

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

UNSTARRED QUESTION NO:2652
ANSWERED ON:25.11.2010
FREE LEGAL ASSISTANCE
Patil Shri C. R.

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

- (a) the parameters fixed by the Government to avail free legal assistance under Legal Assistance Scheme;
- (b) the number of persons particularly in Gujarat get benefited under this scheme during the last three years, State-wise
- (c) the number of applications received, approved, rejected and pending for free legal assistance during the said period, State- wise; and
- (d) the details of financial assistance provided under Legal Services Authorities Act, 1987 in various States/Union Territories during the last three years, State-wise?

Answer

MINISTER OF LAW AND JUSTICE (DR. M. VEERAPPA MOILY)

(a): The eligibility criteria for availing free legal services have been enumerated under Section 12 of the Legal Services Authorities Act, 1987. Accordingly, the following persons are entitled to free legal services:-

Criteria for giving legal Services- 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 Tribes;
- (b) a victim of trafficking in human beings or beggar as referred to in article 23 of the Constitution.
- (c) a woman or a child;
- (d) a person with disability as defined in clause (i) of section 2 of the Person with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996);
- (e) a person under circumstances of underserved want such as being a victim of a mass disaster, ethnic violence, 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, 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 nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than twelve thousand rupees or such other higher amount as may be prescribed by the Central Government if the case is before the Supreme Court.

The aforesaid categories of persons in the country are entitled to free legal services from the legal services authorities. The power to enhance the income limit for free legal services in respect of persons not belonging to other categories mentioned in section 12 of the Act, is vested with the State Government. At present, all States have raised the income ceiling to Rs. 50,000/-. However the power to enhance the income limit for availing of free legal services in the Supreme Court is vested with the Central Government. The present Income limit for Supreme Court matters is still Rs. 50,000/-.

(b) & (c): The requisite information is being collected and will be laid on the Table of the House.

(d): A statement showing the funds allocated to States/Union Territories during the last three financial years viz. 2007-08, 2008-09, and 2009-10 is annexed as ANNEXURE-A`.