Credit points to advocates giving legal aid to the poor

104. SHRI K. C. RAMAMURTHY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that the Ministry is contemplating of giving a sort of credit points for every legal aid an advocate, who aspires to become a judge, gives to the poor;

(b) if so, the details thereof;

(c) whether it is applicable to all courts or to only High Courts and the Supreme Court;

(d) whether any consultation have been held on this with Chief Justices of High Courts and the Chief Justice of India; and

(e) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) to (e) The Government is not contemplating giving any credit points for the legal aid provided by the advocates for their consideration for High Court Judgeship. However, the format to obtain Bio-data/details of advocates recommended by High Court Collegium for Judgeship has been revised in consultation with the Supreme Court Collegium which, *inter alia*, includes the pro-bono work done by the recommendee advocate during the last ten years.

Providing legal aid and advice to undertrial inmates

105. SHRI BHUPENDER YADAV: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether any study has been conducted by Government to find out the number of undertrial inmates lodged in different jails across the country for petty crimes in the absence of legal aid and advice;

(b) the details of steps taken by Government to address the problems faced by such inmates; and

(c) whether Government is considering any policy response to resolve these problems, including overcrowding of jails, if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) to (c) The National Crime Record Bureau compiles data in respect of all prison inmates including undertrials in various jails of the

country. Government has not conducted any specific study to find out the number of undertrial inmates lodged in jails for petty crimes.

Government has been very committed to the cause of ensuring that every undertrial prisoner receives a fair trial and does not languish in jail longer than is absolutely necessary, as per the law. In this regard, the steps taken are as under:

(i) Minister for Law & Justice, through a letter dated 3 February 2017, has appealed to Chief Justices of all 24 High Courts in the country to ensure effective implementation and regular monitoring of section 436A CrPC by the lower judiciary of the states – thus ensuring prompt and timely release of undertrial prisoners under this provision. The Minister has also stressed the need for proper functioning of Undertrial Review Committees (UTRC) to achieve this purpose.

(ii) The Ministry has also communicated to the States the need for uniform adoption and application of NIC's e-Prisons software in jails across the country for enhanced streamlining, integration and ease of access of prisoner information.

Apart from the above steps of the Government, the National Legal Services Authority (NALSA) has undertaken following initiatives to address the problems of undertrial inmates:

(i) Legal services clinics have been opened in jails to provide legal services to inmates. Recently, NALSA has started digitization of jail clinics. One of the objectives of digitization is also to ensure that no prisoner remains unrepresented, and legal aid and advice is provided to him/her. Legal Services Clinics in jails are manned by Para-Legal Volunteers (PLVs) and Panel Lawyers. Any inmate can seek legal advice in such clinics.

(ii) Awareness camps are being held in jails to make prisoners aware about the availability of free legal aid, plea- bargaining and Lok Adalats. Awareness programmes are also carried out at regular intervals to inform the inmates about their legal rights including right to bail.

(iii) Regular visits by functionaries of Legal Services Authorities to jails to identify prisoners who require legal aid and advice. The PLVs and Lawyers also help in drafting bail applications.

(iv) Under Trial Review Committees (UTRC) headed by District Judge have been set up in all the districts, in compliance with the directions of the Hon'ble Supreme Court of India. These Committees meet once in a quarter to review the cases of all under trials who have completed half of the maximum sentence provided for the offences they are charged with.