

REPORT NO.

143



सत्यमेव जयते

PARLIAMENT OF INDIA
RAJYA SABHA

DEPARTMENT-RELATED PARLIAMENTARY STANDING
COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES, LAW AND
JUSTICE

ONE HUNDRED FORTY-THIRD REPORT

ON THE SUBJECT

"REVIEW OF THE WORKING OF LEGAL AID UNDER THE
LEGAL SERVICES AUTHORITIES ACT, 1987"

(Presented to the Rajya Sabha on 07th February, 2024)

(Laid on the Table of Lok Sabha on 07th February, 2024)



Rajya Sabha Secretariat, New Delhi
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* will be appended at a later stage

COMPOSITION OF THE COMMITTEE
(Re-constituted w.e.f. 13th September, 2023)

1. Shri Sushil Kumar Modi — *Chairman*

RAJYA SABHA

2. Shrimati Vandana Chavan
3. Shri Mahesh Jethmalani
4. Shri Kanakamedala Ravindra Kumar
5. Shri Sanjay Raut
6. Shri Sukhendu Sekhar Ray
7. Shri K. R. Suresh Reddy
8. Shrimati Darshana Singh
9. Shri Vivek K. Tankha
10. Shri P. Wilson

LOK SABHA

11. Shri Manickam Tagore B.
12. Shri Kalyan Banerjee
13. Shri Pradan Baruah
14. Shri Venkatesh Netha Borlakunta
15. Shri Vinod Chavda
16. Shrimati Veena Devi
17. Shri Jasbir Singh Gill
18. Shri Choudhury Mohan Jatua
19. Shri Raghu Rama Krishna Raju Kanumuru
20. Shri Jyotirmay Singh Mahato
21. Shri Malook Nagar
22. Dr. Ramesh Pokhriyal "Nishank"
23. Shri Suresh Kumar Pujari
24. Shri A. Raja
25. Shri Omprakash Bhupalsingh *alias* Pavan Rajenimbalkar
26. Shri Upendra Singh Rawat
27. Shrimati Sandhya Ray
28. Shri Kuldeep Rai Sharma
29. Shri Mahendra Singh Solanky
30. Shri Rajan Baburao Vichare

31. *Vacant*

SECRETARIAT

Shri P. Narayanan, Director

Smt. Indira Chaturvedi Vaidya

Shri Sunil Tripathi, Under Secretary

Shri Prabhakar Singh, Under Secretary

INTRODUCTION

I, Chairman of the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, having been authorized by the Committee on its behalf, do hereby present the One Hundred Forty-Third Report on the Subject '**Review of the working of Legal Aid under the Legal Services Authorities Act, 1987**'.

2. While examining the Subject the Committee held extensive deliberations with the stakeholders and heard the views of Secretary, Department of Justice; and Member Secretary, NALSA. The Committee also visited Tihar Jail, at Delhi and District Prison Gurugram (Bhondsi Jail) to have an on-the-spot assessment of legal aid provided to the undertrials. The Committee also had an opportunity to have the benefit of interaction with the Hon'ble Dr. Justice D. Y. Chandrachud, Chief Justice of India & Patron-in-Chief, NALSA; Hon'ble Mr. Justice Sanjay Kishan Kaul, the then Executive Chairman, NALSA; and Hon'ble Mr. Justice Sanjiv Khanna, Judge Supreme Court of India on the subject on 23.03.2023.

3. While considering the Subject, the Committee mainly relied upon the following documents/information:-

- (i) Background note on the subject furnished by the Department of Justice, Ministry of Law & Justice and NALSA; and
- (ii) Written submission made by Shri P. Wilson, Member of the Committee.

4. The Committee wishes to place on record its gratitude to the Department of Justice (Ministry of Law & Justice), Government of India and NALSA for furnishing necessary information/documents and rendering valuable assistance to the Committee in its deliberations.

5. For the facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

6. The Committee considered and adopted the Report in its meeting held on the 6th February, 2024.

New Delhi
7th February, 2024

SUSHIL KUMAR MODI
Chairman,
Department-related Parliamentary Standing
Committee on Personnel Public Grievances
Law and Justice

ACRONYMS

ADR	Alternative dispute resolution
LADCS	Legal Aid Defense Counsel System
NALSA	National Legal Services Authority
NCRB	National Crime Records Bureau
PLV	Para-legal volunteers
State LSAs	State Legal Services Authorities

REPORT

NALSA - AN INTRODUCTION

1. Article 39A of the Constitution of India provides for free legal aid to the poor and weaker sections of the society and ensures justice for all. Also, Articles 14 and 22 (1) of the Constitution also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on the basis of equal opportunity to all. In this background, the Legal Services Authorities Act, 1987 was enacted by the Parliament, which came into force on 9th November, 1995 to establish a nationwide network for providing free and competent legal services to the weaker sections of the society on the basis of equal opportunity.

2. The National Legal Services Authority (NALSA) is an apex organisation of Legal Services Authorities. It is tasked with framing of legal aid policies and programmes and monitoring legal aid activities across the country. In every State, a State Legal Services Authority and in every High Court, a High Court Legal Services Committee has been constituted. District Legal Services Authorities, Taluk Legal Services Committees have been constituted in the Districts and most of the Taluks, respectively, to give effect to the policies and directions of the NALSA and to provide free legal services to the people and conduct Lok Adalats in the State. Supreme Court Legal Services Committee has been constituted to administer and implement the legal services programme insofar as it relates to the Supreme Court of India.

FUNCTIONS AND ACTIVITIES OF NALSA

3. **Functions of Legal Services Institutions:** NALSA lays down the policies, principles, guidelines and frame effective and economical schemes for the State Legal Services Authorities to implement throughout the country. The main functions of NALSA are listed as under:

- i. The principal objective of NALSA is to provide free and competent legal services to the weaker sections of the society and to ensure that opportunities for securing justice are not denied to any citizen because of socio-economic or other barriers;
- ii. To organize Lok Adalats for amicable settlement of disputes;

- iii. To create legal awareness about the rights of the weaker and marginalized sections of the society, undertaking social justice litigations etc.;
- iv. To implement the Schemes and policy directions of NALSA through strategic and preventive Legal Services Programmes.

4. **Activities of Legal Services Authorities:** The various activities conducted by the Legal Services Authorities are as follows:

- i. **Legal aid and advice:** Legal assistance in the form of representation through lawyers before the courts is provided to eligible categories. The term ‘Court’ includes judicial courts, tribunal and any authority discharging any judicial or quasi- judicial functions. Legal advice is also provided through basic units such as “Front Offices” and “Legal Services Clinics”. Through these basic units free legal services in the form of legal advice, drafting of notices, replies, petitions etc. are also provided. Legal assistance is provided in civil as well as criminal matters. In case of non-legal problems, matters are referred to relevant government departments, and while doing so the required assistance is provided in the form of drafting of applications, filling up of forms etc.
- ii. **Legal Services Outreach activities:** Legal Services reach out to people through various outreach tools with an overarching objective to dole out empowerment of weaker and marginalised sections. Such outreach activities are conducted through legal awareness programmes, legal empowerment camps, campaigns for a particular period with specific objectives, students legal literacy clubs, Legal services clinics of law colleges, print and electronic media and legal aid vehicles.
- iii. **Alternative Dispute Resolution Mechanisms:** Legal Services Authorities are also implementing alternative dispute resolution mechanisms such as “Lok Adalat” and “Mediation”. Lok Adalat is popularly known as People’s court. Legal Services Authorities Act, 1987 has given statutory recognition to it. In Lok Adalat, cases are disposed of on the basis of amicable settlement between the parties. Cases pending in the courts as well as cases at pre-litigation stages are taken up and settled through Lok Adalats. Litigants do not have to incur any expenditure for getting their cases settled in the Lok Adalats. This mode of settlement is

free of charge for people. Legal Services Authorities have developed capacities to conduct Pan India Lok Adalat, called as National Lok Adalat, on the same day across the country. Similarly, Mediation is also being implemented by Legal Services Authorities. With the onset of Covid-19 pandemic, Legal Services Authorities swiftly adapted to technological tools and shifted most of their activities to virtual platforms. The traditional ADR mechanisms were also shifted to virtual platforms in the form of E-Lok Adalats and online mediations.

- iv. **Victim Compensation Schemes:** Legal Services Authorities are also implementing Victim Compensation Schemes for payment of compensation to the victims of crime. Victim Compensation Fund is primarily provided by the State governments. This function is being performed by Legal Services Authorities in pursuance to amendments brought in 2009 in the Criminal Procedure Code, 1973.

5. **Features of the legal aid system:** The features of legal aid system in India are as follows:

- i. Women, Children, persons in custody, victims of disaster, Scheduled Caste and Scheduled Tribes, an industrial workman, are eligible for free legal aid irrespective of their income. Apart from this, people having income less than ₹5,00,000/ per annum can avail legal aid in Supreme Court and those having annual income upto amount upto a prescribed limit can avail legal aid in District and High Courts.
- ii. Legal Services Institutions are manned by judicial officers at all levels.
- iii. Counsel assignment system is primarily followed in which Legal aid lawyers are paid on a case-to-case basis. In counsel assignment system, lawyers also take private cases. Recently, NALSA has also introduced system of Legal Aid Defence Counsel at all the Districts throughout the country, which includes dedicated full time experienced lawyers who will deal with cases of legal aid beneficiaries in criminal matters. The Legal Aid Defence Counsel System was initially introduced on pilot basis in 13 Districts in India. Subsequently, it was replicated in 365 districts. Now, all the remaining districts in India have been given necessary directions to take steps to implement the Legal Aid Defence Counsel System in their respective districts by 31.03.2023. Legal Aid

Defence Counsel System which is on the lines of Public Defender system to enhance quality of legal representation in Criminal matters. In this system, lawyers engaged deal exclusively with criminal legal aided cases. Under this system, a Chief Legal Aid Defence Counsel having a minimum experience of 10 years, two Deputy(s) having a minimum experience of 7 years each, are to be engaged on contract basis. Advantages of Legal aid Defense Counsel System vis-a vis assigned counsel system are as follows:

- Availability and accessibility of Legal Aid Defense counsel
 - Effective and efficient representation by seasoned lawyers
 - Timely and effective Client Consultations
 - Effective monitoring of legal aided cases
 - Professional management of legal aid work in criminal matters
 - Enhanced responsiveness leading to updating of legal aid seekers about the progress of their cases
- iv. Alternative Dispute Resolution mechanisms, implemented by Legal Services Authorities, are free of cost to the litigants, and Online E-Lok Adalats have been introduced to enable people to avail ADR forum from their homes/workplaces only.
- v. Specific schemes have been formulated for provision of legal services to a wide range of beneficiaries.
- vi. Free Legal aid services in court cases includes all incidental expenses, apart from free legal representation through legal aid lawyers.
- vii. Legal assistance is available to all persons in custody at all stages of a criminal proceeding including pre-arrest, arrest, remand stages.
- viii. Jail Legal aid Clinics are established in almost all the prisons across the country to provide legal assistance to the prisoners.
- ix. Legal Empowerment programmes are carried out by Legal Services Authorities through various tools to enhance the capacities of weaker and marginalised sections of people.

BUDGET

6. The Central Government allocates funds to NALSA on a financial year basis for carrying out its functions provided under the Legal Services Authorities Act, 1987. NALSA further allocates the said funds to the State

Legal Services Authorities. In turn, the State Legal Services Authorities allocate the received funds to District Legal Services Authorities and others. At the State level, salaries and other expenses are mainly paid by the State Governments.

7. The details of funds allocated by the Central Govt. for carrying out legal aid programmes by NALSA during the last four financial years and the ongoing financial year are as under:-

Financial Year	Grants-in-aid Allocated (Rs. in Crores)
2019-20	140.00
2020-21	100.00
2021-22	145.00
2022-23	190.00
2023-24	200 (BE)

DELIBERATIONS AND RECOMMENDATIONS OF THE COMMITTEE

Lack of Awareness and Legal Education

8. A critical issue contributing to the justice gap is the lack of awareness among those who require legal aid. Insufficient legal education leaves people unaware of their rights and the available avenues for legal assistance. India Justice Report 2019¹ reveals that since 1995, only 15 million individuals have availed themselves of legal aid, despite over 80 percent of the population being eligible for such assistance.

9. Further, the data from the National Crime Records Bureau (NCRB) once again highlights the disproportionate representation of marginalized communities in Indian jails compared to their share of the population. Nearly two-thirds of these individuals are undertrials, implying that many of them, despite not being proven guilty, end up relinquishing their freedoms simply due

¹ https://indiajusticereport.org/files/IJR_2019_Full_Report.pdf

to an inability to afford bail or enlist the services of a competent lawyer for their defense.

10. Therefore, empowering individuals through education and creating awareness about their rights and the role of legal aid is essential to bridge this informational gap. Accordingly, the Committee is of the view that Government may take an extensive mass media campaign to educate the eligible population about the legal aid avenues available for them to get justice.

11. Further, the Committee expresses its concern on the plight of vulnerable sections where NALSA should have been involved effectively. As per the data available in the public domain, out of total number of prisoners in the country, approximately 70 percent are under trials. The Committee was further given to understand that a large number of under trial prisoners have spent more time in jail than the actual sentence prescribed under the relevant Sections/Acts in case if they have been convicted. A large number of prisoners are unable to arrange bail due to non- furnishing of personal bail bonds/surety. In view of this, the Committee recommends that NALSA should study and evaluate these types of cases and assist them on priority.

Budgetary Constraints and Allocations

12. Despite the critical role of the National Legal Services Authority (NALSA) in promoting legal aid, budgetary constraints pose a significant hurdle. The Grant-in-aid to NALSA has remained almost static over the past few years. NALSA has time and again conveyed to the Committee that such meagre levels of grant impact the legal services planned to be offered by them.

13. The decline in funds allocated to NALSA despite economic and population growth underscores the need for a comprehensive re-evaluation of budgetary priorities. Allocating a meager amount for legal aid, particularly when compared with other budgetary allocations, hampers the effectiveness of the legal aid system.

14. It is an admitted fact that the prevalent social and economic disparity in the country is eroding the democratic objective of 'justice for all'. As majority of our population lacks legal awareness and necessary means to approach the courts, they are compelled to suffer in silence. Legal aid is an

obligation of the State and rights of the Citizen, accordingly, it should be provided in the true spirit as envisaged in the Constitution.

15. In this regard, the Committee observes that the majority of the Indian population are eligible for legal aid. However, as per 'India Justice Report, 2019²' published by the Tata Trust, per capita free legal aid spend in India is just 0.75 paise per annum (in 2017-18), which is perhaps among the lowest in the world. Though funding legal services authorities is also one of the responsibilities of States, there is a dire need to significantly enhance the expenditure on this front. Therefore, the Committee strongly recommends that Grant-in-aid to NALSA may be substantially increased in order to carry out the activities as planned by them.

Role of Lawyers and Compensation

16. The reluctance of many lawyers to provide pro bono services further compounds the challenges in ensuring access to justice. While some lawyers do contribute, the need for more legal professionals willing to offer their services without charge remains a pressing concern. Enhancing incentives or support systems for lawyers engaging in pro bono work is crucial.

17. While lawyers play a central role in providing legal aid, the current compensation structure, with nominal honorariums, poses challenges in attracting experienced professionals. Lawyers with a minimum of three years of experience have the option to volunteer for at least two years by approaching the local authority. However, these lawyers are prohibited from charging fees for their representation. Instead, they receive a nominal honorarium from the authority's fund. This honorarium is notably minimal, ranging from as little as 1,500 rupees in small towns to a maximum of Rs. 7,500 in specific cities.

18. The meager compensation provided for the services rendered poses a challenge in attracting top-tier talent with a genuine commitment to working in this field. Consequently, this issue directly impacts citizens who rely on these legal services as their sole option and hope for justice, thereby undermining the intended purpose of providing free legal aid to the underprivileged.

19. Therefore, the Committee is of the view that Bar Council of India should make mandatory appearance of every lawyer in at least in one

² https://indiajusticereport.org/files/IJR_2019_Full_Report.pdf

probono work in a year to enable him to secure any relief fund from All India/State Bar Council.

20. Further, the Committee is also of the view that designated Senior Advocates in all High Courts/Supreme Court may come together to form a panel for doing pro-bono works and undertake such works. In each District Judiciary, High Courts and in Supreme Court, the Advocates / Bar Association can involve advocates in pro-bono works by rotation and Association can monitor the same.

21. The Committee also suggests that District Judiciary/High Courts/Supreme Court can encourage these advocates by giving them merit certificates based upon their contributions to the pro-bono works done by them and such merit certificates could be utilized while assessing their individual merits. The probono work done by a lawyer may be taken into consideration for assessing his/her merit when they apply for any judicial posts, law officers post including appointment of High Court Judges and Supreme Court Judges, consideration of designation of Senior Advocates etc.

22. As regard fees, it is being observed that panel lawyers are not being adequately compensated and their remuneration has remained stagnant for years together. This affects the quality of legal aid service provided to the clients. This also often leads to lawyers found harassing beneficiaries or demanding 'fees' from them. The Committee accordingly, recommends NALSA to compensate lawyers adequately, so that they are able to sustain themselves and remain motivated in their job. While ensuring this, a robust system of monitoring the efficacy and accountability of legal aid services provided to the beneficiaries may also be put in place by NALSA.

Challenges in Lok Adalats

23. Lok Adalats are being organized by NALSA and State LSAs for amicable settlement of disputes. Though Lok Adalats are designed to expedite case resolution, they encounter challenges due to their limited powers compared to regular courts. They also don't have to adhere to any proper procedures. Further, they cannot compel the parties to appear for the proceedings. Many times one of the parties does not appear for the hearing and then there is a delay in the disposal. Therefore, there is a need to have a relook into the powers and procedures of conducting Lok Adalats

for making them more effective and efficient. The Lok Adalats should have powers to ensure the presence of parties for finding the scope of an amicable settlement.

24. Thus Strengthening and streamlining Lok Adalats becomes imperative to make them more effective in resolving disputes efficiently. Lok Adalats often suffer from inadequate infrastructure, facilities, staff and training. This affects their efficiency and quality of service. Accordingly, the Committee feels that Lok Adalats need to be provided with adequate infrastructure, equipment, staff and training. They also need to adopt modern technology and methods to streamline their processes and reduce delays.

Underutilization of Para-legal Volunteers

25. Para-legal volunteers (PLVs) are trained persons who assist the legal services authorities and the Lok Adalats in providing free legal aid to the needy people. They act as a bridge between the legal system and the common man. However, PLVs are underutilized in India due to various reasons, such as lack of proper training and capacity building; lack of monitoring and accountability; lack of recognition and incentives; and lack of awareness and trust in them.

26. To overcome these challenges and enhance the utilization of PLVs Committee feels that some immediate measures should be taken like providing regular and comprehensive training and capacity building of PLVs. They should also be provided with adequate resources and support to perform their duties effectively. PLVs should be paid or compensated adequately for their work, so that they remain interested in their work. They should also receive recognition and appreciation from the legal system and the society. This would enhance their motivation and commitment to serve the people. Further, the legal services authorities and the Lok Adalats should conduct awareness campaigns and outreach programs to inform and educate the people about the role and functions of PLVs. In turn, the PLVs should also build trust and rapport with the people and address their concerns and grievances.

Increased Access to Legal-Aid to the Prisoners

27. During the visits by the Committee to Tihar Jail on 08.11.2021 and to Bhondsi Jail, Gurugram on 15.11.2022 it was observed that the Legal Aid to the

Prisoners were not adequate. When the attendance register of these volunteers was verified, it was found that sufficient Legal Aid volunteers were not posted for the Legal aid to the Prisoners. Further, when the prisoners interacted with the Committee, it was found that adequate Legal aid was not given to them. Therefore, a comprehensive exercise needs to be conducted by NALSA to make access to legal aid to all Prisoners as an inclusionary exercise without any hassle.

28. The Committee is, therefore, of the view that access to justice, especially to the undertrials is still limited, sufficient time for consultation and a centralised application process is vital for seeking help. A centralised application process will provide for prompt allocation of counsel and would enable them to seek their legal remedies with minimal delay.

Legal Aid Defence Counsel Scheme

29. To provide competent, effective and efficient legal aid and to make legal services more professional, NALSA has developed a legal aid delivery-based model i.e. 'Legal Aid Defense Counsel System' (LADCS) for providing legal aid in criminal matters on the lines of public defender system in the developed countries. LADCS has been introduced to provide representation in all type of criminal matters through engagement of full-time retainer lawyers, exclusively dealing with legal aid criminal cases in 676 Districts across the country. Presently, a Legal Aid seeker is assigned a lawyer from the panel of lawyers maintained in the district. These panel lawyers also have private practice and often it has come to light that they are unable to devote sufficient time to the legal aid cases. Therefore, Legal Aid Defence Counsel System aims to set up office of Defence Counsel System just like office of prosecution in line of public defender system prevailing in developed countries. The Lawyers appointed under the Defence Counsel System will devote entire time to the criminal legal aid cases assigned to them on retainership basis on monthly salary and they are prohibited from taking up any private practice. This will directly result in increasing the quality and efficiency in service provided to the legal aid beneficiary.

30. The Legal Aid Defence Counsel Scheme (LADCS) engages full-time experienced lawyers to exclusively devote their effort to provide legal aid, assistance and representation to the beneficiaries in criminal matters. This is a paradigm shift in the manner in which the legal aid is provided in the

country, whereas earlier cases were assigned to the empanelled lawyers who also had a private practice. The Committee appreciates such scheme and hope that it will improve the quality of legal aid to the beneficiary. It is also expected that competent and dedicated lawyers are empanelled through a transparent selection process for manning this Scheme.

Manning the NALSA

31. The Sanctioned posts for NALSA is 34 and as on 31.12.2022 it was functioning with in-position strength of 20 only. The activities of NALSA have increased manifold since its inception. It has framed various Schemes to achieve the objectives of the Legal Services Authorities Act, 1987. NALSA has been doing various programmes/campaigns for reaching out and empowering the weaker sections of society.

32. Due to shortage of staff, particularly at the lower level, NALSA has been facing difficulties to execute and monitor all the schemes and programmes, maintaining data and for maintenance of proper accounts and other proper records. Accordingly, they have been requesting the Department of Justice, with the approval of the then Hon'ble Executive Chairman, NALSA for creation of additional 40 posts for the smooth function of the Authority.

33. The Committee notes that NALSA's activities have increased manifold since its inception and it is actively engaged in taking the legal aid movement in India to every nook and corner. However, its existing sanctioned staff strength of 34 only is too low considering its mandate and reach. Accordingly, the Committee recommends the Government to sanction additional 40 posts as requested by them.

34. The Committee further recommends the NALSA to take proactive steps to fill up the vacant posts, in accordance with their respective RRs, on regular basis and not to allow piling up of unfilled vacancies.

RECOMMENDATIONS/OBSERVATIONS AT A GLANCE

LACK OF AWARENESS AND LEGAL EDUCATION

1. Therefore, empowering individuals through education and creating awareness about their rights and the role of legal aid is essential to bridge this informational gap. Accordingly, the Committee is of the view that Government may take an extensive mass media campaign to educate the eligible population about the legal aid avenues available for them to get justice. (Para 10)

2. Further, the Committee expresses its concern on the plight of vulnerable sections, where NALSA should have been involved effectively. As per the data available in the public domain, out of total number of prisoners in the country, approximately 70 percent are under trials. The Committee was further given to understand that a large number of under trial prisoners have spent more time in jail than the actual sentence prescribed under the relevant Sections/Acts in case if they have been convicted. A large number of prisoners are unable to arrange bail due to non- furnishing of personal bail bonds/surety. In view of this, the Committee recommends that NALSA should study and evaluate these types of cases and assist them on priority. (Para 11)

BUDGETARY CONSTRAINTS AND ALLOCATIONS

3. It is an admitted fact that the prevalent social and economic disparity in the country is eroding the democratic objective of 'justice for all'. As majority of our population lacks legal awareness and necessary means to approach the courts, they are compelled to suffer in silence. Legal aid is an obligation of the State and rights of the Citizen, accordingly, it should be provided in the true spirit as envisaged in the Constitution. (Para 14)

4. In this regard, the Committee observes that the majority of the Indian population are eligible for legal aid. However, as per 'India Justice Report, 2019³' published by the Tata Trust, per capita free legal aid spend in India is just 0.75 paise per annum (in 2017-18), which is perhaps among the lowest in the world. Though funding legal services authorities is also

³ https://indiajusticereport.org/files/IJR_2019_Full_Report.pdf

one of the responsibilities of States, there is a dire need to significantly enhance the expenditure on this front. Therefore, the Committee strongly recommends that Grant-in-aid to NALSA may be substantially increased in order to carry out the activities as planned by them. (Para 15)

ROLE OF LAWYERS AND COMPENSATION

5. Therefore, the Committee is of the view that Bar Council of India should make mandatory appearance of every lawyer in at least in one pro bono work in a year to enable him to secure any relief fund from All India/State Bar Council. (Para 19)

6. Further, the Committee is also of the view that designated Senior Advocates in all High Courts/Supreme Court may come together to form a panel for doing pro-bono works and undertake such works. In each District Judiciary, High Courts and in Supreme Courts, the Advocates / Bar Association can involve advocates in pro-bono works by rotation and Association can monitor the same. (Para 20)

7. The Committee also suggests that District Judiciary/High Courts/Supreme Court can encourage these advocates by giving them merit certificates based upon their contributions to the pro-bono works done by them and such merit certificates could be utilized while assessing their individual merits. The pro bono work done by a lawyer may be taken into consideration for assessing his/her merit when they apply for any judicial posts, law officers post including appointment of High Court Judges and Supreme Court Judges, consideration of designation of Senior Advocates. (Para 21)

8. As regard fees, it is being observed that panel lawyers are not being adequately compensated and their remuneration has remained stagnant for years together. This affects the quality of legal aid service provided to the clients. This also often leads to lawyers found harassing beneficiaries or demanding 'fees' from them. The Committee accordingly, recommends NALSA to compensate lawyers adequately, so that they are able to sustain themselves and remain motivated in their job. While ensuring this, a robust system of monitoring the efficacy and accountability of legal aid services provided to the beneficiaries may also be put in place by NALSA. (Para 22)

CHALLENGES IN LOK ADALATS

10. Lok Adalats are being organized by NALSA and State LSAs for amicable settlement of disputes. Though Lok Adalats are designed to expedite case resolution, they encounter challenges due to their limited powers compared to regular courts. They also don't have to adhere to any proper procedures. Further, they cannot compel the parties to appear for the proceedings. Many times one of the parties does not appear for the hearing and then there is a delay in the disposal. Therefore, there is a need to have a relook into the powers and procedures of conducting Lok Adalats for making them more effective and efficient. The Lok Adalats should have powers to ensure the presence of parties for finding the scope of an amicable settlement. (Para 23)

11. Thus Strengthening and streamlining Lok Adalats becomes imperative to make them more effective in resolving disputes efficiently. Lok Adalats often suffer from inadequate infrastructure, facilities, staff and training. This affects their efficiency and quality of service. Accordingly, the Committee feels that Lok Adalats need to be provided with adequate infrastructure, equipment, staff and training. They also need to adopt modern technology and methods to streamline their processes and reduce delays. (Para 24)

UNDERUTILIZATION OF PARA-LEGAL VOLUNTEERS

12. To overcome these challenges and enhance the utilization of PLVs Committee feels that some immediate measures should be taken like providing regular and comprehensive training and capacity building of PLVs. They should also be provided with adequate resources and support to perform their duties effectively. PLVs should be paid or compensated adequately for their work, so that they remain interested in their work. They should also receive recognition and appreciation from the legal system and the society. This would enhance their motivation and commitment to serve the people. Further, the legal services authorities and the Lok Adalats should conduct awareness campaigns and outreach programs to inform and educate the people about the role and functions of PLVs. In turn, the PLVs should also build trust and rapport with the people and address their concerns and grievances. (Para 26)

INCREASED ACCESS TO LEGAL-AID TO THE PRISONERS

13. The Committee is, therefore, of the view that access to justice, especially to the undertrials is still limited, sufficient time for consultation and a centralised application process is vital for seeking help. A centralised application process will provide for prompt allocation of counsel and would enable them to seek their legal remedies with minimal delay. (Para 28)

LEGAL AID DEFENCE COUNSEL SCHEME

14. The Legal Aid Defence Counsel Scheme (LADCS) engages full-time experienced lawyers to exclusively devote their effort to provide legal aid, assistance and representation to the beneficiaries in criminal matters. This is a paradigm shift in the manner in which the legal aid is provided in the country, whereas earlier cases were assigned to the empanelled lawyers who also had a private practice. The Committee appreciates such scheme and hope that it will improve the quality of legal aid to the beneficiary. It is also expected that competent and dedicated lawyers are empanelled through a transparent selection process for manning this Scheme. (Para 30)

MANNING THE NALSA

15. The Committee notes that NALSA's activities have increased manifold since its inception and it is actively engaged in taking the legal aid movement in India to every nook and corner. However, its existing sanctioned staff strength of 34 only is too low considering its mandate and reach. Accordingly, the Committee recommends the Government to sanction additional 40 posts as requested by them. (Para 33)

16. The Committee further recommends the NALSA to take proactive steps to fill up the vacant posts, in accordance with their respective RRs, on regular basis and not to allow piling up of unfilled vacancies. (Para 34)

MINUTES*

*will be appended at a later stage.