

**COMMITTEE ON PAPERS LAID ON THE TABLE
(2019-2020)**

SEVENTEENTH LOK SABHA

27

TWENTY SEVENTH REPORT

**[Report on Delay in laying of the Annual Reports and Audited Accounts of the
National Legal Services Authority (NALSA) New Delhi]**

(Presented on 23 September, 2020)



सत्यमेव जयते

**LOK SABHA SECRETARIAT
NEW DELHI
SEPTEMBER, 2020/ASVINA, 1942(SAKA)**

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COMPOSITION OF COMMITTEE ON PAPERS LAID ON THE TABLE
(2019-2020)

Shri Shyam Singh Yadav - **Chairperson**

MEMBERS

2. Shri Shafiqur Rahman Barq
3. Shri Margani Bharat
4. Dr. A. Chellakumar
5. Shri Pallab Lochan Das
6. Shri Chowdhury Mohan Jatua
7. Choudhary Mehboob Ali Kaiser
8. Dr. Amol Ramsing Kolhe
9. Shri Raja Amareshwara Naik
10. Shri Jamyang Tsering Namgyal
11. Smt. Aparupa Poddar
12. Shri T.N. Prathapan
13. Shri S. Ramalingam
14. Shri Saptagiri Ulaka
15. Shri Ashok Kumar Yadav

SECRETARIAT

1. Smt. Suman Arora - Joint Secretary
2. Shri Kushal Sarkar - Director
3. Smt. B. Visala - Director
4. Shri Munish Kumar Rewari - Additional Director
5. Shri R.K. Chaudhary - Under Secretary
6. Shri K. P. Kashyap - Assistant Committee Officer

INTRODUCTION

I, Chairperson of the Committee on Papers Laid on the Table of the House (2019-20), having been authorized by the Committee to present this Report on their behalf, present this Twenty Seventh Report in respect of delay in laying of the Annual Reports together with Audited Accounts of the National Legal Services Authority, New Delhi.

2. In terms of the recommendations of the Committee on Papers Laid on the Table in its First Report, Second Report (5th Lok Sabha) and Second Report (6th Lok Sabha) presented to the House on 08 March 1976; 12 May 1976 and 22 December 1977 respectively, the Annual Report and Audited Accounts of the organization/company are required to be laid on the Table of the House within nine months of the closure of accounting year.

3. The Committee considered the matter of delays in laying of the Annual Reports and Audited Accounts of the National Legal Services Authority (NALSA), New Delhi and took oral evidence of the representatives of the Ministry of Law and Justice (Department of Justice) and the Authority at their sitting held on 27 December, 2018.

4. The Committee considered and adopted this Report at their sitting held on 22 September, 2020.

5. The Committee wish to express their thanks to the officers of the Ministry of Law and Justice (Department of Justice) and the National Legal Services Authority for furnishing the written replies, other material/information and for placing their views in the matter before the Committee.

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

New Delhi
22 September, 2020
31 Bhadrapada, 1942 (Saka)

Shyam Singh Yadav
Chairperson
Committee on Papers Laid on the Table
Lok Sabha

REPORT

Delay in laying of the Annual Reports and Audited Accounts of the National Legal Services Authority (NALSA), New Delhi

In 1987, the legal services Authorities Act was enacted by the Parliament to establish a nationwide uniform network for providing free and competent legal services to the weaker sections of the society on the basis of equal opportunity. The National Legal Services Authority (NALSA) has been constituted under the legal Services Authorities Act, 1987 to monitor and evaluate implementation of legal aid programmes and to lay down policies and principles for making legal services available under the Act.

2. To ensure justice for all, in this regard Legal Services Committee are constituted at various level of the Judiciary. Supreme Court Legal Services Committee has been constituted to administer and implement legal services programmes relating to the Supreme Court of India. Similarly, in every States, a State Legal Services Authority has been constituted. District Legal Services Authorities and Taluk Legal Services Committee have been constituted in Districts and Taluks in order to give effect to the policies and directions of the NALSA and to provide free Legal Services to the people and conduct Lok Adalats in the State. A statement showing funds provided to the National Legal Services Authority (NALSA) for the years 2013-14 to 2018-19 is at **Annexure-I**.

3. In term of 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 Second Reports of 5th Lok Sabha and Paras 1.12 and 3.6 to 3.8 of Second Report of 6th Lok Sabha presented to the House on 08.03.1976, 12.05.1976 and 22.12.1977 respectively, the Annual Report and Audited Accounts together along-with Review Statement of the Institutes/Organizations (Statutory/Autonomous Organization, Public Undertakings, corporations, Joint ventures, Societies etc.) are required to be laid within 09 months of the closure of the respective Accounting Year. To comply with this requirement proper time schedule should be laid down for compilation of Annual Report and Accounts and their auditing. The Committee felt that normally a period of 3 months would be sufficient for compilation of accounts and their submission to audit; the next 6 months might be given for auditing of accounts; printing of the Report and sending it to Government for laying. If for any reason, the Annual Reports and Audited Accounts of the Institute could not be laid within the prescribed period of 09 months, the Ministry concerned should lay a Statement within 30 days of the expiry of the said period or as soon as the House meets whichever is later, explaining the reasons as to why the documents could not be laid in time.

4. In terms of provision of Rule 237 (iii) of General Financial Rules, 2017, the Annual Report and Audited Accounts of the Authority are to be laid before the Parliament. The time prescribed for laying these papers on the Table of the Parliament 31st December following the end of the concerned financial year.

5. The Committee note that the Annual Reports and Audited Accounts of the NALSA for the years 2015-16 to 2017-18 were laid on the Table of the House on 04.04.2018, 08.01.2019 and 13.02.2019 with delays of about 15 months; 12 months and 01 month respectively.

6. The dates of laying of Annual Reports and Audited Accounts of NALSA since 2015-2016 to 2017-18 have been given in **Annexure-II**.

7. The chronological sequent as submitted by the Ministry, in respect of finalization of Annual Reports and Audited Accounts of the NALSA, New Delhi for the years 2014-15 to 2017-18 are given at **Annexure-III**.

8. The Ministry in their written note have submitted the reason for the delay in laying Annual Report and Audited Accounts for the years 2014-15 to 2016-17 as under:-

"The Annual Report and Audited Accounts of the Authority for the years 2014-15 and 2015-2016 have already been laid on the Table of the Parliament. The delay in laying of these Reports was mainly owing to procedural delay. After receipt of the final Audited Report, NALSA get the same translated into Hindi version together with Annual Report of the Authority and the Reports are printed. Translation and printing of Reports takes considerable time which causes delay in laying of the Report before the Parliament. As regards the Report of 2016-17, Department of Justice has received the requisite number of copies of the Report on 19.12.2018. Efforts will be made to lay the report before the Parliament during the current session of Parliament."

9. As regards to persistent delays in laying the documents which indicate the due importance was not given to timely laying of the papers before Parliament and the things were taken in Casual manner, the Ministry submitted in its written note as under:-

"NALSA has a decentralized set up all over the country in the form of State Legal Service Authorities (SLSAs) at state level and District Legal Services Authorities (DLSAs) at district level. Funds are provided by NALSA to these bodies and utilisation of funds and details related have to be obtained by NALSA from them. It is also noted that utilisation certificates are submitted by DLSAs and SLSAs after seeking approval from the Executive Chairman of DLSAs and SLSAs, concerned senior most Judge of the District Court and senior most Judge of the High Court respectively."

The delay in laying of the above Reports were owing to procedural delay as explained above. The Authority has been requested to make suitable arrangements to ensure that these procedural delays do not occur in future."

10. Regarding time lines/schedule for completion of work at each stage, the Ministry in its written reply submitted as under:-

"Time schedule, except for translation and printing is specified in Rule 237 of General Financial Rules, 2017. Time schedule for finalisation of accounts and along with approval of the Competent Authority is fixed at 30th June and Audit Report of C&AG is to be received by 31st October as per the provision of General Financial Rules (GFR). Time schedule for laying of reports in Parliament is 31st December following the accounting year. Due to delay in Hindi translation and printing of the reports, laying of reports has been delayed."

11. As regard remedial measures taken or proposed to be taken to ensure timely laying of these documents before Parliament within the prescribed period of nine months from the close of the accounting year in future, the Ministry in its written note submitted as under:-

"All efforts are being made for laying of the accounts of 2017-18 in the Budget Sessions of Parliament in February/March 2019 and the accounts for 2018-2019 to be laid in the winter sessions of the Parliament within 9 months of closing of financial year."

12. The Committee took evidence of the representatives of the Ministry of Law and Justice (Department of Justice) and the National Legal Services Authority (NALSA), New Delhi on this issue on 27 December, 2018. During the evidence, the representatives of the Ministry reiterated the reasons for delay as given in the written submission. The representative of the Ministry apprised the Committee that the Annual Reports and Audited Accounts for the year 2016-17 will be laid on the Table of the House during ongoing Session of the Parliament and for the year 2017-2018 will be laid either during ongoing or the next session of the Parliament. The Committee note that the documents for the years 2016-17 and 2017-18 were laid on the Table of the House on 08.01.2019 and 13.02.2019 with delays of 12 months 07 days and 01 months 13 days respectively. However, the documents for the year 2018-2019 were laid on the Table of the House within stipulated time period (i.e. 27.11.2019).

OBSERVATIONS/RECOMMENDATIONS

13. The Committee note that the Ministry of Law & Justice have not adhered to the stipulated time line of laying of Annual Report and Audited Accounts of National Legal Service Authority (NALSA), New Delhi on the Table of the House within nine months of closure of the accounting year. These documents for the years 2015-16, 2016-17 and 2017-18 were laid on the Table of the House together, with delay of 15 months, 12 months and 01 months respectively. However, the documents for the year 2018-2019 were laid on the Table of the House within stipulated time period (i.e. 27.11.2019).

14. The Committee was apprised that the main reasons for the delay in laying of the documents were mainly owing to procedural delay in connection with translation and printing of documents which takes considerable time, and the NALSA decentralized set up all over the country in the form of State Legal Service Authority (SLSAs) at State Level and District Legal Services Authorities (DLSAs) at district level. The Committee also note that the Authority has been requested to make suitable arrangements to ensure that these procedural delays do not occur in future. The Committee expects that concerted efforts of the Government shall continue to ensure timely laying of the documents of the aforesaid Authority in future also.

15. The Committee also impress upon the Ministry that if due to unavoidable reasons, the Annual Reports and Audited Accounts of the NALSA 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 prescribed period should be laid on the Table of the House within 30 days or as soon as the House meets, whichever is later.

New Delhi
22 September, 2020
31 Bhadrapada, 1942 (Saka)

Shyam Singh Yadav
Chairperson
Committee on Papers Laid on the Table
Lok Sabha

Annexure-I

Vide para no 02 of the Report

Statement showing the funds released to the National Legal Services Authority (NALSA), New Delhi for the years 2013-2014 to 2018-19.

Year	Amount (in crore)
2013-14	80.44
2014-15	82.65
2015-16	67.97
2016-2017	63.67
2017-18	100.00
2018-19	150.00

Annexure-II
Vide para 06 of the Report

Statement showing the date of laying of the documents (of NALSA) on the Table of the House alongwith delay period for the years 2015-2016 to 2018-19.

Sl.No.	Years	Date by which the documents were required to be laid	Actual date of laying of the documents	Extent of delay
1.	2015-2016	31.12.2016	04.04.2018	15 months
2.	2016-2017	31.12.2017	08.01.2019	12 months
3.	2017-2018	31.12.2018	13.02.2019	01 months
4.	2018-2019	31.12.2019	27.11.2019	No delay

Annexure 'III'
Vide para 07 of the Report

The chronological sequence in respect of finalisation of Annual Reports and Audited Accounts of the National Legal Services Authority (NALSA), New Delhi for the years 2014-15 to 2017-18.

(a)	The date on which Authority approached the Audit Authorities to appoint the auditors for auditing the Accounts, date of their appointment, and time taken in Appointment after closure of Financial year:	The accounts of the Authority is to be Audited by the C&AG of India under Sub-section 2 of Section 18 of Legal Services Authorities Act, 1987, therefore no auditor is required to be appointed every year for audit of the accounts.										
(b)	The date of compilation of Annual Accounts of Authority and time taken after the closure of respective Accounting year:	The accounts is to be finalized and submitted to the C&AG of India after approval by the Central Authority by 30 th June as per the standard procedure.										
(c)	The date on which the Annual Accounts were submitted to Auditors for auditing and time taken after appointment of auditors.	2014-15 - 21.09.15 2015-16 - 27.09.16 2016-17 - 28.08.17 2017-18 - 26.06.18										
(d)	The date and duration for auditing the Annual Accounts of Authority by Auditors:	2014-15 - 29.09.15 to 06.10.15 (10 working days) 2015-16 - 14.10.16 to 24.10.16 (09 working days) 2016-17 - 06.09.17 to 12.09.17 (05 working days) 2017-18 - 16.07.18 to 31.07.18 (12 working days)										
(e)	The date of queries raised by Auditors during auditing the Annual Accounts and time taken after submission of Annual Accounts to Audit Authorities.	The queries are raised by the audit during period of audit only. It has no relation to the date of submission of accounts to the audit.										
(f)	The date on which the replies to the audit queries was furnished to the Auditors and the time taken to resolve the queries.	The reply to the queries are furnished to the audit during the period of audit and the queries relating the accounts are mostly settled during the period of audit. Those queries which are, mostly academic in nature and not settled during the period of audit, remain outstanding and reflected in the Separate Audit Report (SAR) of the C& AG.										
(g)	The date on which draft Audit Report was issued by Audit Authorities and time taken after receipt of Annual Accounts	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Date of Rect. Of draft SAR</td> <td style="width: 50%;">Time taken after receipt of Account.</td> </tr> <tr> <td>2014-15 - 27.10.15</td> <td>01 month 06 days</td> </tr> <tr> <td>2015-16 - 09.11.16</td> <td>01 month 13 days</td> </tr> <tr> <td>2016-17 - 21.09.17</td> <td>23 days</td> </tr> <tr> <td>2017-18 - 28.08.18</td> <td>02 months 02 days</td> </tr> </table>	Date of Rect. Of draft SAR	Time taken after receipt of Account.	2014-15 - 27.10.15	01 month 06 days	2015-16 - 09.11.16	01 month 13 days	2016-17 - 21.09.17	23 days	2017-18 - 28.08.18	02 months 02 days
Date of Rect. Of draft SAR	Time taken after receipt of Account.											
2014-15 - 27.10.15	01 month 06 days											
2015-16 - 09.11.16	01 month 13 days											
2016-17 - 21.09.17	23 days											
2017-18 - 28.08.18	02 months 02 days											
(h)	The date on which the final Audit Report received by Authority and time taken after issue of draft Report;	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Date of receipt of Final SAR</td> <td style="width: 50%;">Time Taken after receipt of Draft SAR</td> </tr> <tr> <td>2014-15 - 18.11.15</td> <td>22 days</td> </tr> <tr> <td>2015-16 - 13.12.16</td> <td>01 month 04 days</td> </tr> <tr> <td>2016-17 - 16.10.17</td> <td>25 days</td> </tr> <tr> <td>2017-18 - 15.10.18</td> <td>01 months 17 days</td> </tr> </table>	Date of receipt of Final SAR	Time Taken after receipt of Draft SAR	2014-15 - 18.11.15	22 days	2015-16 - 13.12.16	01 month 04 days	2016-17 - 16.10.17	25 days	2017-18 - 15.10.18	01 months 17 days
Date of receipt of Final SAR	Time Taken after receipt of Draft SAR											
2014-15 - 18.11.15	22 days											
2015-16 - 13.12.16	01 month 04 days											
2016-17 - 16.10.17	25 days											
2017-18 - 15.10.18	01 months 17 days											

(i)	The date on which documents were got approved from the Competent Authority and time taken after finalization of Audited Accounts	Date on which document approved by Competent Authority 2014-15 - 28.08.15 2015-16 - 25.09.16 2016-17 - 22.08.17 2017-18 - 19.05.18	Time taken after finalization of Account 01 month 07 days (by circulation) 01 month 23 days (by circulation) 01 month 16 days (by circulation) 08 days (In the meeting of the Central Authority).
(j)	The date on which documents were taken up for translation & printing and the time taken for completing the task at each stage;	Dt. Of taking up for translation & printing 2014-15 20.11.15 2015-16 18.05.17 2016-17 05.11.17 2017-18 21.12.18	Time taken translation Printing 02 months 24 days 05 months 04 months 06 months 07 months going on will be sent after translation
(l)	The date and time taken for sending the documents to the Ministry for being laid in house after the completion of printing work;	Date of sending printed document to DOJ 2014-15 15.02.16 2015-16 22.02.18 2016-17 18.12.18 2017-18 going on	Time taken after printing 01 day 02 days 03 days going on(sent for translation)
(m)	The date of laying of the documents on the Table of the House and time taken by the Ministry in the process of laying of the documents after receipt of the Audited Accounts from the NALSA.	Date of laying of the documents On the table of the House 2014-15 - 03.03.16 2015-16 - 04.04.18 2016-17 - 08.01.19 2017-18 - Translation under process	Time taken by DOJ 17 days 01 month 10 days 20 days Not laid

The Extracts of the Minutes of the sitting of the
Committee held on 27 December, 2018

The Committee sat on Friday, 27 December, 2018 from 15:00 hrs to 16:30 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Chandrakant Khaire - Chairperson

MEMBERS

2. Smt Veena Devi
3. Shri Bheemrao B Patil
4. Shri Sanjay Kaka Patil
5. Smt Uday Pratap Singh
6. Shri Virendra Singh
7. Shri P.R. Sundaram

SECRETARIAT

1. Dr. Preeti Srivastava - Joint Secretary
2. Smt. Maya Lingi - Additional Director
3. Shri Munish Kumar Rewari - Deputy Secretary

REPRESENTATIVES OF MINISTRY OF LAW AND JUSTICE (DEPTT. OF JUSTICE)

1. Sh. Alok Srivastava - Secretary
2. Smt. Sushma Taishete - Joint Secretary
3. Sh. Shailesh Shrivastava - Director

**REPRESENTATIVES OF NATIONAL LEGAL SERVICES AUTHORITY (NALSA),
NEW DELHI**

1. Sh. Alok Agarwal - Member Secretary
2. Sh. Sunil Chauhan - Director

2. to 5 xx xx xx xx

6. The Committee then called the representatives of the Ministry of Law and Justice (Department of Justice) and National Legal Services Authority (NALSA), New Delhi

7. The Chairperson welcomed the representatives of the Ministry and NALSA to the sitting of the Committee and explained the purpose of convening the meeting. The Chairperson also explained to the witnesses the provisions of Direction 58 of Directions issued by the Speaker, Lok Sabha regarding confidentiality of the proceedings.

8. Initially, the representatives of the Ministry admitted during the evidence that the Annual Reports and Audited Accounts of the NALSA could not be laid on time on account of issues regarding printing and translation at the Authority. The representatives, however, assured that the Annual Reports and Audited Accounts for the year 2016-17 will be laid on the Table of the House during ongoing Session of the Parliament and for the year 2017-18 will be laid either during ongoing or the next session of the Parliament.

9. Thereafter, the Hon'ble Chairperson thanked the representatives of the Ministry and NALSA for useful discussion - in connection with examination of the subject.

The witnesses then withdrew.

10 to 12 xx xx xx xx

13. A copy of the verbatim proceedings of the sitting of the Committee has been kept on record.

The Committee then adjourned.

**The Extracts of the Minutes of the sitting of the Committee
held on 22 September, 2020**

The Committee sat on Tuesday, 22th September, 2020 from 11:00 hrs to 13:00 hrs. in Committee Room 'B', Parliament House Annexe Building, New Delhi.

PRESENT

Shri Shyam Singh Yadav

-

Chairperson

MEMBERS

2. Shri Shafiqur Rahman Barq
3. Shri Raja Amareshwar Naik
4. Smt. Aparupa Poddar
5. Shri T. N. Prathapan

SECRETARIAT

1. Smt. Suman Arora - Joint Secretary
2. Smt. B.Visala - Director
3. Shri R.K.Chaudhary - Under Secretary

X X X X X

X X X X X

2. At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee and explained the purpose of convening the meeting.

3. XX XX XX XX

4. The Committee then took up for consideration Eight Draft Reports (Original) regarding delay in laying of the Annual Reports and Audited Accounts of the :-

- (i) The Agricultural and Processed Food Products Export Development Authority (APEDA), New Delhi;
- (ii) The Maulana Azad Education Foundation, New Delhi;
- (iii) The Commission of Railway Safety, Lucknow, Uttar Pradesh;
- (iv) The National Legal Services Authority (NALSA), New Delhi;

- (v) The National Institute of Pharmaceutical Education and Research, Raebareli, U.P;
- (vi) The Ujala Society, Jammu;
- (vii) The Port Blair Municipal Council (PBMC), Port Blair; and
- (viii) The National Commission for Scheduled Tribes, New Delhi.

After deliberations, the Committee adopted these Eight Reports (Original) without modifications.

5. The Committee then took up for consideration draft Report regarding Action taken by Government on the recommendations/Observations made by the Committee in their 21st Report (16th Lok Sabha) in respect of delay in laying of the Annual Reports and Audited Accounts of the All India Institute of Medical Sciences, New Delhi.

After deliberations, the Committee adopted the Draft Action Taken Report without modifications.

6. The Committee authorized the Hon'ble Chairperson to present both the Original Reports and the Action Taken Report to the Parliament.

X X X X X

The Committee then adjourned.
