

LOK SABHA DEBATES

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Wednesday, May 3, 1995/ Vaisakha 13, 1917 (Saka)

(The Lok Sabha met at Eleven of the Clock)

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

[English]

Legal Aid Scheme.

*401. SHRI HARISINH CHAVDA : Will the PRIME MINISTER be pleased to state :

(a) the number of social action groups functioning in the country at present, State-wise;

(b) the funds allocated to State Legal Advice and Advice Board under the legal assistance scheme during the last three years year-wise and State-wise;

(c) whether the Government have received any complaint regarding working of these groups;

(d) if so, the details thereof; and

(e) the action taken by the Government thereon?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H.R. BHARDWAJ) : (a) The Committee for Implementing Legal Aid Schemes (CILAS) does not maintain the list of Social Action Groups functioning in the country but can only give information in regard to the Social Action Groups to which grant-in-aid has been released for legal aid work. Such information in regard to financial years 1980-81 to 1994-95 is contained in the Statement-I laid on the Table of the House.

(b) The amounts of grant-in-aid released to the State Legal Aid and Advice Boards during the last three years, year-wise and State-wise are indicated in the Statement-II laid on the Table of the House.

(c) No, Sir.

(d) and (e). Question does not arise.

STATEMENT-I

Statement showing the number of the Social Action Groups which have been sanctioned grant-in-aid by the Committee for Implementing Legal Aid Schemes from time to time during the financial years 1980-81 to 1994-95.

S.No.	Name of the State	Number of Social Action Groups
1	2	3
1.	Andhra Pradesh	11
2.	Arunachal Pradesh	Nil
3.	Assam	7

1	2	3
4.	Bihar	18
5.	Goa	Nil
6.	Gujarat	3
7.	Haryana	3
8.	Himachal Pradesh	Nil
9.	Jammu and Kashmir	1
10.	Karnataka	3
11.	Kerala	7
12.	Madhya Pradesh	3
13.	Maharashtra	7
14.	Manipur	2
15.	Meghalaya	Nil
16.	Mizoram	Nil
17.	Nagaland	Nil
18.	Orissa	22
19.	Punjab	Nil
20.	Rajasthan	8
21.	Sikkim	Nil
22.	Tamil Nadu	3
23.	Tripura	Nil
24.	Uttar Pradesh	11
25.	West Bengal	10
26.	Delhi	22

STATEMENT-II

Statement showing the grants-in-aid released to the State Legal Aid and Advice Boards during the Financial Years 1992-93, 1993-94 and 1994-95.

S.No.	Name of the State Legal Aid and Advice Board	1992-93	1993-94	1994-95
1	2	3	4	5
1.	Andhra Pradesh	50,000	2,50,000	-
2.	Assam	-	-	50,000
3.	Bihar	-	50,000	-
4.	Gujarat	1,05,136	1,00,000	1,00,000
5.	Haryana	1,40,000	-	1,50,000
6.	Himachal Pradesh	1,00,000	-	50,000
7.	Karnataka	2,50,000	2,50,000	2,00,000
8.	Kerala	1,00,000	-	1,00,000
9.	Madhya Pradesh	2,00,000	1,00,000	1,00,000
10	Maharashtra	1,25,000	-	-

1	2	3	4	5
11. Orissa		2,00,000	2,00,000	50,000
12. Punjab		25,000	75,000	50,000
13. Tamil Nadu		4,00,000	4,00,000	6,00,000
14. Uttar Pradesh		-	1,00,000	2,40,000
15. Delhi		-	-	35,000
Total		16,95,136	15,25,000	17,25,000

[Translation]

SHRI HARISINH CHAVDA : Mr. Speaker, Sir, there are thousands of poor people in our country-*adivasi*, *harijan* and illiterate. This scheme is meant for providing legal aid to them. But it seems from the figures that every year merely Rs. 15 to 17 lakh are allocated under this scheme throughout the country. The figures of States also show very dismal position. What are the reasons that the poor cannot get the benefit of this scheme? What do the Government propose to do to stop the exploitation of poor and to ensure that more and more people may get benefit of legal aid? My figures vary from official figures, for example in official figures it has been shown that three Groups have been sanctioned grant -in-aid in Gujarat, but according to my knowledge this number is seventeen. I would like to know reasons for this?

SHRI H.R. BHARDWAJ : The Central Committee has been constituted for legal aid. It provides financial assistance to all the organisations functioning in states whether these are State Legal Boards or voluntary organisations. The jurisdiction of this committee covers all states and committees have been set up in all the states. Apart from Central assistance, the State Governments also give them aid. Thus the Voluntary organisations get legal aid with all this money. These organisations also raise 50 per cent at their own and spend in it. I admit that this fund is not enough and more money is needed for this purpose. We aim at increasing this fund whether it is given by State or Central Government. Keeping in view the poverty of our country this amount seems to be insufficient but we have already passed a National Legal Aid Authority Law in this House for this purpose. It will launch a comprehensive legal aid programme throughout the country and apart from the grant given by us, the State Governments will also provide funds from their budgets for it because the Central Government wants to gear up this movement. It is possible only when the State Governments will pay their full attention towards it because they have to implement the scheme.

SHRI HARISHINH CHAVDA : Mr. Speaker, Sir, the amount of the assistance is only Rs. 15-17 lakh. What is the criteria for giving assistance to states participating in this scheme?

SHRI H.R. BHARDWAJ : Mr. Speaker, Sir, we have a grant of Rs. 40 lakh which is passed by this House. We do not give grants to State Governments. We give it to the Legal Aid Boards functioning in the States. The Legal Aid Board have been set up under the laws framed by respective State Governments. There is no uniformity all over the country. But wherever money is needed for convening Lok Adalats fund is released. The Chief Justice of India is its patron and he releases the fund. The Matching grant is released by Government or the organisation convening the Lok Adalat. The present position is this that these organisations or State Governments hesitate in getting the grant out of the fund of Rs. 40 lakh. I need your help in launching a large movement for providing Legal aid which will create awareness among masses to solve the problems of Scheduled Castes, Scheduled Tribes, backward classes, women and children enable us to provide them equality under Article 14. This is the objective of Article 39A of the Constitution. I think that whole House will agree on this issue. That Act has been passed and Rules are being framed. The State Governments are also considering this matter. After formulating these Rules the amount of funds may be increased to crores of rupees. There is no difficulty in it. I can ask more funds, if the allocated amount is spent properly.

SHRI DATTA MEGHE : Mr. Speaker, Sir, it is a good work but nine states have not been allocated any fund so far and this is meagre amount. How many persons will be benefited by this amount? An amount of Rs. 1 lakh 25 thousand was given in Maharashtra during 92-93 and thereafter not a single penny was given during 93-94 and 94-95. Had the Government not received any proposal from the State Government or there was no provision in the budget, please furnish details thereof.

SHRI H.R. BHARDWAJ : Mr. Speaker, Sir, I would like to tell the Hon. Member that Legal Aid Organisations are doing commendable job in Maharashtra. They have their own resources and do not require our help. We are always ready to help them. They may ask us for grant. There is no question of denying grant by Central Committee if demand comes from any quarter from where it is demanded, it will be fulfilled from there. We will not provide grant unless it is meant for any programme.

The Committee evaluates the programme given by them. The instalment is released only after examining the expenditure. Therefore as I have said that if the State Governments need money, why do they not ask for it? Tamil Nadu Government has done a commendable job and a grant of rupees 6 lakh has been sanctioned for it Karnataka and Andhra Pradesh have also performed well and the States where the Legal Aid Boards are working, do get more amount, but there is no discrimination. The State Government of Maharashtra has spent much on the judicial infrastructure. We have also given the full grant. If they want to get more work done on legal aid, there will be no paucity of fund.

SHRI ANNA JOSHI : Mr. Speaker, Sir, it has been stated in the reply of the question that there are 9 states where social action groups have not received any assistance during the last 15 years and the Central Government does not have any registration or information about it. I would like to know through you the names of those action groups or agencies which are working in these 9 States for the last 15 years.

SHRI H.R. BHARDWAJ : Sir, I have mentioned their number in the reply and their list is very long. If the Hon. Member wants, I will give him the list.

[English]

SHRI SHARAD DIGHE : I would like to know specifically whether, before releasing this grant-in-aid, the Government asks for any schemes from the States. Do you ultimately monitor as to whether those schemes are properly working and whether this amount is being spent or not? I would like to ask you specifically whether in 1993-94 and 1994-95 the Maharashtra Government has submitted any demand for legal aid.

MR. SPEAKER : That point has...

SHRI H.R. BHARDWAJ : Sir, I will explain. A little explanation is needed and I think he will be satisfied.

Maharashtra's performance in legal aid programme is second to none. They have held 1239 Lok Adalats. They have settled about 70,000 cases of amnesty. Out of the 70,000, they have settled 17,342 motor accident cases. They have disbursed compensation to the tune of Rs. 76,62,85,114/-. So, their performance is not bad. But Maharashtra has certain advantage, certain culture which makes it sometimes self-sufficient and sometimes they ask for it. We do not have any proposal for giving more money.

SHRI SHARAD DIGHE : Have they not demanded any money?

SHRI H.R. BHARDWAJ : No, they have not. You give me a proposal and I will give you money.

SHRI AMAL DATTA : It is shocking to see that the Ministry does not have any knowledge of the Social Action Group's working in the field of legal aid. They say, they only have the list of those whom they give grants. Is it not the duty of the Ministry to maintain a full list and then to select out of those, by monitoring their activities, to whom to give the grants? That is my first point. Secondly, regarding how much amount would be approved by this House, as the Minister said, is it not really the choice of the Ministry to come before the House and take more money from the House for the purpose of legal aid scheme? Why has it not been done?

MR. SPEAKER : He has stated that the money which is provided in the Budget is not spent because there are no takers.

SHRI AMAL DATTA : There are no takers because they do not go to the right people. They do not know whom to go to. They only go to people who come to them for grants.

MR. SPEAKER : There are State Governments and the Central Government, and there are no takers.

[Translation]

SHRI RAM VILAS PASWAN : Mr. Speaker, Sir, the Hon. Minister has said that the money is not spent. Is it one of the reasons that the procedure of legal aid is very much complicated and the poor can never get justice in it? Will the Hon. Minister inform if he had ever talked to the State Governments about the procedure of giving money? Secondly, the money should directly reach the poor beneficiaries. If someone wants to hire the services of an advocate then the affluent person has the services of a renowned lawyer while the poor person can not hire the services of an ordinary advocate. Has the Central Government talked to the State Governments in this regard so that the benefit reach directly to the beneficiary and has any solution been found of this problem?

SHRI H.R. BHARDWAJ : Sir, I have submitted that all the State Governments have Legal Aid Boards and the Ministers or the Chief Justices are the Chairman. The State Governments are very much responsible for their social justice. Therefore, they should prepare their schemes every year regarding the requirement of social justice and legal aid and if they bring it to 50 percent, we will give the grant. We are clear in our intention that the Harijans, Adivasis, the Scheduled Tribes and the women, whatever their income may be, have the statutory right to have legal aid.

SHRI RAM VILAS PASWAN : My question is as to when the Central Government grants money for expenses then has it talked to the State Governments to know that the money reaches the beneficiaries directly and have they been taking any advantage of it? If so, the number of the beneficiaries, who have been benefitted under this scheme?

SHRI H.R. BHARDWAJ : I am giving the full figures.

MR. SPEAKER : Please send in writing.

SHRI H.R. BHARDWAJ : I would like to have your permission to give reply to one of his question. I would like to inform about the benefit. There has been 10841 Lok Adalats in the whole of the country and rupees 698 crore has been distributed among the poor as compensation. It started in 1986 and has completed 10 years. This is the total performance.

SHRI RAM VILAS PASWAN : Give the figures of any one year, what do you mean by 10 years.

SHRI H.R. BHARDWAJ : You may listen about one year. Merely talking will not serve any purpose. If you want figures I will give you but these Legal Aid Boards do not come under the purview of Central Government.

MR. SPEAKER : Please, let it be known in the Consultative Committee.

[English]

Utilisation of NCES

*402. SHRI N. DENNIS : Will the PRIME MINISTER be pleased to state :

(a) whether the non-conventional energy sources are being utilised fully in the country;

(b) if not, the reasons therefor;

(c) the steps taken/proposed to be taken to make maximum use of these sources; and

(d) the amount proposed to be spent in this regard during the current financial year?

THE MINISTER OF STATE IN THE MINISTRY OF NON-CONVENTIONAL ENERGY SOURCES AND MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI S. KRISHNA KUMAR) : (a) to (d). A Statement is laid on the Table of the House.

STATEMENT

Renewable Energy sources, the Sun, Wind, Water, Biomass etc., are abundantly available in our country. These have to be tapped through cost effective technologies. In order to efficiently utilise these resources, Ministry of Non-Conventional Energy Sources is implementing a wide ranging set of programmes spanning several areas covering decentralised energy sources and grid and non-grid power. The main programmes being currently implemented include Improved Chulha, Biogas, Biomass, Solar Photovoltaics, Solar Thermal, Wind Energy, Small Hydro Power, Biomass Co-generation, Energy Recovery from Urban, Industrial and Municipal Wastes. These programmes are designed to exploit fully the large potential available from these sources.

After about 15 years of efforts and experience in research and development demonstration and extension in this field, the Ministry is now moving to a liberalised policy regime and is giving market orientation to the commercially viable technologies. Various fiscal and financial incentives such as 100% depreciation, tax holidays, wheeling and banking of power, subsidies for rural applications and emerging technologies etc. are being provided to maximise use of renewable energy devices. The Eighth Plan target of generating power from renewable sources has been raised from 600 MW to 2000 MW and a substantial expansion of the rural and urban energy programmes is envisaged. The major constraints in accelerated exploitation of the vast

potential of renewable energy sources are, non-availability of cost effective technologies in certain areas, high initial investments, and uneven playing field vis-a-vis conventional power.

A budget provision of Rs. 247 crores has been made by the Central Government for the current financial year for the development of renewable energy sources.

SHRI N. DENNIS : May I know from the Hon. Minister the steps taken by the Government for involving private sector and NRIs for the promotion and utilisation of non-conventional energy sources? May I know whether the Government have evolved a comprehensive national policy on it? And may I also know the strategy and action plan adopted by the Government in this regard?

SHRI S. KRISHNA KUMAR : Sir, till about two years ago, the non-conventional energy sector programmes were fully funded by the Government viz., almost 100 per cent funded by the Government. In the last two years, making full use of the New Economic Policy of the Narasimha Rao Government, we have involved the private sector in the development of these energy sources in a very big way. Now, for every rupee in the Budget, at least, nine rupees have been attracted through the private sector and the market for development of renewable energy sources. The private sector involvement is one of the main plans of this sector and the Ministry's programme.

As regards the targets, we have enhanced the targets given to us in the Eighth Plan four times. The original target was 500 M.W. and now we have ourselves unilaterally increased it to 2000 M.W. and we are well on the way to achieving it. This is again because the private sector has been involved in a big way. Without Budgetary outlays, investment is coming, both from inside and outside the country.

As regards foreign investment, more than 90 Memoranda of Understanding have been signed between the Indian private sector and the foreign private sector for investment in this sector. Two billion dollars worth MoUs have been signed with the United States alone. The investments will flow in the next two or three years. We have a policy, the Government always have a policy, now we are re-framing the policy and we hope that we will be able to come to the Parliament with a new renewable energy policy for the whole country. The draft is under preparation in consultation with the best technical talents available through international agencies all over the world.

SHRI N. DENNIS : The Hon. Minister has stated that there are a number of agreements with foreign countries for promotion and full utilisation of non-conventional energy in this country. May I know the details on the prospect of ocean thermal station at Kulasekara Pattinam in Tamil Nadu and may I know the incentives that are given for the generation of wind