

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

UNSTARRED QUESTION NO:1956  
ANSWERED ON:11.08.2011  
FREE LEGAL AID TO POOR  
Dubey Shri Nishikant

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

- (a) the norms fixed by the Government for availing free legal assistance under Legal Assistance Scheme;
- (b) the number of persons benefited under the 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;
- (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;
- (e) whether all the State Governments have utilized the funds effectively; and
- (f) if so, the details thereof along with the steps taken by the Government in this regard?

**Answer**

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) Under Section 12 of Legal Services Authorities Act, 1987 (39 of Central Act), the following persons are entitled to free legal services:

12. 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) 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 Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996);
  - (e) a person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster, or
  - (f) an industry 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.
- (b) & (c) The requisite information is being collected from State Legal Services Authorities and will be laid on the table of the House.
- (d) A statement showing the details of the funds provided by National Legal Services Authority to various States/Union Territories during the last three financial years viz. 2008-09, 2009-10 and 2010-11, is annexed at Annexure 'A'.
- (e) Yes Madam. The funds have been effectively utilized by the State Legal Services Authorities for the purpose for which they were sanctioned.

(f) The State Authorities are requested to furnish the utilization certificates in respect of the grants provided to them in accordance with the provisions governing the grant-in-aid, as contained In the General Financial Rules, 2005, The State Authorities submit their audited statement of accounts from their respective Accountant General office. In case of delay in submission of the audited statement of accounts by Accountant General office, they furnish their accounts duly audited by Chartered Accountants as per the provisions of General Financial Rules.

The Hon`ble Executive Chairman, NALSA and other Hon`ble Executive Chairpersons of the respective State Legal Services Authorities, who are senior judges of the High Courts and District Judges who are Chairperson of the District Legal Services Authorities, supervise and monitor the legal aid programmes being organized by Legal Services Authorities throughout the country. The legal aid programmes and the grants released to them are properly assessed and corrective measures are taken for effective utilization of grants. The grants are utilized by the State Authorities only for legal services activities mentioned in Section 7 of the Legal Services Authorities Act, 1987 (39 of 1987) and for implementation of the schemes of NALSA framed under Section 4 of the Act.

NALSA organizes All India Meet of the State Legal Services Authorities every year and utilization of funds is discussed in the Meet, Apart from this, Regional Meets of the State Legal Services Authorities are also held to assess the performance of programmes. National Plan of Action to give definite target to the State Legal Services Authorities for achieving the objectives of the Legal Services Authorities Act, 1987 are also drafted every year and their implementation monitored by NALSA.

A web based monitoring system to oversee the proper utilization of funds by the State Legal Services Authorities has also been put in place by NALSA.