

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE**

RAJYA SABHA

UNSTARRED QUESTION NO 2028

TO BE ANSWERED ON THURSDAY, THE 5th AUGUST, 2021

Accessibility to legal aid

2028. Shri Sujeet Kumar:

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

- (a) whether Government is aware that according to reports, while legal aid is accessible and ensured to the poor on paper, on ground it proves to have a number of hurdles like corruption, hesitant and unambitious lawyers, among others;
- (b) if so, whether Government has a plan of action to put these reports to rest; and
- (c) if not, the details to back up the counterclaim?

ANSWER

**MINISTER OF LAW & JUSTICE
(SHRI KIREN RIJJU)**

- (a) No Sir, the Government has not received any such report.
- (b) Does not arise in view of reply at (a) above..
- (c) National Legal Services Authority (NALSA) has been constituted under the Legal Services Authorities Act, 1987 to provide free Legal Services to the weaker and marginalized sections of the society with the aim of reaching out to the diverse milieu of people belonging to different socio-economic background. In carrying out all these responsibilities, NALSA works in close coordination with the State Legal Services Authorities, District Legal Services Authorities and other agencies. There are currently 47,027 panel lawyers empaneled with Legal

Services Institutions across the county out of which 30,687 panel lawyers have a law practice of 10 years or more.

48,61,325 persons have availed free legal aid and advice during the last five years whose details are as under:

| Categories of persons assisted | 2016-17 | 2017-18 | 2018-19 | 2019-20 | 2020-21 | 2021-22 (upto June) |
|---|----------------|----------------|----------------|----------------|----------------|----------------------------|
| SC | 43806 | 66304 | 96744 | 118777 | 33335 | 6484 |
| ST | 34065 | 67586 | 137260 | 104213 | 39064 | 6491 |
| Women | 121050 | 199307 | 247789 | 269787 | 95654 | 19101 |
| Children | 19230 | 27726 | 63405 | 54211 | 18490 | 3379 |
| In custody | 112948 | 147662 | 176700 | 205350 | 141925 | 42541 |
| Persons with Disability | 2282 | 6420 | 7274 | 5671 | 10117 | 800 |
| Industrial Workmen | 1941 | 7120 | 10626 | 5312 | 36599 | 923 |
| Transgender | 341 | 216 | 348 | 189 | 165 | 136 |
| Victim of Trafficking in Human Beings or Begar | 454 | 643 | 692 | 1739 | 554 | 9 |
| Victim of Mass Disaster Violence, Flood, Draught, Earthquake and Industrial Disaster | 2179 | 3747 | 448131 | 15961 | 74489 | 4240 |
| General (whose annual income does not exceed the prescribed limit) | 111398 | 143475 | 130199 | 157837 | 47595 | 7508 |
| Others | 106995 | 152650 | 186048 | 273090 | 133771 | 41057 |
| TOTAL | 556689 | 822856 | 1505216 | 1212137 | 631758 | 132669 |

As far as panel lawyers are concerned, 'The National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010' provides for criteria and procedure for selection of legal practitioners as panel lawyers. The selection of the panel lawyers is made by the Executive Chairman or Chairman of the Legal Services Institution in consultation with the Attorney General [for the Supreme Court], Advocate General [for the High Court], District Attorney or Government Pleader [for District and Taluka level] and the Monitoring and Mentoring

Committee set up under Regulation 10 of the aforesaid Regulations. The Executive Chairman or Chairman of the Legal Services Institution may also suo moto empanel any legal practitioner as panel lawyer. The regulations provides for a minimum of three years' experience at the Bar for a legal practitioner to be empanelled to enable proper selection of lawyers.

As per Regulation 8 (16) of the National Legal Services Authority (Free And Competent Legal Services) Regulations, 2010, the panel lawyers cannot ask for or receive any fee, remuneration or any valuable consideration in any manner, from the person to whom he has rendered legal services. Under Regulation 8 (17) of these regulations, if the panel lawyer engaged is not performing satisfactorily or has acted contrary to the object and spirit of the Act and these regulations, the Legal Services Institution are empowered to take appropriate steps including withdrawal of the case from such lawyer and his removal from the panel.
