

Legal aid to poor

1238. SHRI SHRIDHAR WASU-
DEO DHABE:

SHRI R. R. MORARKA:

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

(a) whether any Legal Aid Committees have been set up in the Supreme Court and in the various High Courts for giving legal aid to the poor; if so, when and how much money has been allotted by the Central Government and the State Governments for giving legal aid and how much was actually spent for legal aid apart from administrative expenses during the last two years; and

(b) what is the number of poor who got the legal aid during the above period?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI JAGAN NATH KAUSHAL): (a) The Government has constituted a Supreme Court Legal Aid Committee under the Chairmanship of Shri Justice D. A. Desai, Judge of the Supreme Court by Resolution No. F. 6 (34)/81-IC dated 9th July, 1981. A copy of the Resolution is being placed on the Table of the House.

Legal Aid and Advice Boards, on the basis of the Model Scheme formulated by the empowered Bhagwati Committee, have been set up in Andhra Pradesh, Gujarat, Karnataka, Maharashtra Orissa, Punjab, Tamil Nadu, Uttar Pradesh and the Union Territory of Delhi. The States of Assam, Bihar, Haryana, Himachal Pradesh, Jammu and Kashmir, Kerala, Madhya Pradesh, Manipur, Rajasthan, Tripura, West Bengal and Union Territories of Dadra and Nagar Haveli Goa, Daman & Diu and Pondicherry have legal aid schemes of their own. The State Legal Aid & Advice Boards wherever set up, are in over all

charge of the Administration and implementation of the legal services programme in their respective areas. There is no information, however, with the Central Government if the aforesaid legal aid and advice Boards have set up any separate legal aid Committees for the High Courts in their jurisdiction. The Central Government has not set up any Committee for Legal Aid in the High Courts.

An amount of Rs. 25,000 was given by way of grant-in-aid to the Supreme Court Legal Aid Committee for the year 1980-81. Out of this an amount of Rs. 20,000 has been spent on the cases which were handled by the Legal Aid Committee. And amount of Rs. 1 lakh was given by way of grant-in-aid to the Supreme Court Legal Aid Committee for the financial year 1981-82. An amount of Rs. 40,000 has so far been spent on the expenses of litigation handled by the Legal Aid Committee.

(b) Number of indigent persons who sought legal advice from the Supreme Court Legal Aid Committee is about 500. The statistics as to the number of persons who got legal aid in different High Courts is not available with the Central Government.

Statement

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GOVERNMENT OF INDIA

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

Department of Legal Affairs
New Delhi, the 9th July, 1981

RESOLUTION

No. F.6(34)/8-IC.—In pursuance of the policy of the Government to provide free legal aid to ensure, as envisaged by Article 39A of the Constitu-

tion, that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, a Committee known as the Committee for Implementing Legal Aid Schemes was set up vide the Ministry of Law, Justice and Company Affairs, Resolution No. F.6(19)/80-IC, dated the 26th September, 1980. In furtherance of the objectives of the Government contained in the above Resolution, the Government of India hereby constitutes a committee to be known as the Supreme Court Legal Aid Committee.

2. The Committee shall consist of—

(1) A sitting judge of the Supreme Court to be nominated by the Chairman of the Committee for Implementing Legal Aid Schemes (hereinafter referred to as the Central Committee) with the concurrence of the Chief Justice of India—*President*.

(2) The Attorney-General of India—*Vice-President*.

(3) Three representatives of the Supreme Court Bar Association dedicated to the cause of legal aid to be nominated by that Association, one of whom being an advocate-on-record—*Members*.

(4) One representative from the Ministry of Law, Justice and Company Affairs, *ex-officio—Member*.

(5) One representative from the Ministry of Finance, *ex-officio—Member*.

(6) Two Members of the Supreme Court Bar, to be nominated by the President, one of them being a Senior Advocate and another being an Advocate-on-record—*Members*.

(7) One Member of the Supreme Court Bar to be nominated by the President as Treasurer—*Treasurer*.

(8) One Member of the Supreme Court Bar to be nominated by the President as Member-Secretary—*Members Secretary*.

3. The functions, powers and duties of the Committee shall be the following:—

(a) to administer and implement the legal aid programme in so far as it relates to the Supreme Court of India and for this purpose take all such steps as may be necessary and to act in accordance with the directions that may be issued from time to time by the Central Committee set up under the Government of India Resolution dated the 26th September, 1980;

(b) to receive and investigate applications for legal aid and advice in so far as they relate to the Supreme Court;

(c) to provide for giving of legal advice in matters filed or to be filed in the Supreme Court;

(d) to maintain panels of advocates-on-record as also of Senior Advocates for giving legal aid and advice;

(e) to decide all questions as to the grant of or withdrawal of, legal aid;

(f) to arrange to make payment to honorarium to legal practitioner on the panel for legal aid and advice provided by them and generally to provide for other costs, charges and expenses of legal aid from the funds placed at the disposal of the Committee;

(g) to take proceedings for recovery of costs, charges and expenses recoverable from the other side in legal aid cases;

(h) to submit recommendations and suggest improvement in the

working of the legal service programme;

(i) to prepare, consolidate and submit monthly returns, reports and statistical information in regard to the legal service programme in relation to the Supreme Court as may be necessary and as directed by the Central Committee and the Central Government;

(j) irrespective of the means test, to initiate proceedings or grant aid—

(a) in cases of great public importance; or

(b) in a special case, which for reasons to be recorded in writing, is considered otherwise deserving of legal aid.

4. The Committee will have its headquarters at New Delhi and shall meet ordinarily once in a month.

5. (1) The term of office of a Member of the Committee, other than ex-officio Members, shall be two years:

Provided that, if any such Member fails without sufficient cause to attend three consecutive meetings of the Committee, he shall cease to be such Member, and the decision of the President on the question, whether he has ceased to be such Member or not, shall be final.

(2) Whenever any person is nominated as a Member of the Committee by virtue of the post of office held by him, he shall forthwith cease to be a Member of the Committee if he ceased to hold such post or office.

(3) A non-official Member of the Committee may at any time resign his office by submitting his resignation signed and addressed to the President of the Committee. No such resignation shall take effect until it is accepted by the President of the Committee.

(4) Any vacancy in the office of a Member of a Committee shall be filled up as early as may be practicable in the same manner as the original appointment and the person so nominated shall continue to be a member for the duration of the term of office of the Member in whose place he is nominated.

(5) On the expiry of the term of office of a Member, other than ex-officio Members, he shall be eligible for re-nomination.

6. The working of the Committee will be regulated by executive instructions as may be issued by the Government of India from time to time.

(P. V. VENKATASUBRAMANIAN),
Secretary to the Govt. of India.

Stock of coal at pit-heads

1239. SHRI LADLI MOHAN NIGAM: Will the Minister of ENERGY be pleased to state:

(a) what is the total accumulated stock of coal at pit-heads and railway heads in respect of all the coal-fields under the Coal India Limited at present;

(b) what steps are being taken to transport coal from pit-heads to railway heads;

(c) what is the total production of hard coke of different varieties and by-products by Bharat Coking Coal Limited and how much out of this production is transported by rail and how much by road; and

(d) whether Government are aware of pilferage of hard coke during transit by road; if so what steps are being taken to despatch whole of the hard coke by rail instead of by road in order to stop pilferage and mal-practice in transportation of coal by road?