

ACCESS TO JUSTICE – LEGAL AID

(No. B/165) Ms M. R. Collet (First Member for Rodrigues) asked the Attorney-General whether, in regard to access to justice, he will state the measures being envisaged to

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- (a) ensure that citizens from economically disadvantaged backgrounds and vulnerable groups have access to effective legal aid, and
- (b) address any barriers that may prevent same.

Mr Glover: Mr Deputy Speaker, Sir, with regard to part (a) of the question, I wish to draw the attention of the House that, as per section 4 of the Legal Aid and Legal Assistance Act, for a person to be eligible for legal aid in regard to civil or criminal proceedings, including a bail application or an appeal to the Supreme Court –

- (a) he must not be worth more than 500,000 rupees, excluding his wearing apparel and tools of trade, and
- (b) his total monthly earnings shall be less than 15,000 rupees.

The same eligibility criteria apply to a detainee or an accused party where the latter seeks legal assistance during a police enquiry or for bail applications.

These ceilings were last looked at in the year 2018 and have not been reviewed, notwithstanding the increases to pensions and the basic wage over the last few years.

In addition, at District Court level, in criminal matters, legal aid is only available for a limited list of offences.

Mr Deputy Speaker, Sir, amendments will be brought in the coming weeks, sooner than later, to the Act, as already alluded to during my address to the House on the 2025-2029 Programme. The amendments will focus on a rise of the ceiling so that these are more in line with what obtains in terms of revenue and ownership today with particular attention to the accessibility of the service for citizens from economically disadvantaged backgrounds and vulnerable groups.

Mr Deputy Speaker, Sir, with regard to part (b) of the question, I wish to inform the House that, as the law currently stands, a person has to make an application to the Court to obtain legal aid or legal assistance. What is however clear is that many citizens are not aware that they may eligible to obtain legal aid or legal assistance in certain cases, civil or criminal.

Indeed, the Act as it stands today lists, in a schedule, the various sections of the criminal law which would find application without actually saying what offences they relate to. So, even if one reads the Act, it gives no adequate or/and proper indication to the citizen. To render justice accessible, this will have to be tackled by an appropriate amendment so that a citizen would be able to see for himself for which offences he may apply for legal aid. There are also a number of offences which should have been listed in the Act but which are not. We will review this too.

Finally, and that is the end of my answer, Mr Deputy Speaker, Sir, in the same vein, we will also bring amendments to the Act, so that the Court will have the duty to inform a person, when he is not represented by a legal practitioner, that he may apply to obtain legal aid and legal assistance in cases where the law provides that legal aid is available, of course, if that citizen satisfies the relevant criteria.