

(b) if so, whether it is seeking to implement this recommendation, if so, the details thereof; and

(c) if not, the reasons therefor?

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

(a) to (c) The recommendations of the Law Commission as and when received are forwarded to the concerned Ministry/Department for initiating the process of examination and thereafter implementation of the recommendations. The Law Commission's 262nd Report on abolition of death penalty for all crimes except terrorism-related offences and waging war against the State has been forwarded on 17.09.2015 to the concerned Ministry i.e. Ministry of Home Affairs in this case. The decision on acceptance of the recommendations as such or partial or with modifications, or on non- acceptance is generally taken after following due process, including consultation with all stake holders and taking into consideration the opinion of technical experts and public, if necessary.

Free legal services

739. SHRI DEREK O' BRIEN: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the number of people who have been provided free legal services by National Legal Services Authority (NALSA) or State and District Authorities State-wise and year-wise, over last ten years;

(b) the number of people who applied for free legal services by NALSA/ State Authority/District Authority over the same period;

(c) the process of identifying eligible persons and providing free legal aid by the Government; and

(d) the details of any other measures taken by Government to ensure that each accused person has competent legal representation?

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

(a) The details showing the number of people who have been provided free legal services during the last ten years, year-wise and State-wise is given in the Statement-I (*See below*).

(b) The information relating to the number of applications for free legal services is not maintained by NALSA.

(c) and (d) The eligibility conditions for availing of free legal services are given in Section 12 of the Legal Services Authorities Act, 1987. The details are given in the Statement-II (*See below*).

The persons who are eligible to get free legal services under the said Act may approach Legal Services Authorities at the State/District levels and also Taluk Legal Services Committee or High Court or supreme court Legal services Committee in case his/her case is pending in the High Court or the Supreme Court for defending or contesting his/her case. All the eligible persons are provided free legal services through competent panel Advocates having minimum of three years practice under the NALSA (Free and Competent Legal Services) Regulations, 2010. The regulations also provide for a monitoring committee to be set up in each Legal Services Institution to monitor the quality of Legal Services provided. Recently, NALSA has conducted a Training of Trainers programme and has trained 116 Master trainers to train the panel Advocates for enhancing their lawyering skills.

Further, District Legal Services Authorities have appointed Advocates to represent the persons produced in custody in all Courts of Magistrates.

During trial, it is the duty of the trial Court to ensure that no accused person whether in custody or on bail remains unrepresented by counsel. All accused in custody and those on bail who do not have counsel are referred to the concerned Legal Services Institution for appointment of a counsel at State expense.

Statement

The Number of persons benefited through legal aid and advice under legal services authorities Act, 1987 during the last ten years viz. 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015 (Upto September, 2015)

(Based on the information made available by State Legal Services Authorities (SLSAs).

Sl. No.	Name of the State Authority	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015 (upto September, 15)
1	2	3	4	5	6	7	8	9	10	11	12
1.	Andhra Pradesh	3,007	2,377	2,628	2,659	3,256	3,745	4,336	4,536	4,123	2,708
2.	Arunachal Pradesh	39	114	-	-	15	7	3	23	57	133
3.	Assam	27,773	15,963	16,741	16,698	21,936	2,288	3,748	21,911	2,313	861
4.	Bihar	8,753	3,040	3,386	3,737	1,258	694	796	1,911	694	1,967
5.	Chhattisgarh	4,248	4,625	4,183	3,807	7,892	23,168	69,071	62,548	49,230	34,705
6.	Goa	402	367	551	469	592	581	677	812	1,034	813
7.	Gujarat	8,060	7,902	6,657	7,084	7,230	6,243	6,735	8,050	10,173	8,355
8.	Haryana	3,494	4,039	3,891	3,731	28,360	18,055	5,183	7,191	8,954	7,172
9.	Himachal Pradesh	268	330	330	564	796	887	1,245	1,359	1,551	1,305
10.	Jammu and Kashmir	974	663	892	644	404	560	555	1,120	4,927	1,956
11.	Jharkhand	340	219	904	1,708	2,373	1,786	1,374	1,576	3,445	3586

1	2	3	4	5	6	7	8	9	10	11	12
12.	Karnataka	1,636	1,202	1,200	1,081	910	960	1,220	4,044	3,128	2,537
13.	Kerala	3,880	4,869	8,956	5,451	7,905	9,398	10,182	8,802	11,754	7,559
14.	Madhya Pradesh	67,486	56,297	73,504	69,336	103,932	84,223	68,779	45,645	23,606	21,578
15.	Maharashtra	105,808	100,956	150,312	182,521	260,414	840,005	1,018,024	730,307	290,010	5,299
16.	Manipur	-	2,304	-	-	9	-	1	16	67	66
17.	Meghalaya	36	76	72	79	51	238	384	561	1,064	1,686
18.	Mizoram	4,188	4,994	2,894	2,689	2,751	719	2,649	2,782	6,331	2,501
19.	Nagaland	-	143	-	295	750	1,420	1,745	1,579	2,523	2,168
20.	Odisha	2,556	2,476	2,544	2,769	3,260	2,936	3,287	4,422	3,960	2,538
21.	Punjab	4,240	3,584	3,466	3,766	3,735	4,288	6,838	11,397	14,203	8,716
22.	Rajasthan	7,123	4,020	4,838	3,767	4,962	3,454	5,220	5,860	6,748	5,785
23.	Sikkim	386	399	442	415	567	503	568	685	848	788
24.	Tamil Nadu	120,885	113,272	125,803	120,328	103,667	133,789	131,602	1,508,166	1,594,777	44,823
25.	Telangana *									1,508	1,601
26.	Tripura	831	875	846	1,034	843	615	785	1,475	2,154	1,848
27.	Uttar Pradesh	4,610	3,262	3,487	5,347	2,032	2,964	2,905	2,541	1,736	1,096
28.	Uttarakhand	736	320	4,069	1,112	296	269	448	598	730	851

29.	West Bengal	6,389	6,304	5,321	4,900	5,311	6,576	7,720	5,706	7,310	5,429
30.	Andaman and Nicobar	22	-	-	73	13	858	152	97	45	67
31.	Chandigarh	370	642	534	489	347	565	595	721	963	944
32.	Dadra and Nagar Haveli		-	-	2	10	2	-	2	961	971
33.	Daman and Diu	-	-		-	-	-	8	245	200	-
34.	Delhi	11,768	12,946	8,890	10,406	12,814	15,976	20,056	31,681	43,869	25,104
35.	Lakshadweep	-	-	-	-	1	1	-	-	-	
36.	Puducheery	543	2,604	6,398	4,557	8,146	12,155	4,859	4,665	2,196	576
37.	Supreme Court. Legal Services Committee	956	1,029	906	983	368	773	1,059	146		
		401,807	362,213	444,645	462,501	597,206	1,180,701	1,382,809	2,483,180	2,107,192	208,092

Note: * Telangana came into being in June, 2014.

Written Answers to

[4 December, 2015]

Unstarred Questions

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Statement-II

The eligibility conditions of persons for availing of free legal services are detailed under Section 12 of Legal Services Authorities Act, 1987, the following persons are entitled to free legal services irrespective of their economic or social status

- (a) a member of a Scheduled Caste or Scheduled Tribe;
- (b) a victim of trafficking in human beings or begar 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 (g) of section 2 of the Mental Health Act, 1987 (14 of 1987);
- (h) 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 ₹ 1,25,000/-, if the case is before the Supreme Court.

Recovery of outstanding amount from private telecom operators

†740. SHRI NARESH AGRAWAL: Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether it is a fact that Government is unable to recover the outstanding amount from private telecom operators, if so, the reasons therefor; and
- (b) if not, by when this outstanding amount will be recovered from them and names of the companies from which recoveries are to be made?

†Original notice of the question was received in Hindi.