

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

UNSTARRED QUESTION NO:2035

ANSWERED ON:10.12.2015

Legal AID

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

- (a) the norms and guidelines of the legal assistance system for providing free legal aid to the poor and weaker sections of the society;
- (b) whether the Government proposes to further strengthen the legal redressal system to dispense justice to the said sections of the society and if so, the details and the present status thereof;
- (c) whether the Government has entered/proposes to bring in a law giving "Right to Justice" in the country and if so, the details and the present status thereof;
- (d) the steps taken by the Government to provide justice/legal redressal within the stipulated time frame in view of the huge expenditure involved in the litigation process in the country; and
- (e) whether the Government is aware of the large number of persons lodged in various prisons in the country due to lack of access to legal aid/assistance and if so, the details thereof and the remedial steps taken by the Government in this regard?

Answer

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI D.V. SADANANDA GOWDA)

(a)&(b) The norms and guidelines/ eligibility conditions for availing of free legal services are given under Section 12 of Legal Services Authorities Act,

1987. As per these norms, the following persons are entitled to free legal services irrespective of their economic or social status:

- o a member of a Scheduled Caste or Scheduled Tribe;
- o a victim of trafficking in human beings or begar as referred to in article 23 of the Constitution;
- o a woman or a child;
- o 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);
- o 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
- o an industrial workman; or
- o 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);
- o a person in receipt of annual income less than rupees one lakh (in some States Rs. 50,000/-) if the case is before a court other than the Supreme Court, and less than Rs. 1,25,000/-, if the case is before the Supreme Court.

Free Legal Services include:

- i) Services of an advocate
- ii) All relevant charges payable or incurred in connection with any legal proceedings.
- iii) Charges for drafting, preparing, filing or any legal proceedings and representation by a legal practitioner in legal proceedings
- iv) Cost of obtaining any certified copy/copies of judgments, orders and other miscellaneous expenses in legal proceedings
- v) Cost of preparation of paper book (including paper, printing and translation of documents) in legal proceedings and expenses incidental thereto

Free legal services are being rendered for Court oriented cases and also for cases of pre-litigative stage. Legal Advice is also given for taking up cases with administrative authorities. Counseling is also rendered as the part of legal aid mechanism. The poor people are given free legal services through any of the methods of Alternative Disputes Resolution (ADR) Mechanism, also such as Lok

Adalat, Counseling Mediation etc. In Lok Adalat, cases are settled after obtaining consent from both the parties. A person may approach Lok Adalat for settlement of cases either at pre-litigation or for pending cases. Legal Services also include spreading of legal awareness in communities and remote areas & legal literacy in schools and colleges.

(c) The Right to Justice is enshrined in the Constitution of India, so no separate statute is considered necessary.

(d) Disposal of pending cases in courts is within the domain of the judiciary. The Government has adopted a co-ordinated approach to assist the judiciary for phased liquidation of arrears and pendency in judicial system, which, inter-alia, involves better infrastructure for courts including computerization, increase in strength of judicial officers/judges, policy and legislative measures in the areas prone to excessive litigation and emphasis on human resource development. Further, the Legal Services Authorities Act, 1987 provision has been made for organizing Lok Adalats for providing speedy and cost effective justice.

(e) The Legal Services Authorities at all levels from District to Taluk levels organise Lok Adalats for criminal compoundable offences. They also organise Lok Adalats in jail premises itself. 13009 Lok Adalats have been organized in jails from January, 2010 to June, 2015 and 59812 cases of undertrial prisoners have been settled. The District Legal services Authorities have also established Legal Services Clinics in all the Jails.