

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:100

ANSWERED ON:10.08.2007

LEGAL AID TO POOR

Chavda Shri Harisinh Pratapsinh;Rana Shri Kashi Ram;Rao Shri Sambasiva Rayapati

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Government is aware that due to higher cost and lengthy process the poor people do not prefer to go to court and continue bearing injustice in the country;
- (b) if so, the reaction of the Government thereto;
- (c) whether the Ministry proposes to undertake an extensive and indepth study to improve judicial system for the aggrieved and the poor;
- (d) if so the details thereof; and
- (e) if not, the reasons therefor?

Answer

MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ)

(a): The higher cost of the case is due to various factors like hiring the services of an experienced competent lawyer, travel expenses, etc. which further scales up on account of various adjournments and other lengthy requirements of the court processes. For filing a case in the competent courts of law, a prescribed court fee is levied which is generally nominal. Even in cases where a litigant is unable to pay that fee, he can request the court for waiver of the fee as per prescribed procedure. Further, Section 12 of the National Legal Services Act, 1987 provides for free legal Aid to certain categories such as members of SCs & STs, victims of trafficking in human beings or beggar, a woman or a child, mentally ill or otherwise disabled person etc. irrespective of income criteria and also other persons within the income limit prescribed in the said Act.

(b) to (e): The lengthy process of the court is being periodically discussed with the Judiciary and the State Governments in different Conferences of the Chief Ministers and Chief Justices of the High Courts as a part of ushering in judicial reforms which is an on-going process. Even though the speed of disposal of a case in the courts is primarily a judicial function. Government has taken a number of steps to facilitate reduction of Pendency and backlog of cases in the courts. These steps are expected to have a salutary effect in curtailing huge cost of litigation. Important steps taken by the Government in this regard are:

a. With a view to liquidating cases pending for long in the Sessions Courts, Government introduced a scheme of Fast Track Courts which has been extended upto 31.3.2010.

b. Government reviews the Judge strength (in the High Courts) triennially and ensures prompt filling up of vacancies so that administration of justice does not suffer from inadequate number of judges.

c. In respect of filling up of vacancies in the Subordinate Courts, a matter falling within the domain of the State Governments, the Hon'ble Supreme Court has given directions to the States in the Malik Mazhar Sultan case. Government has reminded the State Governments in this

d. Measures like encouraging alternative modes of disposal and setting up of special tribunals, etc. have been taken so that congestion in the courts is reduced.

e. To encourage Alternate Dispute Resolution, to give speedy relief to the litigants and to reduce the pendency in courts, Section 89 was inserted in the Code of Civil Procedure, in the year 1997, providing for settlement of the disputes by way of Mediation, Conciliation, Arbitration, judicial settlement or through Lok Adalat

f. The Legal Services Authorities Act was amended in 2002 for establishing permanent Lok Adalat for public utility service.

g. Government has initiated a scheme for application of Information and Communication Technology in the courts that would facilitate faster justice delivery. As a first step, laptops have been provided to all the judicial officers of the country.

h. The government proposes to establish Gram Nyayalayas in the rural areas to provide speedy justice and reduce pendency. A Bill to this effect is presently with the Department related Parliamentary Standing Committee.

In addition, Government has, with a view to ensuring speedy disposal of cases, made appropriate changes in the Code of Criminal Procedure through Code of Criminal Procedure (Amendment) Act, 2005. Separately, the Government has introduced the concept of 'plea bargaining' in the Criminal Law (Amendment) Act, 2005.