

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

**LOK SABHA
UNSTARRED QUESTION NO.1460
TO BE ANSWERED ON FRIDAY, THE 10th FEBRUARY, 2023**

Financial Assistance to Tribal Prisoners for Hiring Lawyers

1460. SHRI VIJAY KUMAR HANSDAK :

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

- (a) whether the Government is aware that due to financial crisis, Tribal prisoners are not able to hire any Lawyer for their trial and they remain in Jail custody even after completion of their custodial period;
- (b) if so, the details of such type of prisoners in Jharkhand and other tribal dominated areas;
- (c) whether the Government has any plan to provide financial assistance or to provide lawyer to such prisoners;
- (d) whether the Government has any plan to release such Tribal prisoners after completion of their custodial period; and
- (e) if so, the details thereof?

ANSWER

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

- (a) Tribals including Prisoners in custody are entitled to get free legal services irrespective of their income under Section 12 of the Legal Services Authorities Act, 1987 vide clause 12 (a) i.e. a member of a Scheduled Caste or Scheduled Tribes and vide clause 12 (g) i.e. Persons 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).

- (b) The State-wise statements including Jharkhand and other tribal dominated areas, containing the details of Prisoners including Tribals who were provided with panel advocates under the category of ‘in custody’ during the current financial year 2022-23 (upto November, 22) is at Annexure- A.
- (c) In addition to above, NALSA has framed a Scheme namely NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015 to ensure access to justice to the Tribal population in India. Besides, NALSA has framed another scheme namely NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015 to ensure access to basic rights and benefits under the Poverty Alleviation Scheme and Programmes of the Government to economically and socially backward sections of the society including Scheduled Tribes by strengthening legal aid and support at all levels.
- (d) and (e) NALSA has prepared a Standard Operating Procedure (SOP) for the smooth functioning of Under Trial Review Committees (UTRCs) with an aim to ensure that Under Trial Prisoners (UTPs) covered under 14 categories including tribal UTPs get benefit without delay. One of the category identified under the UTRC is UTPs (including tribal UTPs) covered under Section 436A Cr.P.C, wherein UTRC recommend to concerned trial court to take up the matter and consider him/her for release on bail if there are no special reasons to deny bail, with or without sureties.
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Annexure-A

Statement as referred to in reply to Lok Sabha Unstarred Question No. 1460 for answering on 10.02.2023 raised by Shri Vijay Kumar Hansdak, MP - Financial Assistance to Tribal Prisoners for Hiring Lawyers

Statement showing number of persons provided panel advocates under the category in Custody under the Legal Services Authorities Act, 1987 during April, 2022 to November, 2022.		
S.No.	SLSAs	In custody
1	Andaman & Nicobar Islands	13
2	Andhra Pradesh	1294
3	Arunachal Pradesh	662
4	Assam	3580
5	Bihar	3768
6	Chandigarh	399
7	Chhattisgarh	2020
8	Dadra & Nagar Haveli	2
9	Daman & Diu	4
10	Delhi	20139
11	Goa	184
12	Gujarat	2555
13	Haryana	5309
14	Himachal Pradesh	285
15	Jammu & Kashmir	281
16	Jharkhand	2418
17	Karnataka	943
18	Kerala	2730
19	Lakshadweep	0
20	Madhya Pradesh	4329
21	Maharashtra	4305
22	Manipur	804
23	Meghalaya	631
24	Mizoram	968
25	Nagaland	75
26	Odisha	490
27	Puducherry	94
28	Punjab	6498
29	Rajasthan	2051
30	Sikkim	276
31	Tamil Nadu	3713

32	Telangana	715
33	Tripura	263
34	Uttar Pradesh	505
35	Uttarakhand	1283
36	West Bengal	7916
37	Ladakh	1
	Total	81503