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BILL

to amend the Legal Aid and Justice Authority Act, 2020

Whereas it is expedient to amend the Legal Aid and Justice Authority Act, 2020 (XVI of 2020), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

**1. Short title and commencement.** - (1) This Act may be called the Legal Aid and Justice Authority (Amendment) Act 2020.

(2) It shall come into force at once.

**2. Amendment of section 2, Act XVI of 2020.**- In the Legal Aid and Justice Authority Act 2020, hereinafter referred to as the said Act, in section 2, in sub-section (1),- in paragraph (a), for sub-paragraph (i), the following shall be substituted, namely:-

"(i) "Legal aid" means the provision of legal advice, assistance and representation at the expense of the State on the conditions and in accordance with the procedures established under the said Law and its regulations for persons detained, arrested or imprisoned; for persons suspected or accused or charged with or convicted of a criminal offence; and for victims and witnesses in the criminal justice process. Legal aid includes legal education, access to legal information and other services provided through alternative dispute resolution mechanisms and restorative justice processes."

(ii) after paragraph (i), the following sub-paragraph (ia), shall be inserted, namely:-

"(ia) Legal aid services" means the services including: the provision of legal advice; the provision of legal assistance; the provision of legal information; the provision of legal representation in national and regional courts, for adults or juveniles, as well as in customary and informal systems of justice; legal education; legal drafting; and legal advocacy."; and

(iii) after paragraph "o" the following new paragraphs shall be inserted, namely:-

"(p) "Victims of a crime" mean person who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic or financial loss or substantial impairment of their fundamental rights through acts or omissions in violation of criminal laws.

"(q) "volunteer" means any person other than an advocate who may provide legal or other services as an pro bono basis to the applicant; and

"(r) "Vulnerable person" means a person who is in need of special protection because of age, gender, sexual orientation, illness, disability, national, social or personal status, or other status, including but not limited to children, refugees, internally displaced persons, stateless persons, asylum seekers, victims of human trafficking and of gender-based violence, illiterate persons, minorities, migrants and migrant workers, persons who do not speak or understand the language of the proceedings, elderly persons, persons with disabilities, persons with mental illnesses, persons living with HIV and other serious contagious diseases, persons in custody and drug users.

**3. Amendment of section 6, Act XVI of 2020.-** In the said Act ; in section 6, after sub-section (1), a colon shall be added and thereafter the following new proviso shall be added, namely:-

"Provided that at least one meeting of the Board shall be held in every three months.":

**4. Insertion of section 9A, Act XVI of 2018.-** In the said Act, after section 9, the following new section 9A, shall be inserted, namely:-

"(9A) Criteria for giving legal services Every person who has to file or defend a case shall be entitled to legal services if that person is a member of a Scheduled Caste; a victim of trafficking in human beings or a beggar; a woman or a child; a mentally ill or otherwise disabled person; a person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or an industrial workman; or in custody or in a juvenile home or in a psychiatric hospital or psychiatric nursing home; in receipt of low annual income as may be prescribed by the State Government or falling under the poverty line: orphaned children, children whose parents have been stripped of their parental rights, and children that may become or have become victims of family violence and "victims of a crime" and "vulnerable population".

#### **STATEMENT OF OBJECTS AND REASONS**

The purpose of the amendments proposed in this Bill is to define' legal aid in a more comprehensive manner so that it may be easier for the legal aid providers to understand the nature of their services as well as to serve the needy litigants in every respect, seeking legal aid. The definition of victims of crime and vulnerable person has also been included so that the scope of legal aid provision may be enlarged bringing in vulnerable communities of litigants under its ambit. In addition to that, keeping in view of the increasing number of criminal cases in our courts the role of legal aid authority is becoming more significant, as with the rising number of such-cases the number of poor litigants or those who need legal aid is also increasing. Therefore, another amendment in this bill has been inserted according to which the authority should convene its meetings once in every three months. So that it may perform its role in the provision of legal aid in an expedite and effective manner. The purpose of amendment in section 9 is to clearly define the criteria of legal aid services provision. It would also serve as a guideline for making extensive rules in this regard. While defining the criteria of legal aid services the categories of poor or vulnerable litigants or those who are required to be equipped in legal matters in any capacity, have been inserted in detail.

2. In addition to above, the bill has been proposed to bring its standard at par with international best models in provision of legal aid services. Benchmarks presented in UNODC model law on legal aid along with its comparative structures in different countries have been used in our local context.

3. Hence the Bill has been proposed.

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**MS. UZMA RIAZ,**

**Member National Assembly**