

**SPEECH OF HON'BLE MINISTER OF LAW AND JUSTICE  
AT THE 14<sup>TH</sup> ALL INDIA MEET OF  
STATE LEGAL SERVICES AUTHORITIES  
AT HYDERABAD ON 9<sup>TH</sup> APRIL, 2016.**

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Hon'ble Shri Justice, T S Thakur, the Chief Justice of India and Patron-in-Chief of NALSA; Hon'ble Shri Justice Anil R Dave, Judge, Supreme Court of India and Executive Chairman of NALSA; Hon'ble Shri Justice J S Khehar, Judge, Supreme Court of India and Chairman, Supreme Court Legal Services Committee; Hon'ble Shri Justice J Chelameswar and Hon'ble Shri Justice N V Ramana, Judges, Supreme Court of India; Hon'ble Shri K Chandrashekhar Rao, Chief Minister of Telangana; Hon'ble Shri Justice Dalip B Bhosale, Acting Chief Justice of the High Court of Andhra Pradesh and Telangana and Patron-in-Chief of the Telangana and Andhra Pradesh State Legal Services Authorities; Hon'ble Shri Justice G Chandraiah, Judge, High Court of Andhra Pradesh and Telangana at Hyderabad and Executive Chairman of the Telangana State Legal Services Authority; distinguished dignitaries off the Dais, ladies and gentlemen.

It is my honour to participate in this inaugural programme of the 14<sup>th</sup> All India Meet of the State Legal Services Authorities in this historic and happening city of Hyderabad and to share my thoughts on the subject of legal aid and legal empowerment. Provision of free legal aid is enshrined in the Constitution of India and a duty is cast upon the State to secure it by suitable legislation or schemes. The Legal Services Authorities Act, 1987 empowers the State to

discharge this onerous responsibility through a Central Authority, which is guided by the judiciary. The Central Authority oversees the work of legal services authorities at all levels: the Supreme Court, the High Courts, States, Districts and Talukas. These authorities are again supervised and run by the judiciary. It is but natural, therefore, to see a predominance of Judges and judicial officers participating in this Meet.

I am happy to witness the release of legal literacy pamphlets for the visually impaired citizens of this country and the launch of the website of the Telangana State Legal Services Authority. In order to ensure a wider coverage of the marginalised sections of the society under its schemes, seven new schemes were launched by NALSA on the Legal Service Day last year covering areas such as victims of trafficking and commercial sexual exploitation, workers in the unorganised sector, mentally ill and disabled persons, tribals, children and victims of drug abuse. The coverage of public utilities under the purview of Lok Adalats has recently been expanded by including education or educational institutions and housing and real estate services. These are examples of the efforts being made to reach out to all potential beneficiaries of legal aid. It also reassures the citizens of India that Judges are committed to implement the lofty ideals of legal service enshrined in the Constitution.

The discussions in the meeting of the Central Authority and the Conclave of the Executive Chairmen of the State Legal Services Authorities later today and contributions proposed through NGOs tomorrow on important issues like victims of trafficking and child friendly legal services will no doubt send a message out that the

legal services authorities are sensitive to the needs of all potential beneficiaries, particularly those which are marginalised and in greater need of legal aid. Still, we cannot sit on our laurels; our constitutional duty is far from discharged.

In his book, *The Idea of Justice*, eminent economist Amartya Sen points out, and I quote:

*“What moves us, reasonably enough, is not the realisation that the world falls short of being completely just, which few of us expect, but that there are clearly remediable injustices around us which we want to eliminate.”*

We must focus on these remediable injustices. Here I quote the words of famous social reformer, Frederick Douglass:

*“Where justice is denied, where poverty is enforced, where ignorance prevails, and where any one class is made to feel that society is an organized conspiracy to oppress, rob and degrade them, neither persons nor property will be safe.”*

If the legal and judicial systems seem far removed and inaccessible to the poor and the marginalised, if they are unaware of their rights or they know their rights but are not aware of the process of availing those rights or perceive them to be too costly or prolonged, there will be discontent and alienation from the justice system, and we will be failing in our constitutional and moral duty to provide for such access to justice. It is imperative that ways and means are devised to reach out to these people rather than the other way round. Here the role of legal services authorities is crucial.

The legal service authorities are making efforts to engender this outreach. They undertake awareness camps, provide free legal

aid through panel lawyers and para-legal volunteers; conduct Lok Adalats for both pre and post-litigation cases and continuously add additional categories of citizens who can benefit from their services. The figures of beneficiaries of these activities are impressive. About 1.42 lakh cases have been settled through Lok Adalats from April 2015 to January this year alone. The concept of National Lok Adalats, held at all levels from the Supreme Court to the Taluka level, started in November 2013 has also helped in reducing pendency of cases in courts as well as preventing cases from reaching courts by pre-litigation settlement. I am told that in the second National Lok Adalat held in December, 2015 about 4.5 crore cases were settled including 4.08 crore cases at pre-litigation stage. The monthly National Lok Adalats held in 2015 disposed off 1.77 lakh cases. In the most recent National Lok Adalat held on 13<sup>th</sup> February, 2016 about 3.64 lakh banking related matters were disposed off.

Going beyond numbers, it is the quality of legal aid provided that will demonstrate our commitment to the constitutional mandate. The Department of Justice had leveraged the Access to Justice Project to train lawyers and para-legal volunteers and to get training manuals prepared on legal aid for the marginalised and for anti-human trafficking, apart from getting an independent evaluation of the services provided. I am happy to learn that the National Legal Services Authority has prepared training programmes for both panel lawyers and para-legal volunteers. Well-thought out training programmes focusing on the needs of legal aid based on experiences from the ground will result in improvement of the quality

of legal aid rendered. I hope that NALSA collaborates with the Bar Council of India, which also has a duty to render legal education, to work together with advocates to improve the availability as well as quality of legal service through the authorities. The recent recommendation of a Committee constituted by NALSA to increase the fees structure for Panel Lawyers is a positive step to further motivate quality lawyers to join in these initiatives.

India is in an unhappy situation where two-thirds of jail inmates are under-trials. It is almost a failure of our legal aid system that most of those who could have been released but for the lack of legal aid or money for surety or bail bonds are poor and marginalised. The Apex Court has been mindful of this state of affairs of under-trials languishing in jails in the country and has given certain additional responsibilities to legal service authorities in the case *Re Inhuman Conditions in 1382 Prisons*. NALSA has taken the directions seriously and is working towards establishing fully functional legal aid clinics in all jails so that cases of under-trials can be under constant monitoring so that no under-trial remains in jails for reason of lack of legal aid alone. A lot more needs to be done on this front. We might have travelled miles, but we have many more miles to travel. Regular oversight on this cause is required to ameliorate the situation.

Access to justice is a collaborative effort of the State machinery and the judiciary. The Central Government has provided funds during the 13<sup>th</sup> Finance Commission award period for construction of ADR Centres where Lok Adalats are also held, apart from funding the training of judicial officers and mediators and

conciliators. 284 ADR Centres had been constructed and 13646 mediators had been trained by the end of the award period. The 14<sup>th</sup> Finance Commission has endorsed similar activities, now to be funded by the State Governments from their budgetary resources in the wake of additional fiscal space provided to them. Under Phase II of the eCourts Mission Mode Project of my Ministry, it is planned to provide computer hardware to all District and Taluka Legal Services Authorities so as to integrate them into the automated environment of justice dispensation envisioned under the Project.

The Parliamentary Standing Committee overseeing my Ministry has been critical of the lack of full utilisation of budget by NALSA, and has been recommending increased initiatives on access to justice. The Committee has also expressed concerns over lack of access to legal aid to the undertrial prisoners while visiting Nagpur jail recently. My Ministry has been provisioning as much funds for NALSA as proposed by them every year. Our concern has been less on whether to provision for resources and more on how to justify the lack of full utilisation of the budget. The Government has budgeted Rs 140 crore for this year (2016-17), and we hope that the legal service authorities will be able to fully utilise the amount. It will be worthwhile for us to use the deliberations later today to optimise use of available funds for increasing access to justice through various schemes and programmes approved by the Central Authority.

It is due to the commitment of the judiciary to the constitutional mandate on legal aid that they are undertaking free legal aid, Lok Adalats and awareness camps and focusing on socio-economic

issues requiring provision of legal services in addition to their core function of adjudication. The world over, these activities are undertaken by the executive, or executive led institutions. It is even more impressive that our judges involved in legal service activities undertake them during weekends when they are not sitting in courts. But are we reaching out to all the poor and disadvantaged potential beneficiaries? Inaccessible justice costs us all, but visits its harshest consequences on the poorest people in our communities. Gone are the days when people just swallowed their pain and their loss and live with it, feeling in some unsatisfactory way that they cannot get justice. From the unprecedented increase in receipt of grievances, I can sense the intensity of the anger boiling within people and realise that the seeds of revolution are being sown.

In this regard, the Gandhian Talisman must become our test: how is our work today going to impact the life of the poorest and most vulnerable person? We need to evolve a robust monitoring and evaluation mechanism to adjudge each and every application we receive in the legal service authorities, scrutinise each and every complaint or grievance we receive in the government and the courts and come up with systemic solutions to the problems faced by those who are still not satisfied with the services provided through these activities.

I have learnt that NALSA has embarked on an important initiative to develop a monitoring and evaluation mechanism for their activities. My Ministry has requested them to include monitoring of grievances of citizens about legal aid services also in that mechanism. Once this mechanism is up and going, we shall be able

to identify steps required to improve the quality of legal services in addition to sustaining the quantity of services in terms of the number of cases disposed and people made aware of the availability of such services.

With these words, I thank the organisers for inviting me to participate in the Meet.

Thank you all.

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