

# Little faith in 'free' counsel, crores go down the drain

## Most Go For Them Out Of Compulsion: UGC-Funded Study

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**New Delhi:** A pioneering study on Delhi's legal aid system reveals that lack of commitment and competence of lawyers has badly hit a programme that receives crores of rupees from the government.

The empirical study, funded by University Grants Commission (UGC), shows that a majority of those who avail legal aid opt for it out of compulsion and have little faith in the counsel provided under the scheme.

Statutory bodies such as National Legal Services Authority (NALSA) and Delhi State Legal Services Authority (DSLISA) have been set up to ensure access to poor litigants who can't afford a private lawyer.

The study, authored by National Law University Delhi (NLUD) professor Jeet Singh Mann, focused on "Impact Analysis of legal Aid Services provided by the Legal Aid Counsels on the Legal Aid System in City of Delhi".

Mann analysed 11 district courts in Delhi and the high court. His research reveals that almost 50% of those interviewed under the category of beneficiaries of legal aid avail of the service only when they do not have any resource to engage private legal


### IN A TANGLE

➤ People prefer a paid private lawyer over free legal aid services due to lack of commitment and competence of legal aid counsel


➤ UGC funded study collected data from 702 beneficiaries of legal aid services with 98% (688) admitting to have opted for them without resources to engage private lawyers

**173** judges were also interviewed during Dec 2014 - Dec 2015 in 11 districts. 89.3% of senior judges said they preferred not to rope in legal aid counsel in serious crimes like rape, murder, narcotics, etc. Instead they appoint amicus curiae

**1,12,013** people availed of free legal aid in Delhi in the last five years




**39.5%** said they would never avail of free legal aid



**11** regulators of district legal service authorities in Delhi and high court legal services committee were interviewed along with **174** legal aid lawyers

Testimonies of **1,039** women who opted for paid lawyers were also interviewed



➤ National Legal Services Authority (Nalsa) and Delhi State Legal Services Authority are responsible for providing free legal aid to the poor

practitioners. Though the Constitution and Legal Services Authorities Act 1987 envisage that poor get access to justice, the study laments that "ground realities depict a shoddy picture of the legal aid programme".

Due to a variety of factors — chief being disinterested and ill equipped legal aid la-

wyers — "legal aid system is not functioning effectively and also not catering to the requirements of the beneficiaries", the report adds.

It also cites the experience of over 170 judges whose courts regularly see poor and indigent persons appearing who can't afford a lawyer. "As per the considerate views of

89.30% of senior judicial officers such as additional session judges, they do not prefer the involvement of legal aid counsel (LAC) in serious crimes such as rape, murder, culpable homicide not amounting to murder and narcotics. They always consider the appointment of amicus curiae, generally experienced legal practitioners of competency known to the judicial officers, to protect the interests of poor people, who are not in a position to engage a legal practitioners on their own," the study points out.

The report also says it is visible from the data that legal aid counsel "are not considered trust-worthy and competent to protect the interest of poor people in serious crimes" and recommends more effective monitoring and greater control on empanelled lawyers as also on timely payments to keep them engaged in the system.

To begin with, the study stresses the need to have a more rigorous empanelment process as most of the LAC view Legal Aid services as just a platform to achieve other better employment opportunities. This, in turn, translates into "lack in the zeal and commitment towards their work" affecting the quality of legal aid services across Delhi, the report concludes.

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