

STANDARD OPERATING PROCEDURES (SOP's)

(Practice and Procedure-2022)



SUPREME COURT LEGAL SERVICES COMMITTEE

CHAPTER I PRELIMINARY

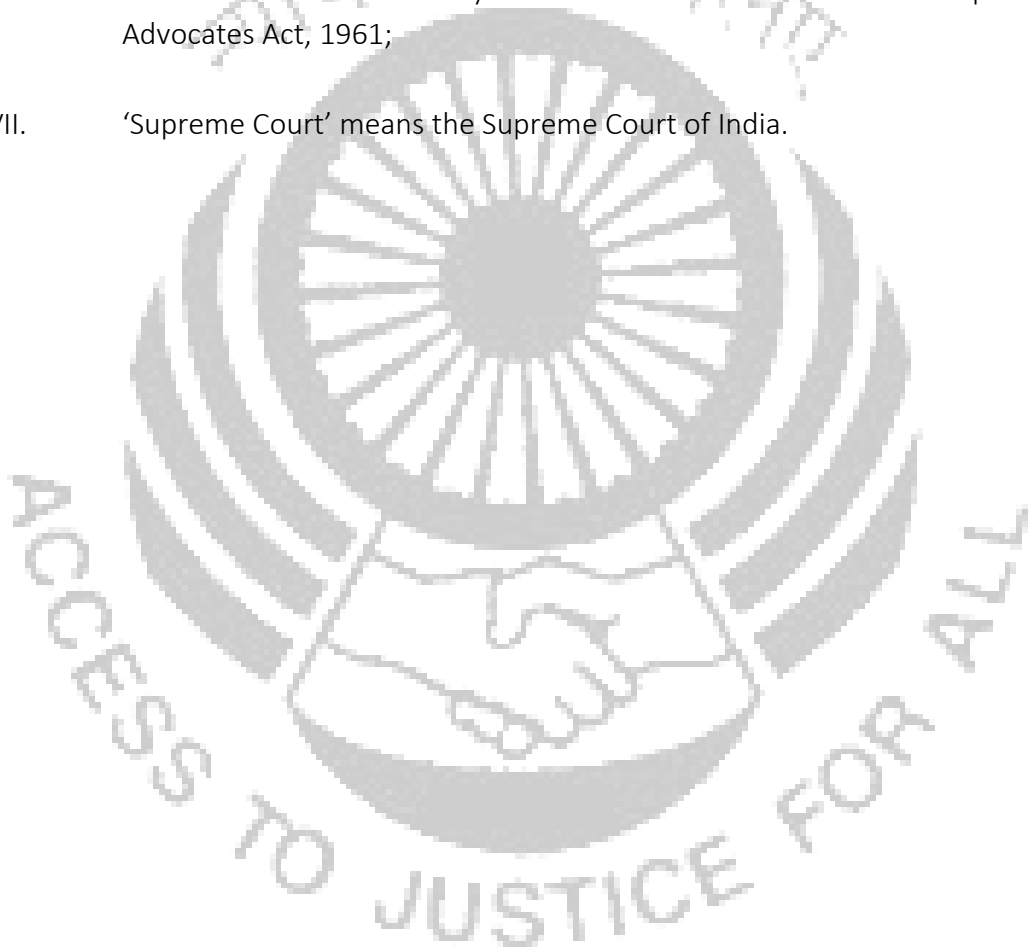
This Manual of Office Procedure of the Supreme Court Legal Services Committee is a ready reckoner in relation to processing of the applications of the litigants seeking access to legal service under Section 12 of the Legal Services Authorities Act, 1987, read with Supreme Court Legal Services Regulations, 1996 and Supreme Court Legal Services Committee Rules.

1. **Seal of the Committee:** - The official seal to be used in the Committee shall be such as the Chairman may, from time to time direct, and shall be kept in the custody of the Secretary.
2. **Extent and Application of Standard Operating Procedures (SOP's):** -
 - I. The present document will be called the "Standard Operating Procedure" of SCLSC and shall be referred as SOP hereinafter;
 - II. The SOP shall apply to the employees of SCLSC (Permanent, Contractual and Outsourced), Panel Advocates and all the third parties dealing with the SCLSC in the matter of functioning of the Office of SCLSC in day-to-day basis;
 - III. The SOP shall have an overriding effect over all the circulars and policy decisions taken regarding the subjects covered in the SOP and any circular or policy decision contrary to the SOP shall deem to be repealed and any circular and policy decision in consonance of SOP shall deem to be operative and in existence.
 - IV. The present SOP shall also apply to all the Legal Applications received through "sclsc.gov.in", NALSA portal and received by post and the timelines prescribed shall be followed in each of the Legal Aid applications
3. **Definitions:** - In this Handbook, unless the context otherwise requires, --
 - I. 'Act' means the Legal Services Authorities Act, 1987 (39 of 1987);
 - II. 'Advocate' means a person whose name is entered on the roll of advocates prepared and maintained by a State Bar Council under the Advocates Act, 1961 (25 of 1961);
 - III. 'Advocate-on-record' means an advocate, who is registered under Order V Rule 2(20) of the Supreme Court Rules, 2013, and is entitled under the said Rules to act as well as to plead for a party in the Supreme Court of India;
 - IV. 'Assigned case' means a case assigned to an advocate, advocate-on-record or senior advocate, forming part of the panel maintained by the Committee, to file or defend the case on behalf of the litigant in the Supreme Court of India;
 - V. 'Assignment letter' means a letter issued to a panel advocate, who has been assigned a case, duly approved by the Secretary, to file or defend a special leave petition or any other petition before the Supreme Court of India;

- VI. 'Case', as defined in Section 2(1)(a) of the Act, to include a suit or any proceeding before a Court;
- VII. 'Central Authority' means the National Legal Services Authority constituted under Section 3 of the Act;
- VIII. 'Chairman' means the Chairman of the Supreme Court Legal Services Committee;
- IX. 'Chief Justice' means the Chief Justice of India and includes a Judge appointed under Article 126 of the Constitution to perform the duties of the Chief Justice;
- X. 'Committee' means the Supreme Court Legal Services Committee;
- XI. 'Complete application' means an application with requisite documents and legal aid formalities for grant of legal aid;
- XII. 'Constitution' means the Constitution of India;
- XIII. 'Court', as defined in Section 2(1) (aaa) of the Act, means a civil, criminal or revenue court and includes any tribunal or any other authority constituted under any law for the time being in force, to exercise judicial or quasi-judicial functions;
- XIV. 'Dak' means and includes every written communication, such as applications, letters, documents, files, whether received by hand or post or in electronic form, received and issued by the Committee;
- XV. 'Dealing Assistant', means and includes Assistant Section Officer, Senior Secretariat Assistant and Junior Secretariat Assistant entrusted with the task of initial examination of the request of the applicant for grant of legal services;
- XVI. 'File' means compilation of papers or electronic record of a legal aid application kept together at one place and assigned an ANR number in the SCLSC software;
- XVII. "High Court Paper Book" means petition along with all the documents filed before the High Court.
- XVIII. 'Incomplete application' means an application without requisite documents or legal aid formalities for grant of legal aid;
- XIX. 'Judgment' means and includes decree, order, sentence or determination of any Court, Tribunal, Judge or Judicial officer, as defined in Order I Rule 2(1)(k) of the Supreme Court Rules, 2013;
- XX. 'Legal aid application' means an application received from a person seeking grant of legal aid from the Committee;

- XXI. 'Legal aid category' means a category assigned to a person eligible for grant of legal aid and fulfilling the requirement of Section 12 of the Act read with Rule 7 of the Rules;
- XXII. 'Legal service', as defined under Section 2(2)(c) of the Act, includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter;
- XXIII. 'Legal Service Counsel-cum-Consultant' means an advocate appointed as legal service counsel-cum-consultant by the Committee;
- XXIV. 'Member' means a Member of the Committee nominated under clause (b) of sub-section (2) of Section 3A of the Act;
- XXV. 'Minutes' means the record of the meeting of the Committee or any other Authority;
- XXVI. 'Note' means any remark recorded on a case file to facilitate its examination and decision;
- XXVII. 'Panel of advocates' mean and include
- (i) an advocate on-record on the panel of the Committee
 - (ii) a non-advocate on-record on the panel of the Committee
 - (iii) a senior advocate on the panel of the Committee and nominated for *pro bono* services as also to perform the functions of Screening Committee to scrutinize and evaluate legal aid applications in terms of Section 12 of the Act read with Rule 7 of the Rules and to render opinion on such applications;
- XXVIII. 'Prescribed' means prescribed by or under the Rules, Regulations or Practice and Procedure or administrative orders regarding SCLSC issued, from time to time, by the Chairman;
- XXIX. 'Registry', as defined in Order I Rule 2(1)(iii) of the Supreme Court Rules, 2013, means the Registry of the Supreme Court of India;
- XXX. 'Regulations' means the Supreme Court Legal Services Regulations, 1996;
- XXXI. 'Rules' means the Supreme Court Legal Services Committee Rules, 2000, and includes the schedules or forms, if any, appended to the Rules;
- XXXII. 'Screening Committee' means a Committee comprising of senior advocates, constituted to scrutinize and evaluate the merits of the application seeking legal aid at the Supreme Court of India;
- XXXIII. 'Checklist' means the list of documents necessary to provide Legal Aid for filing petition before Supreme Court

- XXXIV. 'Scrutiny' means scrutiny of documents required for the purpose of grant of legal aid and filing a case before the Supreme Court of India and includes verification of the eligibility of the applicant entitled to legal service in terms of Section 12 of the Act read with Rule 7 of the Rules, verification of the documents as per checklist and verification as to whether the Legal Aid applicant has previously filed case before Supreme Court against the same order in identical issue.
- XXXV. 'Secretary' means the Secretary of the Supreme Court Legal Services Committee appointed under sub-section (3) of Section 3A of the Act;
- XXXVI. 'Senior advocate', means any advocate so designated under sub-section (2) of Section 16 of the Advocates Act, 1961 (25 of 1961), and all such advocates whose names were borne on the roll of the senior advocates of the Supreme Court of India immediately before the commencement of Chapter III of the Advocates Act, 1961;
- XXXVII. 'Supreme Court' means the Supreme Court of India.



CHAPTER II
COMPOSITION, POWERS AND FUNCTIONS OF THE COMMITTEE

1. Composition of the Committee:

In exercise of the powers under Section 3A of the Act read with Rule 10 of the National Legal Service Authority Rules, 1995, a puisne Judge of the Supreme Court, nominated by the Central Authority under approval of the Chief Justice of India, shall be the Chairman of the Committee.

In terms of Rule 3 of the Rules, the Committee shall consist of not more than nine members. The following members shall be the *ex-officio* members of the Committee:

- (i) Attorney General of India;
- (ii) Additional Secretary in the Department of Legal Affairs, Ministry of Law, Justice and Company Affairs, Government of India or his nominee.
- (iii) Additional Secretary in the Department of Expenditure of the Ministry of Finance, Government of India or his nominee;
- (iv) Secretary General of the Supreme Court of India.

The other members shall be nominated by the Chief Justice of India, in consultation with the Central Authority, in terms of Rules 3(3) and (4) of the Rules, 2000, read with Rule 10(3) & (4) of the National Legal Service Authority Rules, 1995.

2. Meeting of the Committee

Regulation 9 of the Regulations provides that the Committee shall meet at least once in three months on such date and at such place as the Chairman may direct.

The minutes of the proceedings of each of such meeting shall be maintained by the Secretary and such minutes shall be open to inspection at all reasonable times by the member of the Committee.

The quorum for the meeting shall be four, including the Chairman.

3. Powers and functions of the Committee

Regulation (5) of the Regulations deals with powers and functions of the Committee as under:

- (a) To administer and implement the legal services programme insofar as it relates to the Supreme Court and for this purpose take all such steps as may be necessary and to act in accordance with the directions issued by the Central Authority from time to time;
- (b) To receive and scrutinize applications for legal services and to decide all questions as to the grant of or withdrawal of legal service;
- (c) To maintain panels of advocates on-record, senior advocates and advocates in the Supreme Court for giving the legal advice;

- (d) To decide all matters relating to payment of honorarium, costs, charges and expenses of legal services to the advocates on-record and to senior advocates of the Supreme Court;
- (e) To prepare and submit returns, reports and statistical information regard to the legal services programme to the Central Authority.

4. Functions and powers of the Chairman

Regulation 6 deals with the functions and powers of the Chairman as under:

- (1) The Chairman shall be in overall charge of administration and implementation of the programmes of the Committee:

Provided that the Chairman shall not directly concern any question as to grant or withdrawal of legal service to any person.
- (2) The Chairman shall cause the meetings of the Committee convened through the Secretary at least once in a period of three months.
- (3) The Chairman shall preside over the meetings of the Committee.
- (4) The Chairman shall have all the residuary powers of the Committee.

5. Functions and powers of the Secretary

Regulation 8 deals with the functions and powers of the Secretary as under:

- (1) The Secretary shall be the principal officer of the Committee and shall be the custodian of all assets, accounts, records and funds at the disposal of the Committee.
- (2) The Secretary shall maintain or cause to be maintained true and proper accounts of the receipts and disbursement of the funds of the Committee.
- (3) The Secretary shall convene meetings of the Committee with the previous approval of the Chairman and shall also attend meetings and shall be responsible for maintaining a record of the minutes of the proceedings of the meetings.

6. Meetings of the Committee

Regulation 9 deals with the functions and powers of the Committee as under:

- (1) The Committee shall meet at least once in three months on such date, and at such place the Chairman may direct.
- (2) The Chairman shall preside over the meetings of the Committee and, in the absence of the Chairman, a person chosen by the members present from amongst themselves shall preside over the meetings of the Committee.

- (3) The minutes of the proceedings of each meeting shall be truly and faithfully maintained by the Secretary and such minutes shall be open to inspection at all reasonable times by the member of the Committee. A copy of the minutes shall, as soon as may be, after the meeting, be forwarded to the Executive Chairman of the Central Authority.
- (4) The quorum of the meeting shall be four, including the Chairman.
- (5) All questions which come up before any meeting of the Committee shall be decided by a majority of votes of the members present and voting, and in case of a tie, the Chairman or the person presiding shall have the right to exercise a second or casting vote.

7. Funds, audit and accounts of the Committee

Regulation 10 deals with Funds, Audit and Accounts of the Committee as under:

- (1) The Committee shall maintain a Fund to be called Supreme Court Legal Services Committee Fund to which shall be credited, —
 - (a) such amounts as may be allocated and granted to it by the Central Authority;
 - (b) all such amounts received by the Committee by way of donations;
 - (c) all such amounts by way of costs, charges and expenses recovered from the persons to whom legal service is provided or the opposite party.
- (2) All the amounts credited to the said Fund, shall be deposited in a nationalized bank.

Explanation: -- In the sub-regulation "nationalized bank" means a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

- (3) For the purpose of meeting incidental minor charges, such as court-fee, stamps and expenditure necessary for obtaining copies of documents etc., a permanent advance of Rupees twenty-five thousand shall be placed at the disposal of the Secretary of the Committee.
- (4) All expenditure on legal service, accommodation and staff of the Committee as also expenditure necessary for carrying out the various functions of the Committee shall be met out of the Funds of the Committee and in accordance with the prior approval of the Chairman.
- (5) The funds of the Committee may be utilized for meeting the expense incurred on or incidental to travels undertaken by the Chairman or other members of the Committee or the Secretary in connection with legal service activities. The travelling allowance and the dearness allowance payable to the Chairman, the ex-

officio members and the Secretary shall be such as to which they are entitled by virtue of their respective offices held.

- (6) The Secretary of the Committee and one member of the Committee designated by the Chairman for this purpose shall jointly operate the bank accounts of the Committee in accordance with the directions of the Chairman.
- (7) The Committee shall cause to be kept and maintained true and correct accounts of all receipts and disbursements and furnish quarterly returns to the Central Authority.
- (8) The accounts of the Committee shall be audited annually by a qualified Auditor and submitted to the Central Authority.



CHAPTER III
LEGAL SERVICES AND ENTITLEMENT

Section 2(c) of the Act defines 'legal service', to include the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter.

Section 12 of the Act lays down the criteria for availing legal services. It provides that every person who has to file or defend a case shall be entitled to legal services under this Act if that person is-

- (a) a member of a Scheduled Caste or Scheduled Tribe;
- (b) a victim of trafficking in human beings or beggar as referred to in Article 23 of the Constitution of India;
- (c) a woman or a child;
- (d) a person with disability as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full participation) Act, 1995 (1 of 1996);
- (e) a person under circumstances of undeserved want such as being victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- (f) an industrial workman; or
- (g) in custody, including custody in a protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention) Act 1956 (104 of 1956) or in a juvenile home within the meaning of clause (j) of section 2 of the Juvenile Justice Act, 1986 (53 of 1986) or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987 (14 of 1987); or
- (h) in receipt of annual income less than Rupees 5,00,000/-. (*Applicant is required to furnish an affidavit to this effect*).

Section 13 relates to entitlement to legal services. It provides:

- (1) Persons who satisfy all or any of the criteria specified in Section 12 shall be entitled to receive legal services provided that the concerned Authority is satisfied that such person has a *prima facie* case to prosecute or to defend.
- (2) An affidavit made by a person as to his income may be regarded as sufficient for making him eligible to the entitlement of legal services under this Act unless the concerned Authority has reason to disbelieve such affidavit.

Note: The litigant who has been granted legal aid by the Committee need not pay any money to any official of the Committee or to the advocate concerned, to whom his/her case is marked, for filing or defending a petition before the Supreme Court. The granting of legal aid to the litigants is absolutely free of cost.

Rule 7 of the Rules provides for the upper limit of annual income of a person entitling him to legal services under clause (h) of Section 12 of the Act, if the case is before the Supreme Court. It states that a person whose annual income from all sources does not exceed Rs.5,00,000/- (Rupees five lakhs) per annum shall be entitled to legal services under the said provision.

1. Proof of eligibility criteria for categories specified under Section 12 of the Act

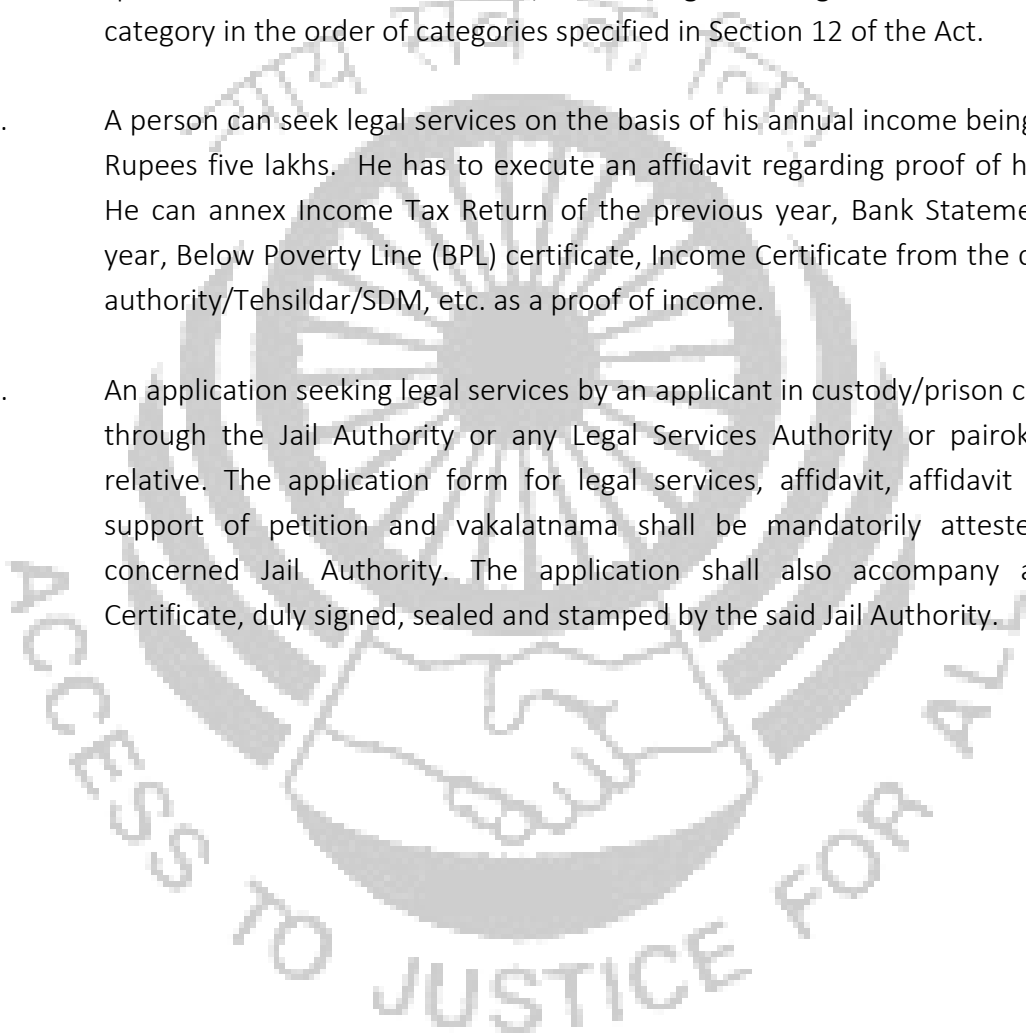
In order to avail legal services under Section 12 of the Act read with Rule 7 of the Rules, a person has to furnish proof of eligibility criteria for the categories specified in Section 12 of the Act, as under:

- i. A person seeking legal aid as a member of the Scheduled Caste under Section 12(a) of the Act shall annex a Scheduled Caste Certificate issued by the competent Authority.
- ii. A person seeking legal aid as a member of the Scheduled Tribe under Section 12(a) of the Act shall annex a Scheduled Tribe Certificate issued by the competent Authority.
- iii. A person with disability is entitled to legal services under Section 12(d) of the Act. He has to annex a certificate issued by the competent Authority specifying the percentage and kind of disability. 'Person with disability' has been defined in the Rights of Persons with Disabilities Act, 2016. The relevant provisions of Section 2 read thus:

“(r) "person with benchmark disability" means a person with not less than forty percent of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority;

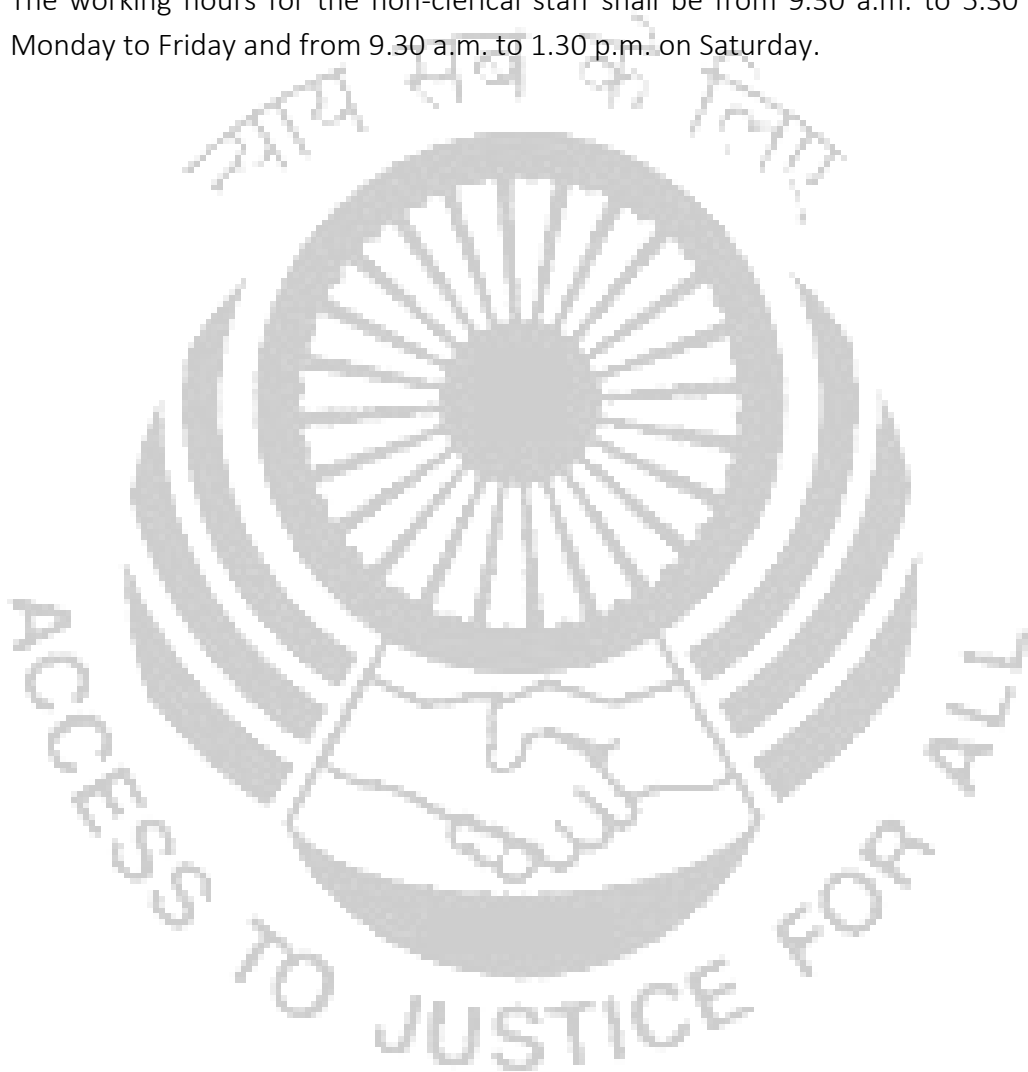
(s) "person with disability" means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others;”
- iv. A mentally challenged person shall be entitled to legal services in terms of the scheme introduced by the Central Authority, titled as NALSA (Legal Services to the Mentally ill and Mentally Disabled Persons) Scheme, 2015. He has to annex a certificate issued by the competent authority/medical board/psychiatrist of a recognized hospital. The Committee can refer the matter to the concerned District Legal Services Authority of the State to verify the competency and truthfulness of the legal services sought under this category. If such a certificate is not available, the District Legal Services Authority is required to send the status within two weeks.

- v. A person may seek legal services through General Power of Attorney Holder (GPA) if the said GPA Holder has contested the case in the Trial Court or High Court. In case the application is made for the first time in the Committee seeking legal services through GPA Holder, then such application is generally rejected, except in cases where a person seeking legal services is a convict in prison and an application is preferred on his behalf by his pairokar/relative.
- vi. A person with temporary disability can seek legal services. He has to annex a medical certificate issued by the competent Authority/Government recognized hospital specifying therein the cause/reason for temporary disability.
- vii. In case a person seeking legal services is eligible under two different categories specified in Section 12 of the Act, he will be granted legal services under the first category in the order of categories specified in Section 12 of the Act.
- viii. A person can seek legal services on the basis of his annual income being less than Rupees five lakhs. He has to execute an affidavit regarding proof of his income. He can annex Income Tax Return of the previous year, Bank Statement of one year, Below Poverty Line (BPL) certificate, Income Certificate from the competent authority/Tehsildar/SDM, etc. as a proof of income.
- ix. An application seeking legal services by an applicant in custody/prison can be sent through the Jail Authority or any Legal Services Authority or pairokar or any relative. The application form for legal services, affidavit, affidavit of fact in support of petition and vakalatnama shall be mandatorily attested by the concerned Jail Authority. The application shall also accompany a Custody Certificate, duly signed, sealed and stamped by the said Jail Authority.



CHAPTER IV
WORKING HOURS OF THE OFFICE OF THE COMMITTEE

1. The office of the Committee shall work for six days a week, excepting vacation and holidays and, subject to any order by the Chairman. The office shall follow the working hours adopted by the Registry. It shall remain open daily from 10.00 a.m. to 5.00 p.m. from Monday to Friday.
2. The office of the Committee shall, excepting vacation and holidays, be open on Saturday from 10.00 a.m. to 1.00 p.m.;
3. The working hours for the non-clerical staff shall be from 9.30 a.m. to 5.30 p.m. from Monday to Friday and from 9.30 a.m. to 1.30 p.m. on Saturday.



CHAPTER V
DUTIES AND RESPONSIBILITIES OF OFFICERS AND STAFF AND FUNCTIONS OF THE COMMITTEE

1. Preliminary

(i) The office of the Committee shall be responsible for –

- (a) receipt and processing of applications seeking legal services;
- (b) appointment of advocates/senior advocates;
- (c) seek opinions from Screening Committee, Legal Service Counsel-cum-Consultant, panel advocate;
- (d) compliance with Court orders;
- (e) custody and maintenance of files and paper-books;
- (f) preparation of notices, etc.;
- (g) translation;
- (h) payment of honorarium to advocates/senior advocates;
- (i) maintenance and destruction of records;
- (j) scanning of records;

and matters incidental thereto in respect of the applications and cases and/or documents filed therein.

- (ii) A branch shall be headed by a Superintendent and the Under Secretary shall be the in-charge of the branch.
- (iii) All officers and officials of the branch dealing with grant of legal services shall work under the control and general supervision of the Secretary.
- (iv) A dealing Assistant (Assistant Section Officer, Senior Secretariate Assistant or Junior Secretariate Assistant) shall be the primary source for processing the applications seeking legal services. He shall discharge his day-to-day work and perform duties, either in physical or in electronic form by operating through the password to be allotted to him.

2. Secretary

Regulation 8 of the Regulations deals with the functioning and powers of the Secretary of the Committee. He shall be the Principal Officer of the Committee appointed by the Chief Justice of India. He shall be the custodian of all assets, accounts, records and funds at the disposal of the Committee. He shall maintain accounts of the receipts and disbursements of the funds of the Committee. Besides looking after the day-to-day functioning of the Committee, he also acts as Coordinator of the Supreme Court Mediation Centre. He shall also be required to perform the following duties:

- (i) to sign and approve the bills of advocates, translators and other payments;
- (ii) to operate the Bank Account of the Committee jointly with one member of the Committee appointed by the Chairman;
- (iii) to sign and approve vouchers pertaining to receipts and payments;
- (iv) to sign and approve Salary Bills, Cashbook, Ledger Books;
- (v) to prepare and approve balance sheet, income/expenditure and receipt and payment statement and bank reconciliation statements;

- (vi) to ensure correct deduction of TDS;
- (vii) to deal with the Income Tax Authorities regarding Income Tax matters and Auditors;
- (viii) to convene meetings of the Committee with the prior approval of the Chairman;
- (ix) to prepare Notice/Agenda of the meeting;
- (x) to record and prepare minutes of the meeting;
- (xi) to ensure implementation of the decisions taken and resolutions passed in the meeting;
- (xii) to maintain a Register of applications for legal services and to maintain status of such applications;
- (xiii) to seek legal opinion in a matter from the Legal Service Counsel-cum-Consultant;
- (xiv) to nominate/assign matters to the panel advocates for the purpose of filing or defending cases before the Supreme Court and to issue Assignment Letters in this regard;
- (xv) to nominate senior Advocate for arguing any matter filed or defended by the Committee;
- (xvi) to sign the Certificate of Exemption of payment of Court Fees in the matters to be filed before the Supreme Court through the Committee;
- (xvii) to record the reasons in writing for rejecting legal services and lodge the incomplete, irregular and non-maintainable legal aid applications;
- (xviii) to liaison with the Registry, advocates and other Authorities of Government of India, including Central Authority and other Legal Services Authorities in connection with the work of the Committee;
- (xix) to prepare brief note on any subject of importance to be taken up with the Chairman or the Registry;
- (xx) to prepare note on the appeal to the Chairman under Regulation 12(6) of the Regulations in case an appeal is received by the Committee from a person aggrieved by an order of rejection of legal services to him;
- (xxi) to act as the Appellate Authority under the Right to Information Act, 2005;
- (xxii) to perform such other duties as may be assigned by the Chairman.

3. Legal Service Counsel-Cum-Consultant

It shall be the duty of the Legal Service Counsel-cum-Consultant to perform the following duties:

- (i) to look after the legal work of the Committee;
- (ii) to make preliminary examination of cases before filing or defending in the Supreme Court on assignment made by the Secretary;
- (iii) to provide legal consultancy to the persons approaching the Committee;
- (iv) to advise the Secretary in examining the merits of the applications being submitted by the persons seeking legal services;

- (v) to file and/or argue the legal aid cases assigned by the Secretary;
- (vi) to represent the Committee before the Court in the matters, which are yet to be assigned to the panel advocate or the matters which have been left midway by the panel advocates due to personal reasons;
- (vii) to represent the Committee in the Court directed matters;
- (viii) to maintain the status of the matters of the Committee listed before the Supreme Court;
- (ix) to deal with the applications received on the portal of the NALSA;
- (x) to maintain records of the legal work done;
- (xi) to assign matters to panel advocates and Senior advocates in the absence and non-availability of the Secretary;
- (xii) to do any other urgent work after recording reasons in writing in the absence and non-availability of the Secretary;
- (xiii) to perform such other duties as may be assigned by the Secretary with the approval of chairman or the Chairman.

4. Under Secretary

It shall be the duty of the Under Secretary to perform the following duties:

- (i) to attend to the advocates and/or persons seeking legal services from the Committee;
- (ii) to make correspondence with the advocates, persons and other Government Authorities;
- (iii) to prepare notes and drafts in matters connected with legal services and to assist the Secretary in this regard;
- (iv) to examine files, notes, drafts and letters prepared by the Dealing Assistants;
- (v) to prepare draft budget estimates of the Committee;
- (vi) to assist in preparation of draft notice/agenda/minutes of the meetings of the Committee;
- (vii) to ensure maintenance and updating the software of the Committee;
- (viii) to assist the Secretary and/or Legal Service Counsel-cum-Consultant in day-to-day discharge of their duties;
- (ix) to coordinate between the Staff and the Secretary;
- (x) to coordinate between the Staff and Legal Service Counsel-cum-Consultant;
- (xi) to regularly check the official website/portal and E-mails of the Committee;
- (xii) to maintain the records of the Committee;
- (xiii) to supervise maintenance of Application Number and Dispatch Register and records;
- (xiv) to perform such other duties as may be assigned by the Secretary.

5. Superintendent

It shall be the duty of the Superintendent to perform the following duties:

- (i) to supervise the office of the Committee;
- (ii) to attend to the advocates and litigants approaching the Committee;
- (iii) to make correspondence with the advocates, litigants and other Government Authorities;
- (iv) to prepare submission notes and drafts in matters relating to the administration and accounts of the Committee and to assist, in this regard, the Under Secretary and Secretary;
- (v) to examine files, notes, drafts and letters prepared by the Dealing Assistants;
- (vi) to prepare draft budget estimates of the Committee;
- (vii) to assist in preparation of draft notice/agenda/minutes of the meetings of the Committee;
- (viii) to ensure the maintenance and updating the software of the Committee;
- (ix) to assist the Secretary/Under Secretary/Legal Service Counsel-cum-Consultant in discharge of their duties;
- (x) to act as the Central Public Information Officer under the Right to Information Act, 2005;
- (xi) to coordinate between the Staff and the Secretary;
- (xii) to coordinate between the Staff and Legal Service Counsel-cum-Consultant;
- (xiii) to regularly check the website and E-mails of the Committee;
- (xiv) to maintain records of the Committee;
- (xv) to supervise maintenance of Application Number and Dispatch Register and records;
- (xvi) to perform such other duties as may be assigned by the Secretary.

6. Senior Stenographer

- (i) to do the typing work, take shorthand and dictation from the Secretary.
- (ii) to assist the Secretary in drafting RTI Appeals.
- (iii) to do any other work assigned by Secretary.

7. Assistant Section Officer (Administration)

- (i) to maintain and complete the personal files, leave records and service books of the officers and employees of the SCLSC.
- (ii) to prepare draft notice agenda of the meeting.

- (iii) to prepare draft minutes of the meeting.
- (iv) to put draft letters and notes in administrative files.
- (v) to prepare the ACRs of the employees of the SCLSC.
- (vi) to verify the bills and other claims of the employees of the SCLSC.
- (vii) to verify the bills relating to the local purchases made by the SCLSC.
- (viii) to determine and recommend the annual increments of the employees of the SCLSC.
- (ix) any other administrative work assigned by the Secretary/Under Secretary including approval for tendering, advertisements etc.
- (x) to check and verify and sign all the bills of Advocates and the bill received in SCMC.
- (xi) to assist the CPIO and the First Appellate Authority in passing order on the RTI Application or the Appeal received.
- (xii) to calculate and prepare the retiral dues of SCLSC employees.

8. Accountant

- (i) to check the bills of the Panel Advocates.
- (ii) to prepare bank and cash vouchers.
- (iii) to deduct the TDS from the Honorarium of Advocates.
- (iv) to deposit the TDS in the Bank.
- (v) to get the amount sanctioned from the Secretary and get it transferred to the concerned advocate's accounts.
- (vi) to prepare receipt & payment account and income & expenditure account.
- (vii) to maintain cost register, to prepare receipt of the cost and issue these receipts to the persons/advocates depositing the costs.
- (viii) to fix the pay of the employees of the SCLSC.
- (ix) to prepare pay bill, salary statements and to forward them online on PFMS portal.
- (x) to calculate the income tax of the employees and to ensure the deductions from the salary.
- (xi) to deposit tax challans before the respective authorities as prescribed.
- (xii) to purchase stationary and other items and to maintain salary register.
- (xiii) to make entries in expenditure control register and prepare Bank Reconciliation Statement.
- (xiv) to maintain record of security money and get the same fixed deposited.
- (xv) to check the dispatch register, to correspond with various agencies/departments related to account work, to keep a record of purchase of the postal stamps from

GPO and also of the purchase of welfare stamps.

- (xvi) to withdraw petty cash from the bank for urgent office expenses.
- (xvii) to prepare wages of the sweeper and outsource employees.
- (xviii) to assist the auditors during Audit of Accounts.
- (xix) to maintain the digital records.
- (xx) to supervise the Accounts department in all accounts related matters.
- (xxi) any other duties assigned by the superiors.

9. Junior Stenographer

- (i) to do the typing work, take dictation from the Secretary/LSC.
- (ii) to assist the LSC in dealing with the applications received on the NALSA Portal.
- (iii) to do any other work assigned by the Secretary/LSC.

10. Senior Secretariat Assistant-cum-Accounts Clerk

- (i) to check the bills of the Advocates.
- (ii) to prepare bank and cash vouchers.
- (iii) to purchase stationary and other items through GEM and to maintain salary register.
- (iv) to prepare pay bill, TDS challans and salary statements and to forward them online.
- (v) to calculate the income tax of the employees and to ensure the deductions from the salary.
- (vi) to deposit tax challans before the Income Tax Authorities as prescribed under the Rules.
- (vii) to prepare receipt & payment account, income & expenditure account and balance-sheet.
- (viii) to make entries in expenditure control register and prepare Bank Reconciliation Statement.
- (ix) to maintain Cost Register, to prepare receipt of the Cost and issue these receipts to the persons/advocates depositing the costs.
- (x) to maintain record of security money and get the same fixed deposited.
- (xi) to check the Postal Register, to correspond with various agencies/departments in the matters related to account, to keep a record of the purchase of postal stamps from GPO and of the purchase of welfare stamps.
- (xii) to withdraw petty cash from the bank.
- (xiii) to assist the auditors during Audit of Accounts.
- (xiv) any other duties assigned by the superiors.
- (xv) to prepare all the bills related to PAO through PFMS.

- (xvi) to prepare salary and retiral payments through EIS.

11. Dealing Assistants

It shall be the duty of the dealing Assistants to perform the following duties:

- (i) to conduct scrutiny of the application seeking legal services and verify the eligibility of the applicant, nature of application and deficiency of the documents, if any, as per the approved checklist of documents applicable to the application and as to whether any previous case is filed.
- (ii) to seek the opinion of the Legal Service Counsel-cum-Consultant, with the approval of the Secretary, if the application requires an opinion and, accordingly, deal with the application;
- (iii) to refer the application to the Screening Committee for opinion, if the applicant is in custody as a convict in a case with imprisonment of less than ten years or is a complainant in a matter or is a party to any other criminal application or if the applicant has applied for Legal Aid in respect of Civil case.
- (iv) to process/put up/ forward the case to the Secretary for assignment of the Panel Advocate if the application is a petition from a person in custody as a convict in a case relating to Section 302 of the Indian Penal Code, 1860, or a case where sentence of death or imprisonment for life or on recommendation of Screening Committee/LSC that the case is fit for grant of Legal Aid in matters where imprisonment for ten years or more is involved or in criminal cases involving less than 10 years sentence or Civil cases;
- (v) to close the application with the approval of the Secretary if the opinion rendered by the Screening Committee is to decline legal services to the applicant;
- (vi) to intimate the applicant about the reasons given by LSC, OSD or Secretary and return the documents in case the request for legal services is declined;
- (vii) to prepare assignment letters of panel advocates and senior advocates;
- (viii) to require Panel advocate, and mention in the assignment letter, that the petition is required to be filed by him within a period of 15 days from the date of assignment;
- (ix) to communicate with the Legal Services applicant/ convict/ Panel Advocate to do the needful for the purpose of processing the Legal Aid applications and coordinating between them for effective communication between them in dealing the case before the Supreme Court
- (x) to open and maintain, in physical or in electronic form, the files relating to the persons seeking legal services on the SCLSC online portal (sclsc.gov.in)
- (xi) to process for appointment of a senior advocate in a criminal matter where the sentence involved is for a period of ten years or above and also death sentence, on the recommendation made by the advocate on-record after approval by the Secretary.
- (xii) To communicate and correspond with the legal aid applicants, panel advocates, Registry, Jail Authorities, Government Authorities and other Legal Services Authorities;

- (xiii) to check and process the applications received on the official website or through e-Mail of the Committee;
- (xiv) to coordinate between the legal aid applicants and the panel advocates till the disposal of the matter and to respond to their queries, including status of the case;
- (xv) to verify the bills raised by the Panel advocates and process the same for payments;
- (xvi) to assist the Secretary/Under Secretary/Legal Service Counsel-cum-Consultant /Superintendent in performance of their duties;
- (xvii) to perform such other duties as may be assigned by the Secretary and/or superior officers.
- (xviii) to facilitate video conferencing between the Legal Aid applicant and Panel Advocate and SCLSC authorities on request of the either side with the assistance of technical person.

12. Daftary

- (i) to maintain the records and files of the LSC.
- (ii) to maintain the daily register of the legal aid applicants.
- (iii) to maintain the legal files assigned to the LSC.
- (iv) to maintain the physical record of assigned and disposed of matters of the LSC.
- (v) any other work assigned.

13. Multi- Tasking Staff

- (i) to carry the files and daks received in the front office of the Committee to the Main Office in the Additional Building of Supreme Court.
- (ii) to hand over the files from Additional Building of Supreme Court to the Front Office of the Committee.
- (iii) to deliver Dak/Files to the Panel Advocates and Senior Advocates, if required.
- (iv) to operate photocopy machine.
- (v) to carry files to the Courts.
- (vi) to carry the files for the purpose of scanning of the documents.
- (vii) to carry the parcels/post to be delivered to the legal aid applicants and various authorities from Additional Building to the Post Office and to do the needful and procure the receipts of the same and hand it over to the Dispatcher.
- (viii) any other work assigned.

14. Farash

- (i) To maintain cleanliness in and around the office of SCLSC.
- (ii) Any other work assigned by superiors.



CHAPTER VI

FILING, PROCESSING AND MANAGEMENT OF APPLICATIONS/DAK

The Committee has made provision for receiving the applications from the persons seeking legal services both in physical and electronic mode. The applications and dak can be delivered in the office of the Committee in physical form or through SCLSC online portal (<https://www.sclsc.gov.in/>) or electronic mode on the e-Mail I.D. of the Committee, i.e., sclsc@nic.in. The Legal Aid applications can be submitted by the Legal Aid applicant himself or the same may be submitted through High Court Legal Services Committee, District Legal Services Authority, Taluka Legal Services Authority and Jail Authorities. The Legal Aid application are also received through NALSA Portal where the SCLSC is having an authority log in.

1. Application/dak received in PHYSICAL MODE

The application/dak can be submitted in the office of the Committee in physical form, i.e., by hand or by post. Upon receipt, data entry of the particulars of the application/dak, viz., name, address, contact number and State to which the applicant belongs, be done by the diarist in the SCLSC online portal on behalf of the Legal Aid applicant and submit his Legal Aid application, and a Application Number Record (ANR) is auto-generated on submission of Legal Aid application. The ANR will be immediately sent to the person seeking legal services through SMS on the mobile number given by him. The said ANR number shall be written on the application/dak received by the Committee for all future references. The Legal Aid applications will be displayed in the login ids of the Dealing Assistant for further processing the same.

2. Application/dak received through ELECTRONIC MODE

The application/dak can be submitted through SCLSC online portal (<https://www.sclsc.gov.in/>) on the e-Mail of the Committee, i.e., sclsc@nic.in. If the application is submitted through the portal, then immediately on submission of Legal Aid application, the Legal aid applicant will get a receipt number. In the application received through email the particulars will be entered by the diarist on the portal and thereafter the receipt number will be autogenerated and a SMS will be sent to the Legal Aid applicant. The said receipt number shall be written on the application/dak received by the Committee for all future references till the generation of ANR Number. The Legal Aid applications will be displayed in the login ids of the Dealing Assistant for further processing the same.

If the applicant has submitted the application through SCLSC Online Portal without the requisite documents as prescribed in the checklist or with incomplete documents then an auto pop-up will be shown on the screen intimating the applicant that his application cannot be further processed due to non-furnishing of requisite documents as per the checklist and further, he may submit a fresh application along with complete documents as per the checklist provided under the required documents.

3. PROCESSING OF LEGAL AID APPLICATIONS

The Scanning of all the Legal Aid applications along with documents received in the committee shall be done. The scrutiny of the applications will be done by the Dealing Assistant on the basis of the documents submitted by the Legal Aid Applicant after verifying them as per the checklist, after verifying the category as per the Legal Provisions applicable to the Committee and after

verifying from the software of the SCLSC which is now integrated with the software of Supreme Court that no previous case has been filed by the applicant against the same order regarding the identical issue. The ANR Number will be generated within 48 working hours by the dealing assistant after receipt of documents from scanning, cleaning and indexing with an exception of urgent matters to be identified physically or the matters having voluminous record in which considering the urgency or the volume, the scanning, cleaning and indexing may be dispensed with after seeking approval from the Secretary.

The applications will be categorized by the Dealing Assistant in three forms:

(1) Complete applications; (2) Incomplete applications; and (3) doubtful applications. The applications be categorized on the basis of its relation to civil or criminal proceedings and sub-categorized on the basis of special leave petitions, writ petitions, review petitions, curative petitions or caveat. A dealing Assistant shall be responsible for processing the application seeking legal services expeditiously and shall ensure the completion of Legal Aid process within a period of 7 days excluding the stages where period is already specified in the procedure.

4. CATEGORIZATION OF APPLICATIONS:

(i) Complete Applications

- The Legal Aid application categorized as complete on the ground that the documents as prescribed under the checklist are complete and also that the Legal Aid applicant is eligible for grant of Legal Aid, shall be sent for further scrutiny and opinion of the Screening Committee with the approval of Secretary. The Checklist of documents in each Legal Aid application will depend on the nature of Legal Aid [Special Leave Petition (Civil), Special Leave Petition (Criminal), Statutory Appeals, Transfer Petitions (Civil), Transfer Petition (Criminal), Review Petition (Civil), Review Petition (Criminal) and Curative Petitions involving Death Sentence and Life Imprisonment] sought by the applicant.
- All complete matters of Civil nature, Criminal matters involving less than 10 years sentence and other criminal matters (except Death Sentence and Life Imprisonment and more than 10 years sentence) shall be sent for opinion to the Screening Committee with the approval of secretary (see Regulation 7 of NALSA (Free and Competent Legal Services) Regulations, 2010).
- The Screening Committee is required to give a detailed opinion with reasons on the basis of which the opinion is rendered within a period of 15 days. In case of default by the screening committee in giving the Legal opinion within the stipulated time of 15 days, an auto generated reminder will be sent to render the opinion within a period of further 15 days. If the opinion is not rendered within the stipulated time of further 15 days i.e., the 30th day then a final auto generated reminder will be sent on the 30th day to render the opinion within a period of further 15 days. If the opinion is not given then on the 45st day the matter will be allocated to another screening committee and the software will record the same.
- On receipt of the opinion of the Screening Committee that the matter be taken up for filing of special leave petition/ Transfer Petition/ Review Petition, the dealing Assistant shall put up/forward the file to the Secretary and the Secretary will assign the matter to the Panel Advocate for filing petition before Supreme Court. The intimation of the assignment will be sent to the Legal Aid applicant and the Panel Advocate through SMS from SCLSC Online portal.

- A copy of the Assignment letter along with the name and contact details of the panel advocate shall be sent to the applicant for information;
- The Panel Advocate shall file the case before Supreme Court within 15 days from the date of assignment of the case. If the case is not filed within the stipulated period of 15 days, then an auto generated reminder will be sent on the 15th day requiring the Panel advocate to submit the case before Supreme Court within further 15 days. If the case is again not filed within total 30 days, then the case will be taken back and will be assigned to another Panel Advocate.
- The Secretary may reduce the stipulated time for filing of the case before Supreme Court in view of the urgency and after identifying the necessity of interim directions in a particular case for the benefit of the Legal Aid applicant after recording the reasons for the same.
- If the Panel Advocate has filed the case within the stipulated time but has not cured the defects pointed out by the registry within a period of 28 days and the matter has been dismissed for non-prosecution due to non-curing of defects then the matter shall be brought to the notice of the Hon'ble Chairman.
- In case the matter is rejected by the Screening Committee or it is revealed that the case has been previously filed by or on behalf of applicant and is pending or has already been decided against the same impugned judgment, the case file be closed with the approval of the Secretary and the papers be returned to the applicant.
- a. **Cases involving sentence of death, imprisonment for life or for a period of 10 years or more [Special Leave Petition (Criminal)]:**
 - The Dealing Assistant shall after scrutiny as provided herein above in the heading of "processing of Legal Aid application" put up/forward the file to the Secretary and the Secretary will assign the matter to the Panel Advocate for filing petition before Supreme Court. The intimation of the assignment will be sent to the Legal Aid applicant and the Panel Advocate through SMS in addition to the communication through e-mail and SCLSC Online portal.
 - A copy of the Assignment letter along with the name and contact details of the panel advocate be sent to the applicant for information;
 - The Panel Advocate shall file the case before Supreme Court within 15 days from the date of assignment of the case. If the case is not filed within the stipulated period of 15 days, then an auto generated reminder will be sent on the 15th day requiring the Panel advocate to submit the case before Supreme Court within further 15 days. If the case is again not filed within further 30 days, then the case will be taken back and will be assigned to another Panel Advocate.
 - The Secretary may reduce the stipulated time for filing of the case before Supreme Court in view of the urgency and after identifying the necessity of interim directions in a particular case for the benefit of the Legal Aid applicant after recording the reasons for the same.

- If the Panel Advocate has filed the case within the stipulated time but has not cured the defects pointed out by the registry within a period of 28 days and the matter has been dismissed for non-prosecution due to non-curing of defects then the matter shall be brought to the notice of the Hon'ble Chairman.
- In case it is revealed that the case has been previously filed by or on behalf of applicant and is pending or has already been decided against the same impugned judgment, the case file will be closed with the approval of the Secretary and the papers be returned to the applicant.

b. Legal Aid application in Respondent matter:

- In cases where the Supreme Court has issued notice and the legal aid applicant is a respondent, who has received such notice, he can present an application seeking legal services to the Committee;
- The dealing Assistant shall put up/forward the file to the Secretary and the Secretary will assign the matter to the Panel Advocate for representing the Legal Aid application before Supreme Court. The intimation of the assignment will be sent to the Legal Aid applicant and the Panel Advocate through SMS through SCLSC Online portal.
- A copy of the Assignment letter along with the name and contact details of the panel advocate be sent to the applicant for information;

c. Caveat

- Any person belonging to the category eligible for grant of legal services, anticipating that the opposite side before the lower court is likely to file a petition before the Hon'ble Supreme Court, may apply for grant of legal aid along with the copy of the judgment/order passed in his favor by the lower court, to file a caveat in the matter;
- The dealing assistant shall forward the file to the LSC for legal opinion and thereafter the file along with the opinion shall be placed before the Secretary;
- If the opinion is favorable to the applicant, the Secretary will assign the matter to the Panel Advocate for representing the Legal Aid application before Supreme Court. The intimation of the assignment will be sent to the Legal Aid applicant and the Panel Advocate through SMS in addition to the communication through e-mail and SCLSC Online portal.
- A copy of the Assignment letter along with the name and contact details of the panel advocate be sent to the applicant for information;

d. Curative Petitions

- The request for legal services for filing curative petition in criminal proceedings shall be confined to the cases relating to life and capital sentences, in view of the Resolution dated 13th January, 2004, passed in the 19th Meeting of the Committee;

(The Resolution dated 13th January, 2004, passed in the 19th Meeting of the Committee reads thus:

“Agenda minutes of the 18th Meeting held on 5th August, 2003 were approved, except with the modification that henceforth request for filing Curative Petitions may be entertained confined to case of life and capital sentences.”

- An application for filing curative petition in cases relating to imprisonment for life and death sentences, upon receipt, be processed and if the same is found to be complete in all respects, it shall be sent to a Senior Advocate/Legal Service Counsel-cum-Consultant on the panel of the Committee, for opinion;
- the dealing Assistant shall put up/forward the file to the Secretary and the Secretary will assign the matter to the Panel Advocate for filing petition before Supreme Court. The intimation of the assignment will be sent to the Legal Aid applicant and the Panel Advocate through SMS through SCLSC Online portal.
- A copy of the Assignment letter along with the name and contact details of the panel advocate be sent to the applicant for information;
- In case the matter is opined to be rejected by the Senior Advocate/ Legal Services Counsel cum Consultant or it is revealed that the case has been previously filed by or on behalf of applicant and is pending or has already been decided against the same impugned judgment, the case file will be closed with the approval of the Secretary and the papers be returned to the applicant.

(ii) Incomplete Applications

The following procedure shall be followed in regard to the legal aid applications received by post / through physical mode: -

- In case the application submitted by an applicant/forwarded through Legal Services Authorities is found to be incomplete on account of non-completion of formalities for grant of legal services or non-furnishing of requisite documents, as per the applicable checklist, the dealing Assistant shall after approval by the Secretary require the applicant to complete the requisite documents and formalities within a period of 30 days.
- If the deficiency pointed out in the aforesaid clause are cured then, the matter shall be treated under the category of ‘Complete Applications’ and the procedure provided thereunder category be followed;
- If the deficiency pointed out in the aforesaid clause are not cured within the stipulated period of 30 days, the case file shall be closed and the papers be returned to the applicant with an exception of the case belonging to the person in custody or a convict in which case the stipulated period for the closing the application will be 90 days.
- In cases where the applicant is in prison or is a convict undergoing sentence in prison, the completion of requisite formalities in terms of clause (i) above, be required to be done by the Secretary of the concerned High Court Legal Services Committee. The concerned Secretary/ Jail Authority be requested to make good

the deficient documents and provide the translated copies, wherever required, latest within 30 days of the receipt of letter from the Committee;

- If the documents of the convict/undertrial are not received by the SCLSC through the HCLSC or the Jail Authority within a period of 90 days from the date of submitting legal aid application to the SCLSC then the case will be closed, under intimation through SMS to the concerned HCLSC and the applicant;
- As per the above requirements, documents are to be submitted within 30/90 days. However, in exceptional cases where the applicant satisfies that the delay was not on account of his negligence and he had exercised due diligence for the procurement of documents, the above condition can be relaxed and further time can be granted;
- As soon as requisite documents and translated copies of documents, wherever applicable, are received, the matter be treated under the category of 'Complete Applications' and the procedure provided thereunder be followed;
- If an incomplete application has been received from an applicant, who is a convict in prison and has been sentenced to death, the dealing Assistant shall immediately bring it to the notice of the Secretary for further action.

(iii) Doubtful Applications

- On receipt of an application which appears to be doubtful, it shall be sent, under the approval of the Secretary, to the Legal Service Counsel-cum-Consultant for opinion;
- If the opinion given *prima facie* discloses that a case is made out to file a petition/appeal before the Supreme Court and the documents are complete in all respects, the procedure provided under the category 'Complete Application' be followed;
- If the opinion given *prima facie* discloses that a case is made out to file a petition before the Supreme Court but the documents are incomplete, the procedure provided under the category 'Incomplete Application' be followed;
- In case the opinion given *prima facie* discloses that no case has been made out to file a petition before the Supreme Court, the case file be closed with the approval of the Secretary and the papers be returned to the applicant.

[PROCESSING OF LEGAL AID APPLICATIONS IS SHOWN THROUGH FLOWCHART ANNEXED AS APPENDIX I]

General guidelines prescribing timelines in SCLSC

1. The generation of ANR No. and the preparation of note sheet will normally be done within a period of 48 hours by the dealing assistant from the date of receipt of documents after scanning/cleaning.

2. The documents will be scanned and indexed after the generation of the ANR Number at the earliest.
3. The procedure of scanning, cleaning and indexing may be exempted in exceptional cases where the brief and the case is voluminous with the approval of the Secretary.
4. The period for granting opinion by the Legal Service Counsel cum Consultant will normally be 3 days from the date of receipt of the file.
5. The Screening Committee will render a detailed and reasoned opinion with a period of 15 days from the date of receipt of the documents along with the letter of SCLSC. In case of default in providing Legal opinion, an auto generated message will be sent to render the opinion within further period of 15 days. If the opinion is not given thereafter i.e., after 30 days of reference then a final auto generated reminder will be sent on the 30th day and if the opinion is not given then on the 45st day the matter will be assigned to another Screening Committee. A report would be prepared and would be placed before the for further action.
6. The Panel Advocate will provide Legal opinion within a period of 15 days from the date of receipt of the documents along with the letter of SCLSC.
7. The normal period for taking action on the file by the Officer on Special Duty will normally be 2 days from the date of receipt of the file.
8. The normal period for taking action on the file by the Under Secretary/ Superintendent will normally be 2 days from the date of receipt of the file.
9. The normal period for taking action on the file by the Secretary will normally be 2 days from the date of receipt of the file.
10. The Panel Advocate will normally file the SLP/ TP/ Review Petition within a period of 15 days from the date of assignment. If the case is not filed within the stipulated period of 15 days, then an auto generated reminder will be sent on the 15th day requiring the Panel advocate to submit the case before Supreme Court within further 15 days. If the case is again not filed within total 30 days, then the case will be taken back and will be assigned to another Panel Advocate.
11. The Additional documents/ attested affidavit/ NOC/ any other document required by the Panel Advocate after assignment of the case shall be called by the dealing assistant normally within a period of 3 days from the date of receipt of letter.
12. The Panel Advocate who intends to engage the senior advocate in the matters relating to section 302, 376, 390, 391, 396 IPC and matters involving more than 10 years of sentence, will send a letter within 24 hours from the date and time of issuance of the list by the Supreme Court registry.
13. The Panel Advocate will intimate about the important directions issued by the Hon'ble Supreme Court from time to time and will also inform the SCLSC in writing about the disposal of the case normally within a period of 7 days from the date of disposal and will return back all the papers and paper-book relating to the matter assigned by SCLSC along with the intimation of disposal.

14. The Panel Advocate will send the bill of expense to the SCLSC within a period of 30 days from the date of disposal of the case.
15. The matters already filed before Supreme Court by the Legal Aid applicant prior to approaching the SCLSC and lying-in defects shall not be entertained by SCLSC since the mandatory procedure of seeking Legal opinion from screening committee/ LSC is skipped.
16. The matters registered and numbered by the registry or directed by the court shall be taken up by the SCLSC.
17. If the Legal aid applicant belongs to two categories, he will be granted legal services under the first category in the order of categories specified in Section 12 of the Legal Services Authorities Act, 1987 (see Chapter III *ibid*).



CHAPTER VII

CHECK LIST FOR DOCUMENTS TO BE SUBMITTED BY LITIGANTS SEEKING LEGAL SERVICES

In order to simplify and streamline the procedure for applicants seeking legal services, the following checklists of requisite documents have been provided so that the applications seeking legal services do not remain incomplete.

I. Special Leave Petition (Criminal)

S. No.	Documents
1.	Certified copy of High Court Judgement
2.	High Court Paper Book
3.	Copy of FIR
4.	Copy of Evidences
5.	Trial Court Judgment
6.	Reasons for delay, if any, in approaching Hon'ble Supreme Court
7.	English Translation of the documents, which are in vernacular
8.	Application for Legal Services
9.	Affidavit for legal services
10.	Vakalatnama
12.	Certificate of Imprisonment

(Sr. Nos.8 to 12 to be attested by jail authority, if the applicant is a convict in prison)

II. Special Leave Petition (Civil)

S. No.	Documents
1.	Certified copy of High Court Judgment
2.	High Court Paper Book
3.	Trial Court/Tribunal Judgment and pleadings before the Trial Court/Tribunal
4.	Reasons for delay, if any, in approaching Hon'ble Supreme Court
5.	Application for Legal Services
6.	Affidavit for legal services
7.	Vakalatnama
8.	English Translation of the documents, which are in vernacular

III. Transfer Petition (Civil)

S. No.	Documents
1.	Copy of petition filed by the opposite party before trial court
2.	Copy of order of the last date along with the next date of hearing
3.	Reasons for transfer
4.	Application for legal services
5.	Affidavit for legal services
6.	Vakalatnama
7.	English translation of the documents, which are in vernacular.

IV. Transfer Petition (Criminal)

S. No.	Documents
1.	Copy of FIR/complaint/criminal case before trial court
2.	Copy of order of the last date along with the next date of hearing
3.	Reasons for transfer
4.	Application for legal services
5.	Affidavit for legal services
6.	Vakalatnama
7.	English translation of the documents, which are in vernacular.

V. Respondent Matter

S. No.	Documents
1.	Copy of the complete set of SLP/Transfer Petition/Civil & Criminal Appeal/Writ petition paper book
2.	Copy of the notice issued by the Registry of the Supreme Court
3.	Affidavit for legal services
4.	Vakalatnama
5.	English translation of the documents, which are in vernacular
7.	Application for legal services

VI. Statutory Appeals

S. No.	Documents
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1.	Certified copy of the Judgement passed by District Forum, State Commission and National Commission/ Tribunal or any other Authority
2.	Paper book of the case filed in District Forum, State Commission and National Commission/Tribunal or any other Authority
3.	Reasons for delay, if any, in approaching for legal aid.
4.	Application for legal services
5.	Affidavit for legal services
6.	Vakalatnama
7.	English translation of the documents, which are in vernacular.

VII. Review Petition (Civil/Criminal)

S. No.	Documents
1.	Copy of complete set of SLP/Appeal paper book
2.	Certified copy of the order passed by the Hon'ble Supreme Court in SLP.
3.	No objection certificate from the Advocate on Record who filed the SLP, if SLP not filed through SCLSC.
4.	Vakalatnama
5.	English translation of the documents, which are in vernacular
7.	Application for legal services
8.	Reasons for delay in approaching the Hon'ble Supreme Court
9.	Grounds for filing Review Petition

VIII. Curative Petition (Criminal) relating only to life sentence/death sentence

S. No.	Documents
1.	Copy of complete set of SLP/Appeal paper book
2.	Certified copy of the order passed by the Hon'ble Supreme Court in SLP/Appeal.
3.	Certified copy of the order passed by the Hon'ble Supreme Court in Review Petition
4.	Complete copy of the Review Petition
5.	Certificate of imprisonment
6.	Affidavit for legal services

7.	Vakalatnama
8.	English translation of the documents, which are in vernacular
9.	Application for legal services
10.	Reasons for delay
11.	Grounds for filing Curative Petition

IX. Court Directed Matters

S. No.	Documents
1.	Copy of complete set of SLP/Transfer Petition/Civil and Criminal/Writ Petition paper book
2.	Copy of the order passed by the Hon'ble Supreme Court.
3.	Affidavit for legal services
4.	Vakalatnama
5.	English translation of the documents, which are in vernacular
7.	Application for legal services



CHAPTER VIII PROVISION OF APPEAL

An applicant, aggrieved by the decision of rejection of his/her application for grant of legal aid, can prefer an appeal to the Hon'ble Chairman under Regulation 12(6) of the Regulations. Similarly, an applicant has a right to appeal to the Hon'ble Chairman under the said Regulation impugning the decision of the Screening Committee.

The appeal shall be entertained only if it is made within 90 days of disposal of legal aid application by the competent authority since the SCLSC has adopted the procedure to weed out the records after 3 months of the disposal of Legal Aid Application.

The decision of the Hon'ble Chairman regarding grant of legal aid shall be final.



CHAPTER IX MAINTENANCE OF RECORDS

The Committee, for the convenience of the litigants/visitors, functions through Front office and Main office.

1. FRONT OFFICE

The Front office caters to the need of the persons desirous of, or seeking, assistance regarding legal services as regards preliminary requirements, formalities, advice or any other information. Such persons seeking assistance shall furnish their details. For the said purpose, a register be maintained wherein details of each visitor/applicant, such as, name, address, phone number and reason for the visit to the Committee be mentioned. The register would reflect the total number of applicants, who approached the Front office for the purpose of seeking assistance, ascertaining the status of their pending cases or seeking legal advice or for any other reason connected with the Committee. It shall be mandatory for every visitor/applicant/litigant to fill his details in the register. In case of any handicap, a visitor can seek assistance from the staff of the Committee to fill up the particulars in the Register. The applicants willing to interact with officials of SCLSC can approach the Front Office through video conferencing facility provided on the SCLSC portal.

The Front office shall also maintain Electronic/Physical Record regarding legal advice and counseling given to the applicants. The data shall contain the name, address and phone numbers as also the nature of legal advice sought and given to the applicants.

2. MAIN OFFICE

It shall be the duty of the officials of the Main office to maintain the Electronic/Physical Record of the Committee. It includes, --

- (i) to maintain chronologically the records of the Agenda and Minutes of the meeting of the Committee;
- (ii) to maintain chronologically the records of important circulars/office memoranda/office orders of the Committee;
- (iii) to maintain one common Register for all the dealing Assistants for the purposes of record regarding dispatch of files for the purpose of scanning of files.
- (iv) to maintain record of the files weeded out after disposal. Such record shall be maintained by the Superintendent. The status of the weeded-out files also be uploaded in the official database/online software;
- (v) to preserve file covers, note sheets and last communications sent to the applicants/persons along with annexures, if any, preserved for future reference, till the scanning of the said documents is completed;
- (vi) to maintain one Peon book for keeping the record of the matters dispatched to the panel advocates and for any other correspondence made with any other Department;

- (vii) to maintain one Peon book for the purpose of keeping records of the matters dispatched to the Screening Committee for the purpose of seeking opinion regarding the maintainability of a case;
- (viii) to maintain the records of the applications and appeals received under the Right to Information Act, 2005, for a period of three years.

3. LEGAL RECORD

It shall be the duty: -

- (i) to maintain Electronic/Physical Record regarding the matters assigned to the Legal Service Counsel-cum-Consultant by the Secretary;
- (ii) to maintain Electronic/Physical Record of the matters which are disposed of and returned to the Main office;
- (iii) to maintain computerized record of the opinions given to the Department which consists of the ANR No., name of the applicants, dates of receipt and dispatch of the files, and the opinions thereunder;
- (iv) to maintain one legal diary containing the details of the matters listed before the Supreme Court, which are assigned to the Legal Service Counsel-cum-Consultant;
- (v) to maintain an Electronic/Physical Record of the matters assigned to the non-advocate on-record on the panel of the Committee.

4. RECORD OF ACCOUNTS

- (i) to keep the record of the vouchers prepared during the billing process;
- (ii) to keep the record of the balance sheets of every year;
- (iii) to maintain the Electronic/Physical record of the costs deposited with the Committee and previous FDRs along with interest accrued thereon.

Miscellaneous

- (1) The 6 months appraisal / record of the work done by the Screening Committee as recorded in the SCLSC Online Portal will be placed before the Hon'ble Chairman for review and consideration.
- (2) The 6 months appraisal / record of the work done by the Panel Advocate (AOR, Non AOR and Senior Advocates) as recorded in the SCLSC Online Portal will be placed before the Hon'ble Chairman for review and consideration.
- (3) There shall be automatic assessment of the work done by the SCLSC employees by the SCLSC Online Portal and the assessment done shall form part of the Annual Confidential Report of the SCLSC employees.

- (4) The record available with the SCLSC in the form of files of legal aid applicant shall be weeded out in three months from the date of closing of legal aid application due to any reason.



CHAPTER X RIGHT TO INFORMATION

The Right to Information Act, 2005, has been enacted, *inter alia*, to enable the citizens to secure access to information under the control of public authorities and to promote transparency and accountability in the working of every public authority.

- (I)(a) An applicant, who desires to obtain any information, may make a request in writing or through electronic means under Section 6 of the Act accompanying requisite fee, and specifying the particulars of the information sought by him or her;
- (b) The application be assigned a diary number and be placed before the Central Public Information Officer of the Committee;
- (c) A file (F- S. No./RTI/SCLSC/Year) be opened by the dealing Assistant;
- (d) The Central Public Information Officer shall take a decision under Section 7 of the Act, on receipt of the request under Section 6, as expeditiously as possible, in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in Sections 8 and 9 of the Act and communicate the decision to the applicant;

Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

- (e) In case the request has been rejected, the Central Public Information Officer shall communicate to the person making the request: —
 - (i) the reasons for such rejection;
 - (ii) the period within which an appeal against such rejection may be preferred; and
 - (iii) the particulars of the appellate authority.

- (II)(a) Any person who is not satisfied with the decision of the Central Public Information Officer may file an appeal under Section 19 of the Act before the First Appellate Authority;
- (b) The appeal be assigned a diary number and be placed before the First Appellate Authority;
- (c) A file (F- S. No./Appeal/SCLSC/Year) be opened by the dealing Assistant;
- (d) The First Appellate authority shall dispose of the appeal within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing;

- (III) The record of the files relating to the applications and appeals received under Sections 6 and 19 of the Act respectively be maintained for a period of three years.
- (IV) Any person aggrieved by the order of the First Appellate Authority, can prefer an appeal before the Central Information Commission. The Committee, upon receipt of any notice from the Central Information Commission seeking appearance on a particular date, be represented by the Central Public Information Officer.



CHAPTER XI
ONLINE PLATFORM OF THE COMMITTEE AND VIDEO CONFERENCING FACILITY

1. ONLINE PLATFORM

- (i) The Committee has an online portal (sclsc.gov.in), which provides basic information about its working and functions and a window to the persons entitled to legal services. Thus, any person can apply online seeking legal services at the level of the Supreme Court;
- (ii) The Committee has its e-mail, sclsc@nic.in, which can be used by the litigants, advocates and other interested persons to communicate with the Committee. The staff of the Committee has been entrusted with the responsibility to regularly check the e-mails and send replies without delay. Important e-mails shall be immediately brought to the notice of the Secretary for appropriate direction and action;
- (iii) The Committee has a link on the Portal of the Central Authority (<https://nalsa.gov.in>) whereon the applications seeking legal services are transmitted to the Committee by the officials of the Central Authority for appropriate action;
- (iv) The Committee has an interface with the Pay and Accounts Office through the PFMS (Public Financial Management System) portal www.pfms.nic.in. for the purpose of dealing with bills, salary and allowances and other expenditure;
- (v) The Committee has an internal software/database for making entries of applications seeking legal aid/legal services. It is regularly maintained and updated.

2. Video Conferencing Facility

The Committee has Video Conferencing Facility predominantly used to facilitate interaction between the Panel advocates and applicants-convicts lodged in different jails across the country. This interaction updates the convicts about the status their applications seeking legal services and eschew communication gap, if any. It also gives access to the applicants for seeking legal advice and they can connect with the SCSLC office through VC from any part of the world. The date of such interaction through VC is maintained in the form of digital record in the SCLSC Portal for future reference.

CHAPTER XII
IMPORTANT LEGISLATIONS, RULES, REGULATIONS AND IMPORTANT ORDERS OF THE SUPREME COURT AND CIRCULARS/OFFICE ORDERS OF THE COMMITTEE

1. Legislations, Rules and Regulations

- (i) Constitution of India;
- (ii) Code of Civil Procedure, 1908;
- (iii) Criminal Procedure Code, 1973;
- (iv) The Legal Services Authorities Act, 1987;
- (v) The Supreme Court Legal Services Committee Regulations, 1996;
- (vi) The Supreme Court Legal Services Committee Rules, 2000;
- (vii) The National Legal Services Authority (Legal Aid Clinics) Regulations, 2011;
- (viii) The National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010;

2. Order of the Supreme Court

Order of the Supreme Court in Writ Petition (Crl.) No.312 of 1994 in the case of *Supreme Court Legal Services Committee versus Union of India & Ors.* and other connected petitions passed on August 18, 1998.

3. Decisions taken in Circulars and Office Orders of the Committee operative till date

- (i) Office Order No.2 of 2014 dated 21st January, 2014, provides that, in order to curb the delay in legal aid matters, instead of three reminders, one reminder be sent to the advocates and translators. It further provided that three reminders each be sent to the litigants and the Jail Superintendent. The instructions further provided as under:

(i). In case of a particular panel advocate refusing to take briefs on three occasions without any justified reasons, the Secretary may place the matter before the Hon'ble Chairman for consideration for removal of such Advocate's name from the panel after giving him due notice for the same."

- (ii) Circular No.3 of 2014 dated 27th January, 2014, in furtherance of Circular No.2 of 2004 dated 21st January, 2014, relates to expedition of cases and translation of documents. It, *inter alia*, states as under:

"1. All panel Advocates are hereby informed that in case despite sending of complete documents to the advocate, there is delay in filing the matter even after issuance of one reminder after the gap of 30 days, then the case papers shall be called from the concerned advocate and the matter may be assigned to some other panel advocate. In case the advocate indulges in such practice constantly for three times, the matter may be brought to the kind attention of the Hon'ble Chairman for consideration for removal of such advocate from the panel."

- (iii) Circular No. F-1919/Circular/SCLSC/2015 dated 15th April, 2015, on the issue of transmission of cases through the High Court Legal Services Committee, conveyed the decision of the Central Authority that,

"... all matters that are required to be filed before the Supreme Court be processed and prepared by the High Court Legal Services Committee, including translation of documents and that SLSA's transfer adequate funds to High Court Legal Services Committee for preparation and translation of documents before dispatch to the Supreme Court Legal Services Committee for filing.

In view of above, you are requested to direct all the Jail Superintendent of your State to transmit the cases to the Supreme Court Legal Services Committee of those inmates who are seeking legal aid at the Supreme Court through the High Court Legal Services Committee."

- (iv) Circular No. F-SCLSC/Panel/2012-2014 dated 20th August, 2014, provides as under:

"It is hereby informed all the panel advocates that whenever a matter is assigned to them, the draft SLP has to be prepared within 7 days from the date of assignment, which shall be vetted by the undersigned. Where the matters of sentences of death, life and the cases pertaining to 376 IPC are to be listed for hearing, you are requested to inform the SCLSC well in advance so that we may engage the services of a Senior Advocate who shall argue the matter before the Hon'ble Supreme Court and before the argument the AOR along with the Secretary or her nominee shall meet the Senior Advocates for deliberations.

It is impressed upon all empaneled Advocates that matters relating to sentences of death, life and matters pertaining to 376 IPC are to be argued only by the Senior Advocates nominated by the SCLSC."

- (v) The SCLSC has vide Circular No. 191/Circular/SCLSC/2015, dated 13.04.2015 adopted the decision taken by the NALSA on 29.11.2014 under the Chairmanship of Hon'ble Mr. Justice T.S. Thakur, communicated to SCLSC on 19.02.2015, intimated all the Jail Authorities, State Legal Services Authorities and High Court Legal Services Authorities that: -

"All matters that are required to be filed before the Supreme Court be processed and prepared by the High Court Legal Services Committee including the translation of the documents and the SLSA's transfer adequate funds to the High Court Legal Services Committee for preparation and translation of documents before dispatch to Supreme Court Legal Services Committee for filing"

- (vi) Circular (No.2/2017/SCLSC dated 10th April, 2017, deals with directions to the dealing Assistants as regards video conferencing as under:

"It is hereby informed that, as Video Conferencing System of the Supreme Court Legal Services Committee (SCLSC) has been inaugurated on 22.03.2017 at the Supreme Court Complex, and for the effective work of this facility, all the Dealing Assistant are directed to do the video conference, as per the Video Conference Roaster (attached with this circular) and they are also directed to do the ground work for the video conferencing, one day in advance, to ensure the internet connectivity.

The video conferencing shall be done on all the working days with effect from Monday to Friday. In case of, a holiday coming in between, video conferencing shall be done by the person whose name features next in the list. This is a continuing process. Kindly, follow the schedule with effect from 11th April, 2017."

- (vii) The Resolution of the 57th Meeting held on 10th May, 2017, directed the following changes to be carried out in the Committee's database:

"1. In assignment letter criminal after para no.6:

(a) Your kind attention is further invited to the Resolution NO. 2(B) dated 10.05.2017 passed in the 57th meeting that at the time of assignment of the matter of a convict/applicant to the panel Advocate, he/she may be informed that a Video Conferencing facility is available in the office of SCLSC and learned Advocate may interact with the convict/applicant through video-conferencing. This will not only instill faith in the mind of convict/ applicant but also help in the getting any further clarifications from the convict/applicant by the panel advocate and vice-versa.

(b) Feedback proforma is available in office of SCLSC, which to be filled in by the Ld. Panel Advocate regarding their interaction with the convicts/applicants through video-conferencing.

(c) You are further informed that post card/pre-stamped envelopes are available with SCLSC, which may be collected from the office, for supplying timely information to the convicts about the status of their cases."

"2. In Screening Committee letter after para 1

As per Resolution No.2(vi) dated 10.05.2017 passed in the 57th meeting, you are further requested, to consider, whether the present matter is to be argued by a Senior Advocate?"

- (viii) Office Order (J.12011/57th Meeting/SCLSC/2017) dated 1st June, 2017, conveyed the Resolution of the 57th Meeting held on 10th May, 2017, as under:

"... the Legal Service Counsel-cum-Consultant, SCLSC is hereby directed to monitor the legal aid cases assigned to the panel advocates on daily basis, listed before the Hon'ble Supreme Court for better management of legal aid cases. The relevant resolution is reproduced below:

"The practice of monitoring of the legal aid cases pending before Hon'ble Supreme Court, assigned to the panel advocates by Legal Service Counsel-cum-Consultant may be continued so that SCLSC is aware of matters assigned to panel advocates for better management of legal aid cases."

- (ix) Circular (G-18(17)/SCLSC/1997 dated 10th November, 2017, conveyed the decision of the 58th Meeting of the Committee held on 2nd November, 2017 regarding revision of honoraria payable to the Panel advocates as per details given below:

S. No.	Particulars	Old rates	New rates (w.e.f. 01.12.2017) (from the date of assignment letter)

1.	Up to admission stage (including drafting/filing/registration/appearance)	Rs.8000/-	Rs.10,000/-
2.	On disposal of the matter at notice stage	Rs.7000/-	Rs.5,000/-
3.	On final disposal of the matter on regular basis (after granting leave to appeal)	Rs.5,000/-	Rs.10,000/-
	Total	Rs.20,000/-	Rs.25,000/-

The rates shall be applicable w.e.f. 01.12.2017 (that is from the date of assignment of letter)."

- (x) Circular (G-18(17)/SCLSC/1997 dated 10th November, 2017, conveyed the decision of the Committee in its 58th Meeting held on 2nd November, 2017, that the Committee "has increased the rates of translation from Rs. 96/- per page to Rs. 100/- per page lumpsum (which includes translation of documents, typing and xerox copy etc.) The said rates will be applicable w.e.f. 01.12.2017.

The Committee also resolved that, all the panel Advocates-on-Record be requested to get the regional language documents translated into English on their own, on the rates prescribed by the SCLSC. If any regional language translator is not available, then they may request the SCLSC to get the same translated through the High Court Legal Services Committee/High Court Legal Services Authority."

- (xi) Circular (F-SCLSC/JAIL PROJECT/2009 dated 19th January, 2018, deals with video conferencing with convicts lodged in different jails across the country and it states as under:

"1. In pursuance of the directions of the Hon'ble Chairman, Supreme Court Legal Services Committee has taken endeavor to develop the faith between the convicts lodged in different jails across the country and panel advocates of SCLSC.

2. To make Legal Aid Mechanism more effective and transparent, it is mandatory for all panel advocates to do the Video Conferencing, immediately after assignment of matter to them and thereafter again, as per requirement. Panel advocates are required to make prior request in writing to the Secretary, SCLSC for arranging Video Conferencing."

Amendment Clause

It is clarified that while implementing the SOP's if any alteration, amendment or upgradation of process is required, then the same will be done with the prior approval of the Competent Authority.

FLOW CHART OF PROCESSING OF APPLICATIONS

