Towards equal justice is the watch word and free legal service to the weak and the deprived who do not have means to assert their rights is the watchdog in all democratic countries of the world. In the modern world, the touchstone of a representative democracy is the commitment to legal aid. So much so, India's claim to be modern, democratic and as a civilised nation depends in some measure, on its National Policy on equal protection of laws whereby the rich cannot corner law and the poor cannot be priced out of justice. Parts III and IV of the Constitution of India dealing with the Fundamental Rights and Directive Principles of State Policy elaborate this theme of our National Policy in relation to the legal service programme. Articles 14 and 21 which correspond to 6th and 14th Amendments to the United States Constitution read with Article 39-A incorporated by Constitution (42nd Amendment) Act, 1976 have made legal aid a constitutional imperative whereunder the State has been mandated to carry out this constitutional obligation in all its manifestations.

The commendable work done by Justice Krishna Iyer's Committee (1973), Justice Bhagwati Committee (1977) and various other committees appointed by the state governments in the country between 1950 to 1977 cannot be under

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estimated. It was due to the constant efforts and the labour put by these committees in their respective reports submitted to the Central/state governments that the Government of India felt concerned about her constitutional obligation and appointed a committee for Implementation of Legal Aid Schemes in 1981, with Chief Justice Bhagwati, as its Chairman. In view of the consistent and constant efforts put by the CILAs, the legal aid schemes is being administered throughout the country as per the guidelines circulated by it. State Legal Aid Boards have been constituted in all the States/Union territories for carrying out the purpose of free legal aid to the poor, which is, both traditional as well as strategic or preventive in nature.

In the State of Himachal Pradesh the legal aid scheme is in operation since 1973 but nothing concrete appeared on the scene till 1980 when proper rules were framed for administration and implementation of legal aid scheme in the State. Accordingly, the State Legal Aid Board has been constituted as the apex body for the purpose and Legal Aid Committee has been constituted at High Court, District and Sub Divisional levels for carrying out the purpose of this scheme. These Rules were repealed in 1984 and new rules were framed which involved judicial officers of the state in the administrative set up of providing legal aid. What has been done under the scheme till this date? To what extent, this
constitutional mandate has been implemented in the state? Have the benefits reached the doorsteps of the poor for whom the scheme has been envisioned? Do we have any effective monitoring agency for carrying out the performance audit of the scheme? Has the Board encouraged some socio-legal surveys so as to identify the problems of the poor? Do we find any shortcomings in the existing system of administration of legal aid in the State? What more can be done to improve and strengthen the existing system of legal aid in the State so as to make it an effective instrument of social justice to those for whom the constitutional bells toll? It is with this objective in view that the present study, which is empirical in nature, has been undertaken. This is perhaps the first kind of survey which has been conducted on the subject in the State of Himachal Pradesh and that too without any financial support from any agency, though, the author made some unsuccessful attempts in this regard. The study is confined to a survey of 64 villages in the four districts of this State.

The present work is divided into seven chapters. The first chapter introduces the contemporary themes of the present study vis-a-vis the hypotheses framed and the methodology adopted for testifying the said hypotheses. The data collected from original as well as secondary sources has been interpreted at appropriate places so as to find out the actual impact of this state sponsored scheme of legal aid.
The second chapter traces the evolution of the system of administration of justice including legal assistance from the ancient time to the present. It has been revealed that the system of administration of justice during the Hindu and Muslim period was less expensive and more speedy. The system of Panchayats which was prevalent in those days was definitely a better step where the poor and the deprived could obtain justice at his doorstep. During the British period the legal system was primarily designed to serve the British interests in India. For the poor, the justice remained a distant cry. However, the Civil Procedure Code of 1908 made some provisions for pauper suits and nothing concrete appeared till the attainment of the freedom by India on August 15, 1947 and framing of the Constitution which came into force on January 26, 1950. The efforts initiated by the Union/state governments from time to time during the post independence period have been analysed so as to appreciate the role of the State in taking some positive steps towards this goal of equal justice for all.

The third chapter is an attempt to make an analytical study of the relevant constitutional provisions which have led to the emergence of a new jurisprudence of legal aid in India. It has been demonstrated that the judiciary, though remained a little bit hesitant in the earlier stages of the working of the Constitution, played a
very decisive role through some of its later pronouncements like Hussainara, Hoskot, Khatri, Bandhawa Muktí Morcha and Sheela Barse, etc. where it recognised the significance of legal aid and raised it to the status of a fundamental right in all criminal proceedings against an accused who by reason of his economic or other disability is not in a position to defend himself in a court of law. It has been stressed that the constitutional directions are imperative. It is for the State to create conditions by improving the socio-economic conditions of the people so that a new life is infused into these imperatives.

The Fourth chapter is devoted to a discussion on legal aid in other countries like United States of America, United Kingdom, Russia, Australia and Canada. The basic objective behind this study is to attempt a comparative perspective of the system of legal aid obtaining in India as well as in the countries under study. Though all that has been done under the system of legal aid obtaining in these countries may not be relevant to India because of its peculiar social, economic, and geographical problems. But, we can certainly learn some experiences by making a comparative study so as to improve upon the existing system of providing legal aid in our country.

The fifth chapter lays emphasis on the present pattern of our legal education. An attempt has been made to
show that by making some suitable changes in the present system of our legal education, the students can play a vital role in accelerating the preventive perspective of legal aid which includes, promotion of legal literacy, training of para-legals and organising legal aid camps etc. It has been emphasised that the setting up of Legal Aid Clinics in universities and law colleges would be of immense help in utilising the vast untapped resources of students' community in constructive channels for providing legal aid to the poor. This will not only make the approach of law students communnitarian in nature but would also help the students to develop necessary professionals skills required for the purpose. This, in the ultimate analysis, would be of immense help for carrying out the mission of legal aid to the doorsteps of the poor. Similarly, organising Lok Adalats is another aspect which can further be strengthened with the Cooperation of students legal aid clinics who in all cases will have to be associated with the respective State Legal Aid Boards. Though, the institution of Lok Adalat is a welcome move but it requires some more innovative changes in its structure and pattern of delivering justice.

Chapter VI is an empirical study of the administration and implementation of legal aid in Himachal Pradesh. It is a survey of 64 villages conducted by the present researcher during 1990, 1991 and 1992. The basic objective behind this survey has been to make a performance
audit of the legal aid scheme in the State which is nearly 19 years old. The parameters used for carrying out the present survey have been the framing of a Questionnaire for eliciting the necessary information regarding the awareness level, the benefits received and the efforts made by the State Legal Aid Board as well as the District/Sub-Divisional Legal Aid Committees for carrying out the purpose of the scheme of legal aid to the poor. The most interesting aspect highlighted in the present chapter has been the fact that none of the so-called legal aid committees have been constituted properly according to the scheme envisioned in the Rules of 1984. There is a long list of persons incorporated in the Rules of 1980 and 1984 for carrying out the purpose of the scheme but the actual experience gained by the researcher during his personal visits to some of the officers entrusted with the task of administering legal aid has been just the reverse. The total approach seems to be casual, so much so, that the legal aid committees in the State have not been able to exhaust the funds allocated to them for the purpose of providing legal aid. According to the analysis of the author, the awareness level at the grassroot level was as low as 8 per cent out of the total number of 500 households interviewed for the purpose. It has also been shown that the responses of the lawyers have also not been very encouraging. Nearly 30 per cent of the interviewed
lawyers were able to express their views about this scheme of legal aid. It has been highlighted that lawyers involvement for the success of legal aid programme at all the levels is very essential. However, the required initiative is still lacking in the State. It has been suggested that senior lawyers should take the lead in this regard because service of the poor is basically a service of the community which include both haves and have-nots. The chapter also makes an interesting analysis of the system of organising legal aid camps/Lok Adalats in the State. It has been pointed out that the existing system is not only defective and unsatisfactory but requires some more innovative changes so that the justice becomes not only speedy but also inspires a higher level of satisfaction and confidence in the minds of the poor. Therefore, the chapter underlines the need for restructuring of the present administrative set up of providing legal aid to the poor in the State of Himachal Pradesh.

The last chapter is a summary of the discussion and underlines the need for establishing machinery having a statutory base for the effective administration of legal aid in the State. It has been suggested that the basic thrust of the proposed legislation should be to evolve a less oppressive and more impressive disputes settlement strategy for the poor which is basically communitarian in nature. It is only then, that we can look for a brighter future of legal aid not only in the State of Himachal Pradesh but all over India.
The researcher would like to express his immense sense of gratitude to his teacher, guide and supervisor Dr. B.R. Sharma, Associate Professor, in the Department of Laws, Himachal Pradesh University, Shimla, without whose guidance/participation/co-operation, the work would not have been completed in the present form. In fact, it was Dr. Sharma who inspired in me a new zeal for carrying out the socio-legal research and identifying the problems of the poor people of the State. It was due to his creative intensive insight that I have been able to design a proper methodology for making a performance audit of the legal aid programme in Himachal Pradesh. The help rendered by him despite his illness cannot be expressed in words. It has been due to his persistent guidance/encouragement and involvement that I was able to see the actual plight of the poor man in the village where the real India lives. Perhaps there are no words with me to express my regards for his invaluable contribution/suggestions for reaching out the final conclusions presented in the work.

I also gratefully acknowledge the help of the various authors whose works have been quoted in the Bibliography. In this regard, mention must be made of Chief Justice Bhagwati, Justice Krishna Iyer and Professor Madhava Menon, who have made a significant contribution in the field. I once again acknowledge the help which has been derived from their learned works/reports.
Thanks are also due to the librarian of the Indian Law Institute, New Delhi, and Dr. Satish Chandra, Director Law Commission of India, New Delhi, Shri Chotmurada, Under Secretary, CILAS, New Delhi and officials of Delhi University Law Clinic for supplying me the necessary information relating to this work. Special mention must also be made of Shri Chhabil Dass, Advocate General, and Convenor, Himachal Pradesh High Court Legal Aid Committee, Shri Rameshwar Sharma, Member Secretary, and Shri Ravinder Dhaulta, Deputy District Attorney, Himachal Pradesh Legal Aid Board and the officials of the Haryana Legal Aid and Advice Board, Chandigarh for supplying me the information/material relating to this work. I must also acknowledge of Shri Suresh Sharma, Librarian of Law Library of Himachal Pradesh University, Shimla who has been generous enough in extending all possible help pertaining to this study.

In the end I also thank all my teachers of the Department of Laws who have been always a source of encouragement and inspiration during my career as student of the Faculty of Law. The help rendered in typing out this manuscript by Kusum Computers, Shimla 5 is also acknowledged.

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