

**SPEECH OF HON'BLE MINISTER OF LAW AND JUSTICE  
AT THE LAUNCH OF LEGAL SERVICES SCHEMES  
OF NALSA & WORKSHOP ON ACTUALISATION  
ON 7<sup>TH</sup> NOVEMBER, 2015 AT NEW DELHI.**

-----

**Hon'ble Mr. Justice T.S. Thakur**, Judge, Supreme Court of India and Executive Chairman, NALSA, **Hon'ble Mr. Justice Anil R. Dave**, Judge, Supreme Court of India and Chairman, Supreme Court Legal Services Committee, **Hon'ble Ms. Justice G. Rohini**, Chief Justice, Delhi High Court and Patron-in-Chief, DSLSA, **Hon'ble Mr. Justice B.D. Ahmed**, Judge, Delhi High Court and Executive Chairman, DSLSA, -- Member Secretaries of NALSA and DSLSA, Ladies and Gentlemen,

Legal Aid Services is one of the essential functions of a Welfare State for a simple reason that in a welfare state people should have equal access to justice irrespective of the constraints as well as differences in socio-economic backgrounds. This is also the mandate of our constitution which guarantees equality before the law and equal protection of law. However, in a society like ours, with varied socio-economic background, it so happens that there has to be a positive intervention by the State and its agencies so that the equal access to justice and equality before law can be ensured. Thus, the positive intervention in the field of justice administration is in the form of legal aid services and legal services provided through National Legal Services Authority as well as State Legal Services Authorities.

Having recognized this, the Government initiated steps as far back as 1960. Justice P.N. Bhagwati and Justice V. R. Krishna Iyer have made significant contributions for shaping up the legal services programme in the country. From the time of enactment of Legal Services Authority Act in 1987, a commendable job is being done in the field of legal services in India and I am happy that National Legal Services Authority is organizing workshop on Actualisation and 7 new schemes are being launched for making legal services better and effective. I am indeed happy to note that various sessions are being organized on subjects like legal services to be provided to mentally ill and differently abled persons, child friendly legal services, legal services to victims of trafficking and sexual exploitation, provision of legal services with a view to protect the

tribal rights and so on. This in my opinion is a welcome step initiated by National Legal Services Authority.

Having said that, I would like to point out certain concerns about the legal services programme in the country so that they can also be discussed in this very important workshop being attended by important stakeholders of legal services authorities from across the country. First and foremost concern and barrier to access to justice is that of economic barrier. Cost of litigation consisting of cost of advocacy and Court fee is a major obstacle for majority of the litigants in India. It is a common knowledge that the fees charged by leading advocates in the Supreme Court, High Courts as well in the District level Courts becomes unaffordable for large section of the society. This problem gets pronounced when the poor litigant is pitted against a very rich and mighty opponent. In such scenarios, the result of the adjudication might go adverse to the poor litigant.

Though this concern is the very reason for creating legal aid services, we need to assess the effectiveness of the programme based on the extent to which we are able to handle it. I am not aware of any data on this particular aspect available in public domain. For example, out of 2.6 crore litigations pending across the country, the data on total number of litigants and total number of litigants who are eligible for legal aid must be available readily. Of the total number of litigants eligible for legal aid services, how many are actually provided with legal aid services and what is the gap existing as on today? We must also know that over a period of time, are we able to bring down this gap or this gap is growing. This may require an empirical study.

The second important barrier to the access to justice and efficient legal aid services programme in the country is the quality of the legal services providers available. It is said that in some courts, the legal aid services advocates are not available and even if they are available, mostly they are inexperienced advocates. It is a common knowledge that not many senior advocates do volunteer for the legal aid services and even if some of them are entrusted with this work either by the Court or by the legal services authority, they do not effectively handle the case as these cases are not economically attractive for them. As a result of this limitation, an impression in the minds of the public has been created that the legal aid services provided in certain parts of the country are below par.

This is a major challenge, and we must debate and come out with creative solutions so that adequate number of efficient and senior advocates do volunteer for the legal aid services in the country. I request the participants of this workshop to give a serious thought to this issue as well.

Another important barrier to access to justice and legal aid services is lack of awareness. Though the legal aid camps, legal aid clinics and legal awareness programmes are being conducted regularly, we have still a long way to go in creating awareness on legal rights among public in general and actual ways of getting redressal through the legal system in particular. This gap, I must say, exists inspite of the best efforts made by the functionaries of legal services authorities across the country. We may think of having focused awareness programmes for the litigants and the areas highly vulnerable for litigation rather than conducting the programme for all.

I had the opportunity to go through the findings and recommendations of a study conducted by UNDP on provision of legal services in India in 5 major States. Some of the key findings which I came across do raise some concerns in my mind. The study, points out that there is lack of systematic review of the work discharged by the panel lawyers, lack of monitoring mechanism for cases being assisted by the legal aid services mechanism, non-availability of para-legal workers in certain areas and inadequate infrastructure, legal awareness programmes largely being attended by only judicial officers and lawyers and lack of active participation of voluntary organisations in legal awareness programmes etc. All these issues may have to be taken note of.

In order to make the legal services programme very effective, we may also have to adopt need based approach. The legal services programme must be region specific as well as they should be chalked out by taking into consideration the major barriers or hurdles in access to justice and the need for specific legal services. This, in my opinion, will vary from state to state, district to district, even village to village also. Hence, area specific legal services programme will have to be devised by District and Taluka legal services authorities by taking into consideration the type of litigation and the type of barriers to the access to justice prevailing in that area.

Another important aspect which needs to be considered very seriously is the evaluation of the effectiveness of legal services provided across the country by the legal services authorities themselves on a regular basis. I am not aware whether such an activity is being undertaken on an annual basis in order to identify the gaps or drawbacks in the current year's programme and to take up course correction steps. No major programme of the size of legal services can become very effective unless we do continuous evaluation and keep revising the programme so as to make it appropriate and effective.

In spite of all these challenges being faced at the ground level, I must commend the excellent job being done by the legal aid services authorities Taluk level upto the National level under the stewardship of Justice T. S. Thakur. It is a matter of pride that legal aid services authorities have been able to run Lok Adalat Programme on a massive scale across the country. The Lok Adalats being a low cost alternative to a regular Court based adjudication mechanism, have been disposing of cases in large numbers. I have been given to understand that in the recent 2<sup>nd</sup> National Lok Adalat held in the month of December, 2014, close to 40 lakh pending cases were disposed of, which is a major achievement in itself. However, I would like you to check to what extent this disposal of 40 lakh cases have reduced our pendency as it is almost 1/5<sup>th</sup> of the total pendency in our Courts. We may take up such steps few more times so that the pendency of cases in the Courts across the country can be brought down substantially and the disposal of cases by our Courts can improve.

I am also happy to note that National Legal Services Authority has taken up the cause of undertrial prisoners very seriously and are making efforts to see that those who have served more than 50% of the actual sentence period as undertrial prisoners are assisted by legal services authorities to secure bail.

The fact that the National Legal Services Authority has come out with 7 new schemes tailor made for different marginalized and specific target groups shows the efforts being taken by the National Legal Services Authority to reach out to the society at large. I hope these schemes which are being launched today will go a long way in benefitting the intended population.

With these words I wish that the workshop becomes successful as well as comes out with ways and means of bettering the already well performing legal services in our country.

I would like to thank Justice Thakur and the organisers of this workshop for having given me opportunity to be here and share my thoughts with you all.

JAI HIND.