

large number of officials, businessmen, pilgrims and tourists from all over the world come to Bhubaneswar by air from different places particularly from Delhi, the Union Capital. Consequent upon discontinuance of Delhi-Bhubaneswar flight on Sunday for the last several months, a great deal of inconvenience is caused to the passengers. The officials and the people representatives like MPs who generally prefer to travel on Sunday to attend to their work in Delhi the following day, are also now facing difficulties on account of non-availability of flight in this sector on Sundays. I would, therefore, urge upon the hon. Minister of Civil Aviation to appreciate the position and take immediate steps for revival of Delhi-Bhubaneswar flight on Sundays. Further, considering the growing importance of Jharsuguda, the Gateway of Western Orissa, the aerodrome here should not be closed down. Instead, the aerodroms needs to be renovated and properly maintained and action should be initiated for introduction of air taxi services between Bhubneswar-Jharsuguda-Rourkela and Jharsuguda-Rourkela-Calcutta in order to cater to the demand of this industrial belt of the State.

(vii) NEED TO GIVE CLEARANCE TO LOKTAK DOWN STREAM HYDRO ELECTRIC PROJECT IN MANIPUR

SHRI YAIMA SINGH YUMNAM (INNER MANIPUR) : Sir, the Government of Manipur has moved the Central Government for clearance of the Loktak Down Stream Hydro Electric Project. But the proposal has been pending with the Minsitry of Environment and Forests for the last two years. It has been cleared by the Planning and Development Department.

I urge upon the Central Government

to give clearance to the project as soon as possible, in the public interest.

[English]

MR. DEPUTY-SPEAKER : Now we go to legislative business. Shri H.R. Bhardwaj.

THE MINSTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA) : Before the hon. Minister starts, I may submit that after the Legal Services Authorities (Amendment) Bill is over, we may take up the Demands for Grants for the State of Manipur, and then go on to the Neyveli Lignite Corporation Bill.

MR. DEPUTY-SPEAKER : I hope the House agrees to this proposal.

12.46 hrs.

LEGAL SERVICES AUTHORITIES  
(AMENDMENT) BILL

**As passed by Rajya Sabha**

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H.R. BHARDWAJ) : I beg to move :

""That the Bill to amend the Legal Services Authorities Act, 1987, as passed by Rajya Sabha, be taken into consideration."

Legal aid is the constitutional mandate as per article 39A which enjoins that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

[Sh. H. R. Bhardwaj]

In fulfilment of its constitutional obligations, the Government of India constituted a Committee for Implementing Legal Aid Schemes, initially for a period of three years under the chairmanship of Mr. Justice P.N. Bhagwati, then Judge of the Supreme Court vide resolution dated 26th September, 1980. The said committee was entrusted with the responsibility of formulating in detail and implementing comprehensive legal aid schemes on uniform basis throughout the country. The term of the said committee is being extended from time to time. The term of the present committee, on its reconstitution with the Chief Justice of India as Patron-in-chief and Mr. Justice A.M. Ahmadi, Judge of the Supreme Court as its Executive Chairman and others has been extended up to 13-11-1994 or till the Legal Services Authorities Act comes into force, whichever is earlier.

The said committee on its constitution has found that legal aid in one form or the other is being provided in the country. With a view to ensuring uniformity in the implementation of the legal aid programmes, the committee evolved a Model Scheme which lays down the infrastructure of the legal aid programme. It also envisages Stage Legal Aid and Advice Board as the apex body in the State and Committees at the High Court, District and Taluka levels so that the litigants could get justice in an expeditious and inexpensive manner.

The Government of India has also constituted Supreme Court Legal Aid Committee in July, 1981 which is, at present, headed by Mr. Justice P.B. Sawant, a Judge of the Supreme Court.

According to the model scheme, any citizen whose annual income form all surces

does not exceed Rs. 6,000 is entitled for free legal services in the lower and High Court cases and Rs. 9,000 in the Supreme Court cases.

In addition to that, women, children, persons belonging to Scheduled Castes and Scheduled Tribes are equally eligible to get free legal aid, irrespective of their income. In the present Bill, the said ceiling is proposed to be raised to Rs. 9,000 in High Court cases and Rs. 12,000 in Supreme Court cases.

The legal aid and assistance in being provided by the State Legal Aid and Advice Board and Legal Aid Committees throughout the country. As per statistics available upto 10th May, 1994, 10,01,289 people were given free legal aid and advice in the country and the number of persons belonging to Scheduled Castes in 3,10,462; Scheduled Tribes 1,70,118; backward classes 64,259; women 1,73,879 and children 7,491.

The strategic legal aid programme on which the Committee lays greater emphasis consists of -Promotion of Legal Literacy; setting up of Legal Aid Clinics in Universities and Law Colleges; Training of Para-Legals; Promotion of public interest litigation; setting up of Rural Entitlement and Legal Support Centres; holding of Legal Aid Camps and Lok Adalats. Under the Legal Literacy Programme, the Committee is publishing a quarterly house-bulletin known as 'Legal Aid Newsletter' separately in Hindi and English. The use of mass media like T.V., All-India Radio is also being made. Documentary Films and video films on various aspects of legal aid and Lok Adalats are also being produced. The said Committee renders financial assistance to various organisations for publication of booklets, pamphlets, brochures and posters etc., for Promotion of Legal Literacy Programmes.

The Lok Adalat which is an innovative form of legal aid Camp is Providing an effective and successful alternative forum for resolution of disputes at grass-root level. As per the statistics available, upto 10th May, 1994, 9,331 Lok Adalats were organised throughout the country which 44,61,505 cases have been settled, including 2,30,276 Motor Accidents Claims Tribunal Cases where compensation amounting to Rs. 503,18,24,862 has been paid.

Since all these programmes are going on ad hoc basis, the Government got the Legal Services Authorities Bill, 1987 passed by this august House on 27.08.1987 and the Rajya Sabha passed it on 31.08.1987 and the said Bill received the assent of the President on 11.10.1987. But it could not be enforced as some of the hon. Judges wanted certain modifications in the Act so that it could run keeping in view the independence of judiciary and involvement of the judiciary. Hence, a Conference was held in Delhi on 23-24th April, 1988 under the Chairmanship of Mr. Justice R.S. Pathak, former Chief Justice of India after ascertaining the views of some of the hon. Judges and Chairmen of State Legal Aid Boards and on the recommendations of the Chief Justices of various High Courts, some amendments were proposed which were being incorporated in this Bill.

On careful consideration of this proposal, these amendments have been found useful and that is why they are being introduced. Before the Bill, as was passed by the Rajya Sabha, could be considered by this august House, the Ninth Lok Sabha was dissolved and the said Bill consequently lapsed. The Bill had, therefore, to be introduced in the Rajya Sabha again, which passed it on 3.03.1992. The present Bill contains provisions for the setting up of Legal Aid Committees at the Supreme Court,

High Court and Taluka levels under Clauses 3A, 8A, and 11A respectively. Such provisions do not, at present, exist in the earlier Act.

Sections 19 and 20 of the Principal Act relating to the holding and jurisdiction of the Lok Adalats have been recast with a view to making them more functional and effective on the basis of the practical experience gained.

✓ Clauses 2, 27 and 28 are dealing with definitions and making of rules and regulation of consequential nature.

Having regard to the fact that the Legal Aid Programmes are being run and monitored by the judiciary at present, the Government decided to accept the proposals of the former Chief Justices of India by introducing this Bill which seeks to provide for (i) uniformity in the constitution of the State Legal Aid Boards; (ii) enhancement of the income ceiling for eligibility for free legal services right from the munsif Court and up to Supreme Court; (iii) active involvement of judiciary in the implementation of the Legal Aid Programmes in the country; and (iv) institutionalisation of the Lok Adalat so as to make them more effective and functional.

I, therefore, commend the Bill for consideration and passing by this august House.

MR. DEPUTY-SPEAKER : Motion Moved :

"That the Bill to amend the Legal Services Authorities Act, 1987, as passed by Rajya Sabha, be taken into consideration."

The time allotted to the subject is two hours. Eight names are there as of now. I call Shri Vijay Naval Patil to speak.

SHRI VIJAY NAVAL PATIL (ERANDOL) : Mr. Deputy Speaker, Sir, I stand to support this Bill. But, at the same time, I do not understand why the Government has taken so much time in bringing this Bill to this august House after it has been passed By Rajya Sabha about two- and- a - half years ago. This should have been brought earlier.

The litigation in our country is on the increase. About 30,000 or more special leave petitions are being filed in the Supreme Court alone every year and out of these thousands of leave petitions, many of them include respondents or petitioners who are very poor. So, the matter of giving legal aid to these petitioners or respondents assumes very great importance. But if we look at the funds provided for this committee for the legal aid, we find that the total Budget of the Authority and other expenses is not even Rs. 10 crores and the advantage achieved is colossal. So, Budget for this purpose should be increased.

The hon. Minister has mentioned about the Lok Adalats. They have proved very useful. So also the programme of the Law Department through the Legal Aid Authority, of educating the people by means of legal literacy programme also requires lot of money and efforts and organisation at various levels. Otherwise, the legal literacy cannot be brought about. Everbody is supposed to know the law. Many of us do not read law. Only when a case is filed against us or we are required to file the case or take legal recourse, we go through the legal documents or enactments of various types. But everbody is supposed to know law in this country and know about whatever amendments are there and whatever new enactments are there. Therefore, the legal literacy programme assumes more importance and it has to be very widespread

and it should be done on a large scale, down to the village level and down to the poor people in the remote areas also. That will not be taken care of only by the legal Aid Authority. Government has to make special efforts for that.

Nowadays the concept of public interest litigation is also coming up very fast. It is of recent origin and many people come to the court in the interest of majority of the people, that is, public interest litigation.

(aa/1300/kvj)

It is not his grievance alone ; it is the grievance of the people of the area or even of the State at large.

Mr. Deputy Speaker, Sir, the hon Minister has mentioned the figure of Lok Adalats as nine thousand over the last so many years. If the concept of Lok Adalat is there to be held at Taluka level, we can just have a simple calculation of about 550 districts in the country, multiplied by ten talukas in every district. So, it is more than five thousand, plus the number of towns where other courts are there in addition to talukas where the Lok Adalats are expected to be held. In this way, the total figure runs into more than six thousand courts.

MR DEPUTY SPEAKER : The hon. Member can continue his speech after lunch.

The House stands adjourned for lunch to meet again at 2 p.m.

**1300 hrs.**

*The Lok Sabha then adjourned for lunch till Fourteen of the clock.*