

FAQs ABOUT PRO BONO LEGAL SERVICES FOR LITIGANTS & ADVOCATES
DEPARTMENT OF JUSTICE
22 June 2017

1. *What is the procedure to be adopted in cases assigned under this scheme?*

The *pro bono* advocate shall study the case and advise the litigant on best course of action. This may include giving legal advice, drafting of pleadings, legal representation before courts and mediation.

2. *Is the Department of Justice (DoJ) required to be copied/ informed of all the correspondences/ communications between the litigants and advocates?*

No. However, a record of every correspondence relevant to the case should be maintained by the litigant and advocate for their records.

3. *In what circumstances is it necessary for the advocates and litigants to keep the DoJ informed?*

The advocate and litigant shall keep the DoJ informed in the following events:

- a. Completion/resolution of the case.
- b. Reporting of any grievance – either by litigant or advocate.
- c. Reporting of change of advocate by the litigant or returning of brief by the advocate.

Please note that all the above communications to the DoJ shall be made

- by the advocate only through email and
- by the litigant through any preferred mode of communication.

4. *Whether the advocate is required to submit any case progress report to the DoJ?*

Yes, the advocate is required to submit a half yearly progress report (in a prescribed format) to the DoJ regarding the cases handled by her/him.

5. *Whether the legal opinion/advice rendered by the advocate to the litigant shall be in writing?*

Yes.

6. *Whether the advocates are obligated to accept all cases being assigned to them under this scheme?*

Advocates can refuse a case at the time of assignment or at a later stage, with prior written notice to the litigant and the DoJ, detailing the reasons for the same.

7. What is required to be done by advocate in matters where an Advocate-on-Record (AoR) is required for case filings?

Subject to availability, the services of the AoR associated with the DoJ may be sought in such cases.

8. Whether the court fees incurred in filing of cases is to be borne by the litigants/advocates?

No. Court fees will not apply if the application is filed under Order 33 of the Code of Civil Procedure which is applicable to 'indigent persons'.

9. Whether incidental/statutory fee relating to the matter are to be borne by the litigants/advocates?

Reasonable incidental expenses like photocopying, posting charges & typing charges if any will be borne by the litigants themselves, based on actuals or as mutually agreed between the advocate and the litigant.

10. What is required to be done in case the advocate is not able to establish contact with the litigant?

The advocate may try to establish contact with the litigant. If he/she is unable to do so, no further action is required to provide assistance to the litigant.

11. Is the litigant required to make any payments in cash or kind for availing pro bono legal services under this scheme?

By definition, *pro bono* services are free and hence litigants are not to be charged any payment in cash/kind on account of legal/ professional fees by the advocates.

However, based on the mutual understanding between the litigant and advocate, the litigant may be required to incur incidental expenses like photocopying, posting charges & typing charges.

Please note:

The DoJ reserves the right to update these terms at any time and the amended terms shall be communicated by publication on the website from time to time.