

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

STARRED QUESTION NO:263

ANSWERED ON:11.12.2014

LEGAL AID TO POOR

Jena Shri Rabindra Kumar;Mahajan Smt. Poonam

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

- (a) whether free legal aid is provided to the poor and weaker sections of the society;
- (b) if so, the details thereof including the types of legal services being rendered and the eligibility criteria for availing the said services;
- (c) the funds allocated and utilised for the purpose during each of the last three years and the current year;
- (d) the number of persons benefited as a result thereof during the said period; and
- (e) whether the Government has set up or proposes to set up any institutes for paralegal services and if so, the details thereof?

Answer

MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA)

(a) to (e) : A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLIES TO PARTS (a) TO (e) OF LOK SABHA STARRED QUESTION NO. 263 FOR ANSWER ON 11TH DECEMBER, 2014.

The Legal Services Authorities Act, 1987 has been enacted to provide free legal services to the poor and also weaker sections of the society such as, members of SC/ST, women, children.

Under Section 12 of Legal Services Authorities Act, 1987 (39 of Central Act), the following persons are entitled to free legal services irrespective of their economic or social status:

- 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 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;
- h) of section 2 of the Mental Health Act, 1987 (14 of 1987);
- i) 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:

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

As regards, types of legal services, it may be stated that 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. Counselling is also rendered as part of the 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, Counselling 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 pending cases. Legal Services also include spreading of legal awareness in communities and remote areas & legal literacy in school and colleges.

A statement showing the details of the funds allocated by National Legal Services Authority to various States/Union Territories and the amount utilised by them during the last three financial years viz. 2011-12, 2012-13, 2013-14 and 2014-15 (upto November, 2014), is at Annexure 'A'. The 13th Finance Commission grant as allocated and utilized is attached at Annexure 'B'.

A statement showing number of persons benefitted during the year 2011-12, 2012-13, 2013-14 and 2014-15 (September, 2014), is at Annexure C. The Government has neither set up nor proposes to set up any institute for paralegal services.