

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

UNSTARRED QUESTION NO:3101

ANSWERED ON:30.08.2012

LEGAL AID

Owaisi Shri Asaduddin

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

(a) whether it is a fact that neither Constitution nor Legal Services Authority Act make any distinction between trial and an appeal for providing free legal aid to accused or a person in custody;

(b) if so, the present criteria being followed by the Government for free legal aid;

(c) whether the Hon`ble Supreme Court has directed Government to provide free legal aid to all the poor accused irrespective of severity of crime attributed to them; and

(d) if so, the steps taken or being taken by Government in this regard?

**Answer**

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a)&(b): Yes, Madam. Legal Services Authorities Act 1987, does not make any distinction between trial and appeal for providing free legal aid to an accused or a person in custody. Every person who has to file or defend a case is eligible to get free legal aid provided he is :

i. a member of a Scheduled Caste or Scheduled Tribe;

ii. a victim of trafficking in human beings or beggar as referred to in article 23 of the Constitution;

iii. a woman or a child;

iv. 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);

v. 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

vi. an industrial workman; or

vii. 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, or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987; or

viii. in receipt of annual income as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and as may be prescribed by the Central Government, if the case is before the Supreme Court.

(c)&(d): Hon`ble Supreme Court of India has been consistently urging the State that the poor people who cannot afford to institute or defend a case in a court of law should be given free legal aid at all levels of courts. The poor accused who fall under any of the categories mentioned in section 12 of the Legal Services Authorities Act, 1987, irrespective of severity of crime attributed to them are being provided free legal aid by the legal services institutions at different levels viz. Taluk, District, High Court, Supreme Court etc.