

## **PARAMETERS AND PROCEDURES FOR IDENTIFYING AND ACCREDITATION OF NON-GOVERNMENTAL ORGANISATIONS BY LEGAL SERVICES INSTITUTIONS.**

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### **BACKGROUND**

1. The fundamental obligation of Legal Services Institutions (LSIs) under the Legal Services Authorities Act, 1987 (the Act) is to serve the weaker sections of society by providing inclusive justice including legal awareness and legal access in an amicable manner. LSIs constituted under the Act have to ensure justice by transmitting knowledge, creating awareness and by amicable redressal of grievances through negotiation, discussion, mutual co-operation and co-ordination amongst all the stakeholders by adopting appropriate institutional mechanisms such as Lok Adalats, Permanent Lok Adalats and Mediation.
2. LSIs spread across the country under the Act are under an obligation to remove impediments which arise in the weaker sections of society realizing benefits available under legislation and welfare schemes. Large public funds are allotted to ensure justice, social, economic and political for the poor. These benefits must percolate to those for whom they are intended.
3. A nationwide network has been envisaged under the Act for providing legal aid and assistance. National Legal Services Authority (NALSA) is the apex body constituted to lay down policies and principles for making legal services available under the provisions of the Act and to frame effective and economical schemes for legal services. NALSA also disburses funds and grants to State Legal Services Authorities (SLSAs) and Non-Governmental Organisations (NGOs) for implementing legal services schemes and programmes.
4. NALSA has laid emphasis on legal awareness and legal access campaigns. Almost all SLSAs identify credible NGOs through whom legal literacy campaigns may be taken to tribal, backward and far-flung areas in the country. The effort is to publicize various kinds of legal service schemes so that the target group, for whom the Act is meant, may become aware of these beneficial provisions and approach legal services functionaries.
5. Multiplicity of laws and agencies, cumbersome procedures, unjustified delays and apathy of official agencies have led to the growth of civil society activities. Civil society organizations in India are doing impressive work and the approach of NALSA should be to support their work. NALSA needs to pro-actively engage with NGOs to become responsible stake holders in furthering the aims and objectives of the legal services movement. The LSI should themselves reach out to the NGO who have a proven track record of exemplary service and encourage new NGOs to work as partners.

6. Civil society organizations have a vital role to play in fostering an awareness of legal rights and in facilitating access to socio-economic welfare based initiatives. As a matter of principle, the association of such organizations in the activities of NALSA will enable NALSA to reach out to a large cross-section of society whose needs are served by these organizations. Engaging with civil society organizations working in areas such as gender, child rights, tribal welfare, health, education, differently abled, under-trials and convicts will enable NALSA to reach out to the marginalized. At the same time, it is necessary for NALSA to put into place an objective and transparent process of accreditation. A large part of the non-governmental and voluntary sector is unorganized and unregulated, as a result of which doubts can on occasion arise about the credibility of the institution. A proper process of accreditation would ensure that only those NGOs are selected for association with the activities of NALSA who have a demonstrated track record and ability to fulfill a transparent, accountable and rights based pattern of activities.

#### **NEED FOR ACCREDITATION**

7. Though the SLSAs in some States have been engaging with NGOs for various outreach programmes, the need to have a uniform policy for accreditation and funding of NGOs has always been felt. In this connection, it is relevant to refer to a letter (no. 2(1) /98-NALSA/1388-1404) dated 23/06/98, by the then Hon'ble Executive Chairman of NALSA which reads as follows:-

*“I feel that NALSA should now take concrete steps to establish a nationwide network of voluntary agencies for spreading legal literacy, legal awareness and publicity for legal services. State Legal Services Authorities (SLSAs) are in a better position to identify and select genuine NGOs and Social Action Groups which are willing and well equipped to support us. The SLSAs can monitor and supervise the programmes entrusted to these voluntary organizations and grants-in-aid to such groups can be sanctioned upon the recommendations of the SLSAs.*

*May I, therefore, request you to initiate steps to identify and contact such voluntary agencies and Social Action Groups and send a list thereof to NALSA. The applications for grants-in-aid from such groups be also forwarded to NALSA. It is, however, made clear that selection alone would not entitle any NGO to claim grant-in-aid from NALSA as a matter of right because the grants are sanctioned after proper scrutiny of the merits of the project proposals. In my view one NGO/Social Action Group can be given accreditation for every*

*District in a State which should work under direct supervision of the District Judge who is Ex-officio Chairman of District Legal Services Authority also. This strategy would ensure a meaningful implementation of the projects supported by NALSA.”*

8. In the 13th All India Meet of SLSAs held on 21st & 22nd March, 2015 at Ranchi, it was observed that while engaging with NGOs three things need to be identified i.e. (i) subject, (ii) method of accreditation and (iii) mechanism of association for spending the funds. Accordingly, with a view to evolving a thorough mechanism for accreditation of NGOs, a Committee comprising Hon’ble Mr. Justice D.Y. Chandrachud, Hon’ble Mr. Justice Hemant Gupta and Hon’ble Mr. Justice D.N. Patel was constituted at National Level to suggest as to how to identify and accredit NGOs, how to associate with them and also how to monitor their activities. The process and parameters for accreditation and funding of NGOs are being laid down on the basis of the recommendations of the Committee.

#### **PURPOSE OF ACCREDITATION**

9. The accreditation process is a certification system but it also focuses on empowering the organisation to achieve excellence. It gives ample opportunity to the organisation to systemise, organise, develop and comply with minimum standards and desirable norms. The accreditation process helps the organization not only to comply with norms, but to develop, update and review existing policies and norms. Accreditation helps the organisation in ensuring transparency within and outside the organisation, mobilising resources, donor support and brand building.

#### **ENGAGEMENT WITH LEGAL SERVICES INSTITUTIONS.**

10. Collaboration with NALSA/SLSAs is envisaged at two levels:

**The first** is where the organization does not seek any funding from LSIs and only seeks an association with or participation in a particular project of the organization by NALSA/SLSAs or seeks to participate in NALSA/SLSA’s projects/schemes

**The second** is where a commitment of funds by NALSA/SLSAs is required in a project initiated either by the organization or by NALSA/SLSA.

#### **ASSESSMENT COMMITTEE**

11. **There shall be a committee at the District/State/National level to assess the credibility, effectiveness and track record of the NGOs. The committee at the National level shall be constituted by the Hon’ble Executive Chairman NALSA, at the State and the District level by the Hon’ble Executive Chairman SLSA.**

## **12. Constitution of the Committees:**

- (i) **The Assessment Committee at the District level shall be headed by the Chairman of DLSA and shall have the Secretary DLSA, one senior panel/retainer lawyer and one suitable level officer from the district administration as its members.**
- (ii) **The Assessment Committee at State level shall be headed by the Member Secretary, SLSA. The Members will include one senior panel/retainer lawyer and one officer not below the rank of a Director from the State Government.**
- (iii) **The Assessment Committee at the National level will be headed by the Member Secretary, NALSA and shall have members as determined by the Hon'ble Executive Chairman, NALSA.**

## **PROCESS OF ACCREDITATION**

13. The NGOs desirous of working with the LSIs at the Taluk/District level may apply for accreditation to the concerned DLSAs and similarly, NGOs desirous of working at the State and National level may apply directly to the concerned SLSA and NALSA respectively. The accreditation process as envisaged in this report will comprise of four steps: self-assessment, assessor's assessment, recommendation and accreditation. The concerned LSIs will review the NGOs self- assessment report to ensure that information and documents have been duly provided in accordance with guidelines issued on the subject. Based on the assessment by the Committee, the concerned LSI may forward all the materials along with the report of the Assessment Committee to NALSA through proper channel. After reviewing all materials so received from the concerned LSI, NALSA may accreditate the organization on the basis of fulfillment of minimum and desirable norms.

14. **Stage of Identifying NGOs:** NGOs working for any social cause compatible with the aims and objectives of LSIs at Taluk Level or District Level may be identified by the concerned District level authority with the approval of the concerned SLSA and at the State Level by the SLSA. NGOs having a national presence can be identified by NALSA.

15. **Application for Accreditation:** The NGOs desirous of accreditation shall apply to the concerned District/State/National level authority giving a self-assessment in the prescribed proforma. The application shall also contain a self-certification that it has never been blacklisted by any Govt. Department. The applications so received shall be forwarded to the District/State and

National level Assessment Committee through the Secretary, DLSA/Member Secretary, SLSA or Member Secretary, NALSA as the case may be, along with his comments, if any.

16. **Assessment of NGOs:** On receiving the applications, District/State/National level Assessment Committee shall assess the viability and suitability of accrediting and engaging with the concerned NGO on the parameters as hereinafter prescribed. The Committee may *inter alia* conduct physical verification, review of operational and financial aspects of the NGO and discussion with its personnel. The Committee may also interview beneficiaries and other key stakeholders and, if necessary, also conduct interviews and meetings with current and past donors in order to have a better idea about the authenticity of the NGO.
17. **Report of the Assessment Committee:** The reports of the District Assessment Committee and the State Assessment Committee shall be submitted to the Hon'ble Executive Chairman, SLSA through the Member Secretary, SLSA. The report of the National Assessment Committee shall be submitted to the Hon'ble Executive Chairman, NALSA through Member Secretary, NALSA.
18. **Recommendation:** Having received the report of the Committee, the Hon'ble Executive Chairman of the concerned SLSA may review the same and if satisfied, may forward his/her recommendations to NALSA. The said recommendations shall be forwarded to the Hon'ble Executive Chairman, NALSA by the Member Secretary.
19. **Accreditation:** The Hon'ble Executive Chairman of NALSA may take a decision in the matter of granting accreditation of an NGO for all levels including at the National Level or at the State, District, Taluk or Regional Level.

#### **PARAMETERS FOR ACCREDITATION OF NGOs**

20. **Registration:** the NGO should be registered as a trust / society or should be a company registered under Section 25 of the Companies Act, 1956. Registration documents of the NGO should be submitted.
21. **Aims & Objectives:** The vision/ purpose/ mandate/ mission, which drives the organization, must be defined and articulated. The aims and objectives must not in any way be in conflict with the objectives of LSIs.
22. **Management:**

- a. The NGO should be committed to and must practice good governance in order to enhance effectiveness.
- b. It must disclose the details of Board Members namely their names, age, position and occupation.
- c. The Board must ensure compliance with applicable laws and statutory regulations.
- d. The Board must have regular meetings to review the progress of the projects undertaken by the NGO.
- e. The Board must approve programmes, budgets, annual activities report and audited financial statements.

### **23. Human Resources:**

- a. The NGO must have sufficient number of personnel with suitable qualification, experience and skills to carry out the activities as envisaged in its Memorandum and Articles of Association.
- b. The personnel working with the NGO should be adequately trained to build a people friendly attitude.
- c. There must be a mechanism in place to check any violation of laws by any of its employees/volunteers/agents etc.

### **24. Activities:**

- a. The NGO should have been functioning for a minimum period of two years for the Taluk and District level and for a minimum of three years for the State and National level from the date of its registration.
- b. The activities of the NGO must be in line with its vision/aims and objectives.
- c. The NGO should be able to demonstrate the performance through defined indicators against stated objectives.

### **25. Accountability and Transparency:**

- a. Organization must be accountable and transparent to the community served, to the state, the public, donors, staff, volunteers and other stake holders.
- b. Duly audited accounts statement of the NGOs including balance sheet, income and expenditure statement, schedules, notes on accounts and the statutory auditor's reports etc. should be available for inspection by the LSIs.
- c. There should be no serious adverse reports on any material point.
- d. The organization's Annual Report should be distributed and communicated to the stakeholders and be made available on request every year, within eight months of the end of the organization's financial year.
- e. The Annual Report must contain a description of the main activities, a

review of the progress and results achieved in the year; and information on the Board members' names, position in the Board, remuneration or reimbursement and should contain brief financial details.

## **RELEASE OF GRANTS**

### **26. Need for Funding NGOs:**

- a. There are several NGOs working with various marginalized sections of the society with an objective of ameliorating their conditions. They may be working in the field of health, education, self-employment, personal safety and liberty, against exploitation or for social up-liftment or general well-being, to name a few. Many of these areas have interface with law. It is here that the LSIs with their organized structure and expertise can help integrate their efforts to bring about real and measurable social and economic up-liftment.
- b. NGOs can also help carry forward the projects initiated by the LSIs by providing their expertise in the domain field and manpower, which is essential for an effective outrage.
- c. Both the above categories of projects can be carried out either through NGOs own funds or wherever needed, through funding by NALSA either wholly or partially.

## **PRINCIPLES FOR RELEASE OF GRANT**

27. In order to progressively eradicate specific social evils prevailing in the affected areas of the state, the concerned LSI may release a grant in aid for a specific viable project envisaging financial support to the accredited NGO in order to carry out activities identified for dealing with a particular social evil with measurable impact indicators.
28. The guidelines envisage financial support to NGOs for a periods upto three years or the completion of the project, whichever is earlier to carry out the activities identified in the policy with measurable impact indicators. Based on merits and proper justification, NALSA may extend the period of funding for a maximum period of five years.
29. The decision on providing financial support will be taken on the basis of the merits of the project proposal together with the credibility and past record of the applicant organization, and on the recommendations of the Assessment Committee.

30. An NGO seeking grants for a new project would be required to furnish complete information about all sources of funding and a list of projects financed/ supported through such funding.
31. The activities conducted by the NGO under the project shall at all times be subject to scrutiny and supervision by the Secretary/Member Secretary of the concerned LSI.
32. No grants will be released for acquisition of immovable assets or for construction of buildings.
33. The budget estimates for the budget as projected by the NGO should disclose specific quantified and qualitative targets for each stage and each activity.
34. Release of subsequent installments of the grant shall be conditional upon the NGO providing reasonable evidence of proper utilization of the previous installments.
35. Release of subsequent grants will be conditional on satisfactory operation of the activities of the organization as established through monitoring reports and periodical inspections.

## PROCEDURE

36. **Application for Grant:** An accredited NGO shall apply for grants in the prescribed proforma to the District, State or the National Legal Services Authority as the case may be.
37. Applications for funding in case of LSIs projects shall be accompanied by a detailed project proposal providing *inter-alia*, the following information:
  - a. Background of the organization.
  - b. Details of its key functionaries.
  - c. Experience of handling similar projects in the past/evidence of capacity for undertaking such projects.
  - d. Expected outcome of the project, on measurable parameters.
  - e. Duration of the project.
  - f. Detailed methodology to be adopted.
  - g. Estimated timelines.
  - h. Estimated costs activity wise.
  - i. Other sources of funds.
  - j. Amount of grant required.
38. In case of funding of projects initiated by the NGOs, the following additional information shall be provided by the NGOs:



- a. Aims and objective of the project.
  - b. Geographical area/target group (s) to be covered.
  - c. The manner in which the project shall contribute towards achieving the objective and goals of the LSI.
39. **Assessment by Committee:** The applications for grant along with the full project proposal shall be sent by the concerned LSI to the Assessment Committee for accreditation of NGOs at the District, State and National level and such Committee shall assess the need, viability, utility and economic feasibility of the project and the capacity and suitability of the NGO to carry out the same and report to the concerned LSI. The reports of the Committees at the District and the State level shall be sent to the Executive Chairman, SLSA through the Member Secretary. Similarly, the report of the National Assessment Committee shall be forwarded to the Executive Chairman, NALSA.
40. **Recommendation:** Having received the report of the Committee, the Executive Chairman of the concerned SLSA may review the same and if satisfied, the concerned SLSAs may forward the recommendation to NALSA to take the final decision for release of grants.
41. **Sanction/Release of grants:** The Executive Chairman, NALSA shall take the final decision in the matter of release of grants to the NGOs. If sanctioned, NALSA shall send a sanction order to the concerned SLSA and shall transfer the amount to the SLSA, preferably by electronic transfer mode. The sanction order shall clearly specify the object of the grant and the conditions attached to the grant.
42. **Agreement:** The recipient of funds shall have to enter into an agreement with the LSI. A standard agreement format will be prescribed for this purpose which will be made public through the website of the LSI. The NGO will be required to report on the physical and financial progress periodically in the prescribed format(s).
43. **Disbursement to the NGO:** The grant shall be released to the NGO by the concerned SLSA in case of financing of projects at the Taluk/District or State level and by NALSA in case of financing a national level project. The grant may be released in suitable stages on its executing a surety bond in the amount as determined by NALSA/SLSAs.
44. **Performance and Accounts:** The NGO shall file a quarterly performance report and statement of accounts with the concerned LSI. The Secretary/Member Secretary of the LSI shall periodically assess the performance by way of physical inspection, by seeking field reports or in any other matter as deemed suitable.

45. **Annual Accounts:** The NGO shall file its annual audited accounts with the concerned LSI, which shall be subject to scrutiny by the SLISA/NALSA.
46. **Utilisation Certificate:** On the completion of the project, the NGO shall submit a utilization certificate duly certified by its auditors, along with duly audited Statement of Account and a performance report containing full details of the activities conducted under the project and indicating whether the qualitative and quantitative targets have been met and if not, the reasons therefor.

## **RESPONSIBILITIES OF ACCREDITATED NGOS**

47. Accredited organizations will be responsible for:
- a. Providing information to the LSIs on any changes in their byelaws, registration, tax status, FCRA status, governing board, management committees and other items related to the legal entity of the organization every year.
  - b. Submitting audited statements and report of activities on a yearly basis to the LSI or at shorter intervals as may be acquired.
  - c. Providing support to the LSI in organizing and conducting capacity building programmes for partner organizations or other civil society organizations on a need based manner.
  - d. Providing mentoring support to other organizations to improve their organizational capacities.
  - e. Attending the meetings organized by the LSI whenever call.
  - f. In case of voluntary withdrawal from accreditation, informing the LSI one month in advance in writing about the same.

## **RIGHTS OF ACCREDITATED NGOS**

48. Accredited NGOs may:

- a. Produce the certificate of accreditation to any other agencies/institutions as proof of credibility
- b. Participate in capacity building programmes or coordination meetings organized for accredited members by the accrediting LSI
- c. Access periodic information services provided by the accreditation agency or any other resource agencies referred by the LSI
- d. Access any information or guidelines pertaining to programme planning, programme development and programme management available with the LSI.
- e. Use the LSI as a reference for their resource mobilization processes (technical and financial resources). In such cases the organization should apply and/or inform the LSI 10 days in advance about the programme and agency which they seek to approach

## **LIABILITY**

49. The accredited NGO shall carry out its assigned Project/Activities and shall utilize the funds of the LSI in tune with the terms and conditions of the accrediting body. The accredited NGO shall be liable to complete the Project/Activities within time and utilise the fund only for carrying out the Project/Activities.
50. On receiving any complaint of the contravention of any of the terms, conditions, aims and objectives by an accredited NGO or in connection with spending of the fund or allied matters, the concerned LSI shall get the matter inquired into and send its recommendations to NALSA through proper channel. The final decision to withdraw accreditation shall be taken by the Executive Chairman, NALSA or his delegate.
51. In case a criminal offence is registered against an NGO or against any of its key office bearers, the accreditation would be automatically terminate.

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