice of researcher that the DLSA, Goalpara vide its letter dated 05-02-2024 has made one advertisement ³³³ for recruitment of 20 (twenty) nos. of vacancies for the post of Para Legal Volunteers and initiated the process of recruitment. But till Collection of information i.e. 22-03-2024, the merit list of recruitment has not been finalized as such the researcher could not enlist the latest information of Para Legal Volunteers.

FRONT OFFICE OF DISTRICT LEGAL SERVICES AUHTORITY, GOALPARA

The researcher during his term of research has found that though there is a front office in the District Legal Services Authority, Goalpara to cater the information to the needy and downtrodden people but it is found that the Coordinator of the front office is lying vacant since more than one year which needs to be redressed immediately for proper implementation of free Legal Aid Services in Goalpara District.

LIST OF PANEL LAWYERS UNDER DLSA, GOALPARA

The effectiveness of Free Legal aid Services depends upon the performance of Panel Lawyers appointed under DLSA. During the course of research, it is found that as many as 11 (eleven) panel Lawyers have been appointed by DLSA, Goalpara. Though initially there were more Panel Lawyers under DLSA, but after introduction of new System of Legal Aid Defense Counsel, the ratio of the figure has been lowered down and at present the following persons are found to be effective as Panel Lawyers under DLSA, Goalpara⁸

LIST OF PANEL LAWYERS OF DISTRICT LEGAL SERVICE AUTHORITY, GOALPARA, ASSAM				
Sl No	NAME	Gender	Empanelled on	Empanelled expiring on
1	Jiten Das	M	09.01.2016	Renewed
2	Amzad Ali	M	09.01.2016	Renewed
3	Anowar Hussain	M	09.01.2016	Renewed

⁸ Sources Collected from DLSA Goalpara on 19th July, 2023

4	Ashraf Hussain	M	09.01.2016	Renewed
5	Nur Islan Ahmed	M	09.01.2016	Renewed
6	Aynal Hoque	M	09.01.2016	Renewed
7	Sofior Rahman	M	09.01.2016	Renewed
8	Bodiot Zaman	M	09.01.2016	Renewed
9	Harunur Rashid	M	09.01.2016	Renewed
10	Hazrat Ali Ahmed	M	09.01.2016	Renewed
11	Kuldip Malakar	M	09.01.2016	Renewed
12	Pushpadhar Nath	M	09.01.2016	Renewed
13	Osman Goni	M	09.01.2016	Renewed
14	Sharifa Yasmin	F	09.01.2016	Renewed
15	Mofidul Islam Sarkar	M	09.01.2016	Renewed
16	Sayeduz Zaman	M	09.01.2016	Renewed
17	Jahanuddin	M	09.01.2016	Renewed
18	Mintu Ahmed	M	09.01.2016	Renewed

Table 7.7 is the list of panel lawyers of District Legal Service Authority, Goalpara, Assam

During the course of Research, it is found that out of 11 (eleven) Panel Lawyers the female lawyers is only one and rest are from male category which is found to be very less.

CONCLUSION

District Legal Services Authority, Goalpara which was established under Legal Services authorities Act has been working for upholding the access justice to all. The effectiveness of District Legal Services Authority depends upon its strength, implementation of various policies through its stake holders. The role of Para Legal Volunteers and Legal Aid Clinics is very significant in this regard. During the research, the researcher has collected some sort of information's as to the composition of District Legal Services Authority, Goalpara, along with Legal Aid Clinics, Legal Literacy Club, Panel Lawyers, Legal Aid Defense Counsels and Para Legal Volunteers which are the key factors for determining the implementation of Free Legal Aid Service under DLSA, Goalpara. Taking into consideration of aforesaid aspect, the researcher has also collected certain data's through Right to Information Act, as to the various functions of DLSA which have been duly received by the researcher. After receiving the data's the researcher has analysed those data's in proper perspective to find out the implementation of Free Legal Aid Service at Goalpara.