

**COMMITTEE ON PAPERS LAID ON THE TABLE
(2023-24)**

SEVENTEENTH LOK SABHA

163

163rd REPORT

[Action Taken by the Ministry of Law & Justice (Department of Justice) on the Observations / Recommendations made by the Committee in their 121st Report (Seventeenth Lok Sabha) regarding the delay in laying of the Annual Reports and Audited Accounts of the State Legal Services Authority and District Legal Services Authority, U.T.Chandigarh.]

(Presented to Lok Sabha on 20.12.2023)



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI
December, 2023/Agrahayana, 1945 (Saka)**

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COMPOSITION OF COMMITTEE ON PAPERS LAID ON THE TABLE
(2023-24)

Shri Girish Chandra - **Chairperson**

MEMBERS

2. Shri Shafiqur Rahman Barq
3. Dr. A. Chellakumar
4. Shri Pallab Lochan Das
5. Shri Choudhury Mohan Jatua
6. Choudhary Mehboob Ali Kaiser
7. Dr. Amol Ramsing Kolhe
8. Shri Jamyang Tsering Namgyal
9. Smt. Aparupa Poddar
10. Shri T.N. Prathapan
11. Shri Sellaperumal Ramalingam
12. Shri Saptagiri Sankar Ulaka
13. Shri Devendrappa Y.
14. Shri Ashok Kumar Yadav
15. Vacant *

SECRETARIAT

1. Shri Vinay Kumar Mohan - Joint Secretary
2. Shri Naval K. Verma - Director
3. Shri Rahul Singh - Deputy Secretary

INTRODUCTION

I, the Chairperson of the Committee on Papers Laid on the Table (2023-24), having been authorized by the Committee to present the Report on their behalf, present this 163rd Report on the action taken by the Government on the recommendations/observations made by the Committee in the 121st Report (17th Lok Sabha) regarding the delay in laying the Annual Reports and Audited Accounts of the State Legal Services Authority and District Legal Services Authority, U.T.Chandigarh.

2. The 121st Report (17th Lok Sabha) was presented to Lok Sabha on 27 March, 2023. The Ministry of Law & Justice (Department of Justice) furnished the replies on 27 June, 2023 indicating the action-taken on the observations/ recommendations contained in the 121st Report. The Committee considered and adopted this Report at their sitting held on 13 December, 2023.

3. The Committee place on record their appreciation of the valuable assistance rendered to them by the officials of the Lok Sabha Secretariat attached to the Committee.

4. The Observations/Recommendations of the Committee have been printed in bold letters at the end of the Report.

New Delhi;

13 December, 2023
22 Arahayana, 1945 (Saka)

Girish Chandra
Chairperson
Committee on Papers Laid on the Table

Report

Action Taken by the Ministry of Law & Justice (Department of Justice) on the Observations / Recommendations made by the Committee in their 121st Report (Seventeenth Lok Sabha) regarding the delay in laying of the Annual Reports and Audited Accounts of the State Legal Services Authority and District Legal Services Authority, U.T.Chandigarh.

This Report of the Committee deals with the action-taken by the Ministry Law & Justice on the Recommendations/Observations made by the Committee on Papers Laid on the Table (2023-24) in their 121st Report (17th Lok Sabha) which dealt with the matter of the delay in laying the Annual Reports and Audited Accounts of the State Legal Services Authority and District Legal Services Authority, U.T.Chandigarh and was presented to the Lok Sabha on 27 March, 2023.

2. The Committee had made four Observations/Recommendations in their 121st Report (17th Lok Sabha). The action-taken replies to all the four Observations/Recommendations have been received from the Government vide OM No. 60011/5/3033-LAP(JS)(E-6830) dated 27 June, 2023.

3. The Observations/Recommendations made by the Committee, the Action Taken Replies received from the Ministry and comments of the Committee thereon are as under-

Recommendation No. 17

4. The Committee had recommended as under:-

“The Committee note that the Ministry of Law and Justice (Department of Justice) and the State Legal Services Authority (SLSA) and District Legal Services Authority (DLSA), U.T. Chandigarh have not adhered to the time frame stipulated in the recommendations of the Committee on Papers Laid on the Table contained in Paras 1.16 and 3.5 of its First Report (5th Lok Sabha), Paras 4.16 and 4.18 of the Second Report (5th Lok Sabha) and Paras 1.12 and 2.6 to 3.8 of Second Report (6th Lok Sabha) presented to the House on 08.03.1976, 12.05.1976 and 22.12.1977 respectively, regarding laying of Annual Reports and Audited Accounts on the Table of the House. The mandatory requirement of laying the papers within nine months from the closure of the accounting year has not been complied with. The requisite documents of the SLSA and DLSA for the years from 1998-99 to 2019-20 were laid with delays from more than 21 years to 11 months and for the year 2020-2021, laid on 25.03.2022 with delay of approximately 3 months.”

5. The Ministry in its action taken replies has stated as under:-

“The State Legal Services Authority (**SLSA**) and the District Legal Services Authority (**DLSA**), UT Chandigarh were established in the year 1998. The SLSA and DLSA are getting grants-in-aid from National Legal Services Authority (**NALSA**) for legal aid programmes and grants-in-aid from the Chandigarh Administration for administrative and salary expenses. The DLSA is getting grants-in-aid from NALSA for legal aid programmes from the year 2017-18 and onwards.

In 2011, Audit reports of SLSA UT Chandigarh till 2007-08 were sent by NALSA to Department of Legal Affairs, Ministry of Law & Justice for placing before both the Houses of Parliament. Vide S.O. 1521(E) dated 10th June, 2013, the Subject “Legal Aid to Poor” was transferred to Department of Justice, Ministry of Law & Justice. In 2016, it was confirmed from Department of Legal Affairs that the audited accounts of SLSA UT Chandigarh till 2007-08 had not been laid before the Parliament as those did not seem to have been received in their Department. Laying of reports for the year 2008-09 onwards was held up because of non-laying of reports prior to year 2008-09. After protracted efforts, Annual Report and Audit Report on the Annual Accounts of the SLSA and the DLSA, U.T. Chandigarh for the year 1998-99 to 2019-20 were laid before both Houses of Parliament. It is submitted that Annual Report and Audit Report on the Annual Accounts for the year 2020-21 and 2021-22 have also been laid before both Houses of Parliament.”

6. The Ministry in its written reply has submitted that the Audit Report on the Annual Accounts for the years 2020-21 and 2021-22 have been laid before both Houses of Parliament. However, on scrutiny of papers laid on the Table of the House, the Committee find that the requisite documents of the State Legal Services Authority (SLSA), UT Chandigarh for the years 2020-21 and 2021-22 have been laid with delay of about 03 months and more than 01 month respectively. The requisite documents of the District Legal Services Authority (DLSA), UT Chandigarh for the year 2020-21 have been laid with delay of about 03 months and for the year 2021-22 have not been laid as yet. The Committee desire to know the reasons for not laying of these documents and also recommend that these documents should be laid at the earliest.

Recommendation Serial No. 18

7. The Committee had recommended as under:-

“While examining the reasons for delays in laying the documents of the SLSA and DLSA, the Committee note that SLSA and DLSA are getting Grants-in-Aid from NALSA and the collective details are laid alongwith the Annual Reports and the Audited Accounts of NALSA on the Table of the House regularly. Therefore, the Ministry were under the impression that there was no need to lay the requisite documents of the SLSA and DLSA separately. However, in 2018, the Committee

apprised the Ministry of Law and Justice (Department of Justice)/NALSA that the Annual Reports and the Audited Accounts of all SLSA/DLSA are also required to be laid on the Table of the House separately. Thereafter, they started the laying the requisite documents of the SLSA and DLSA Chandigarh. During the process of laying of the requisite documents of the DLSA and SLSA, the Department of Justice found that the requisite documents of the SLSA and DLSA for the years 1997-98 to 2007-08 were sent to the Department of Legal Affairs for placing before both the House of Parliament. However, the Department of Legal Affairs had not laid these documents on the Table of the House. In 2013, when the subject legal aid to poor, was brought under the Department of Justice from legal Affairs, the Department of Justice thereafter collected the requisite documents of the SLSA and DLSA from the Department of Legal Affairs and also for subsequent years from the DLSA and the SLSA for laying these documents on the Table of the House. After protracted efforts of the Department of Justice, the Annual Reports and Audited Accounts of the SLSA and DLSA, U.T. Chandigarh for the years 1998-99 to 2019-20 were laid on the Table of Lok Sabha on 17.12.2021 and for the year 2020-21 on 25.03.2022. The Committee appreciate the efforts made by the Department of Justice in regard to laying of the requisite documents of the SLSA and DLSA. However, the Committee desire to know the reasons for not fulfilling the statutory requirement as section (5) of the Legal Services Authorities Act, 1987 so far, which clearly states that the requisite documents of the SLSA and DLSA are to be laid on both House of the Parliament.

The Committee also recommend to ascertain the reasons from the Department of Legal Affairs for not laying the requisite documents of the SLSA and DLSA for the year 1997-98 as it appears from the replies furnished by the Ministry that the documents for the year 1997-98 have not been laid on the Table of the House. The Committee, therefore, recommend the Ministry to lay the documents of the SLSA and DLSA for the year 1997-98 at the earliest. The Committee would like to be informed the efforts made by the Ministry in this regard.”

8. The Ministry in its action taken replies has furnished the following remedial measures to ensure timely laying of the requisite documents of the Institute:-

“(i) As per Section 18 (4) of the Legal Services Authorities (**LSA**) Act, 1987, the accounts of the Authorities, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually by the Authorities to the Central Government or the State Governments, as the case may be. Section 18 (5) of the LSA Act, 1987 mandates that the Central Government shall cause the accounts and the audit report received by it under sub-section (4) to be laid, as soon as may be after they are received, before each House of Parliament. As mandated under the Section 18 (5) of the LSA Act, 1987, the Central Government annually lays the accounts and the audit report of NALSA which inter alia contains details of grant allocated to various State Legal Services Authorities (SLSAs) during the year, before each House of Parliament.

2. In 2011, Audit reports of SLSA UT Chandigarh till 2007-08 were sent by NALSA to Department of Legal Affairs, Ministry of Law & Justice for placing before both the Houses of Parliament. Vide S.O. 1521(E) dated 10th June, 2013, the Subject “Legal Aid to Poor” was transferred to Department of Justice, Ministry of Law & Justice. In 2016,

it was confirmed from Department of Legal Affairs that the audited accounts of SLSA UT Chandigarh till 2007-08 had not been laid before the Parliament as those did not seem to have been received in their Department. Laying of reports for the year 2008-09 onwards was held up because of non-laying of reports prior to year 2008-09. After protracted efforts, Department of Justice laid Annual Report and Audit Report on the Annual Accounts of the SLSA and the DLSA, U.T. Chandigarh for the year 1998-99 to 2019-20 before both Houses of Parliament as mandated under the Section 18 (5) of the LSA Act, 1987. It is submitted that Annual Report and Audit Report on the Annual Accounts for the year 2020-21 and 2021-22 have also been laid before both Houses of Parliament. Since, UT Chandigarh SLSA came into force w.e.f. 10.01.1998, reports received for the period 1998-99 to 2021-22 have been laid before both Houses of Parliament.

3. It is submitted that grants released to NALSA by the Central Government is further allocated to SLSAs in States/Union Territories by NALSA for legal aid activities. Department of Justice has taken up the matter with NALSA for laying Annual Report and Audit Report on the Annual Accounts of other Union Territories on the Table of the House. It is submitted that efforts are being made to lay the requisite documents of other UTs on the Table of the House, at the earliest.”

9. The Committee are not convinced with the reply furnished by the Ministry as the Committee desired to know the specific reasons for not fulfilling the statutory requirement under section 18(5) of the LSA Act, 1987 which clearly states that the requisite documents are to be laid in both Houses of the Parliament. However, the Ministry in its replies has stated that the Central Government annually lays the accounts and the audit report of NALSA which inter alia contains details of grant allocated to various State Legal Services Authorities (SLSAs) during the year, before each House of Parliament. The Committee, therefore, reiterate their earlier recommendation and strongly recommend that the requisite documents of the SLSA and DLSA should be laid within nine months after the closure of respective accounting year. The Committee would like to be informed the action taken by the Ministry in this regard.

Recommendation Serial No. 19

10. The Committee had recommended as under:-

“It was also apprised to the Committee that the requisite documents of other Union Territories i.e. (i) Andaman and Nicobar Islands; (ii) Dadra & Nagar Haveli; (iii) Daman and Diu; (iv) Jammu and Kashmir; (v) Ladakh; (vi) Lakshadweep are also being complied for laying on the Table of the House. The Committee hope that the requisite documents of these Union Territories will be laid at the earliest.”

11. The Ministry in its action taken replies has stated as under:-

“It is submitted that grants released to NALSA by the Central Government is further allocated to SLSAs in States/Union Territories by NALSA for legal aid activities. Department of Justice has taken up the matter with NALSA for laying Annual Report and Audit Report on the Annual Accounts of other Union Territories on the Table of the House. It is submitted that efforts are being made to lay the requisite documents of other Union Territories on the Table of the House, at the earliest.”

12. The Committee are happy to note that the Ministry has accepted the recommendation made by the Committee and efforts are being made to lay the requisite documents of other Union Territories at the earliest. The Committee believe the assurance given by the Ministry in its replies that the Annual Reports and Audited Accounts in respect other Union Territories will be laid on the Table of the house at the earliest. The Committee desire that annual report and Audited Accounts of other UTs for succeeding years should also be laid on the Table of the House within the stipulated time.

13. The Committee had recommended as under:-

“The Committee also impress upon the Ministry that if due to some unavoidable reasons, the Annual Reports and Audited Accounts of the SLSA and DLSA could not be laid on the Table of the House within the stipulated time, a statement explaining the reasons as to why the requisite documents could not be laid within the prescribed period should be laid on the Table of the House within 30 days or as soon as the House convenes, whichever is later, whichever is later.”

14. The Ministry in its action taken replies has stated as under

“In 2011, Audit reports of SLSA UT Chandigarh till 2007-08 were sent by NALSA to Department of Legal Affairs, Ministry of Law & Justice for placing before both the Houses of Parliament. Vide S.O. 1521(E) dated 10th June, 2013, the Subject “Legal Aid to Poor” was transferred to Department of Justice, Ministry of Law & Justice. In 2016, it was confirmed from Department of Legal Affairs that the audited accounts of SLSA U.T. Chandigarh till 2007-08 had not been laid before the Parliament as those did not seem to have been received in their Department. Laying of reports for the year 2008-09 onwards was held up because of non-laying of reports prior to year 2008-09. After protracted efforts, Department of Justice laid Annual Report and Audit Report on the Annual Accounts of the SLSA and the DLSA, UT Chandigarh for the year 1998-99 to 2019-20 before both Houses of Parliament. Annual Report and Audit Report on the Annual Accounts for the year 2020-21 and 2021-22 have also been laid before both Houses of Parliament. Since, the Annual Reports and Audited Accounts of the SLSA and DLSA, UT Chandigarh could not be laid on the Table of the House within the stipulated time, a statement explaining the reasons as to why the requisite documents could not be laid within the prescribed period was also laid on the Table of the House along with Annual Report and Audit Report on the Annual Accounts.”

15. The Committee note that the reply furnished by the Ministry is not specific as the Committee, in their original Report, had recommended that if due to some unavoidable reasons, the Annual Reports and Audited Accounts of the SLSA and DLSA could not be laid on the Table of the House within the stipulated time, a statement explaining the reasons as to why the requisite documents could not be laid within the prescribed period should be laid within 30 days or as soon as the House convenes, whichever is later. However, the Ministry in its written reply stated that a statement explaining the reasons as to why the requisite documents could not be laid within the prescribed period was also laid on the Table of the House at the time of laying the Annual Report and Audit Report on the Annual Accounts of SLSA and DLSA. The Committee recommend to ensure that the aforesaid recommendation of the Committee should be implemented by the Ministry rigorously in case of delay in laying of the requisite documents of the DLSA/SLSA.

New Delhi;

13 December, 2023
22 Arahayana, 1945 (Saka)

Girish Chandra
Chairperson
Committee on Papers Laid on the Table

Committee On Papers Laid On The Table (2023-2024)

The Extracts of the Minutes of the sitting of the Committee on Papers Laid on the Table held on 13 December, 2023

The Committee sat on Wednesday, 13th December, 2023 from 1445 hours to 1540 hours in Committee Room 'D', Parliament House Annexe, New Delhi.

Present

Shri Girish Chandra - ***Chairperson***

Members

(Lok Sabha)

2. Dr. A. Chellakumar
3. Smt. Aparupa Poddar
4. Shri Devendrappa Y.
5. Shri Ashok Kumar Yadav

Secretariat

1. Shri R.K. Suryanarayanan - Joint Secretary
2. Shri Naval K. Verma - Director
2. xx xx xx xx

3. Thereafter, the Committee took up the following two Original and eight Action-taken Reports for consideration and adoption:-

- i. to iii xx xx xx
- iv. Action Taken by the Ministry of Law & Justice (Department of Justice) on the Observations / Recommendations made by the Committee in their 121st Report (Seventeenth Lok Sabha) regarding the delay in laying of the Annual Reports and Audited Accounts of the State Legal Services Authority and District Legal Services Authority, U.T.Chandigarh;
- v. & x. xx xx xx xx

The ten draft Reports were adopted unanimously. The Hon'ble Chairperson was authorized by the Committee to finalize and present these Reports to the Lok Sabha on a date convenient to him.

4. to 6 xx xx xx xx

(A Copy of the verbatim proceedings of the sitting is kept.)

The Meeting then adjourned.