CHAPTER-VII

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1. CONCLUSION

The evolution of legal assistance in contemporary society must be responsible to the political and social fabric of the nation or Jurisdiction in which legal aid schemes are established. It is a fact that many citizens avoid the path to the institutions of law either because they do not know their rights or because these institutions are alien to the people or because the involvement of high legal costs which are usually hard to assess. In such a situation, comes the role of the State and the State having recognized litigation as a proper instrument of legal protection, must ensure that this instrument is available to rich and poor alike.

Article 39 A which speaks about free legal aid is a part and parcel of the Directive Principles of State Policy of the Constitution and it seeks to fulfill the basic needs of the common man and to change the structure of the society. The very objective of Justice, Liberty and Equality are strengthened and further elaborated in Part III and Part IV of our Constitution. Article 14 guarantees equal protection of law and 'equality before the law'. Article 21 provides that no person shall be deprived of his right to life and personal liberty except according to the procedure established of law. Article 22 (I) guarantees right to counsel and Article 39A provides for free legal aid on the basic of equal opportunity and to
ensure that opportunities for securing Justice are not denied to any citizen by reason of economic or other disabilities. Thus, these provisions as contained in our constitution help in the realization of ideals of justice through the instrumentality of legal aid and for the purpose the State is required to take positive steps in that direction.

It has been held that the rights conferred in part III are most fundamental and the directive principles which are designed to bring out social and economic revolution are most fundamental in the governance of the country. This socio economic revolution as designed is intended not only to bring about real satisfaction of the fundamental needs of the millions of the people but to a large extent bring about a change in the existing structure of the Indian society. For this, the directives as contained in Part IV of the constitution ordains that the state shall strive to promote the welfare of the people by securing and protecting as effectively as it may have a social order in which Justice-social, economic and political shall inform all the institutions of the national life.

The reason for introducing Article 39 A in the Constitution was to secure equal Justice for all which is a cardinal objective of the constitution. The objective of legal aid is said to be two fold : Firstly to promote the knowledge of law among the indigent and secondly to make equal access to law and courts for the poor as is for the rich. The Delhi Congress of International Commission of Jurists stated in the same sentiment that 'equal access to law for the rich and the poor alike is essential to the maintenance
of the rule of law. It is, therefore, essential to provide adequate legal advice
and representation to all those threatened as to their life, liberty, property
or reputation, who are not able to pay for it'. Thus legal aid helps the poor
in securing justice free of cost and to some extent they are able to prevent
their legal ignorance. The rule of equality before the law and the equal
protection of laws would only remain constitutional if a person cannot secure
legal protection because he is poor. Therefore it is important to sensitize
each of the institutions of our democracy to the needs and concerns of the
poor and downtrodden. Then only the rule of law can become a living reality
for millions of people in our country. As S.N. Johri puts it 'no democracy
can survive if the Justice becomes the mirage to majority. This spells out
the political need for the programme of legal aid to the poor'.

True to the words, it can very well be said Justice is the foundation
of good governance and that Justice to serve its purpose is to be
administered even handedly to all. In its interpretation as to what constitute
social justice, the Judges ought to be loyal to the needs and claims of those
whom the legal order intends to afford protection against insecurity,
exploitation, discrimination and arbitrariness. Therefore, social justice
becomes a powerful instrument of social and economic action in the
orientation of egalitarian society. So in order to see that rightful claims of
the underprivileged, weaker sections and especially the women are not

1. Justice Krishna Iyer in 'Law and the People', quoted by S.N. Dhyani in Law-Morality and
   Justice: Indian Development, Metropolitan Book Co.(P) Ltd. 1984 at p.116
2. S.N. Johri, Programme and Movement of Legal Aid to Poor, AIR 1981 (Jour) 27
ignored, the society should keep itself abreast of contemporary socio-economic ethos, philosophy and cross currents of the life through the legal process. Every law has a social purpose and intends to promote and support with special concern the interest and rights of the weaker sections of the society.

It is indeed to serve the needs of the weaker sections, the concept of legal aid emerged. The concept as we understood in the present day owes its inspiration to the Rushcliffe Committee Report of England. But if we trace the history of the concept it dates back to the ancient days where in Rig Veda we find a mention of the legal service as during those days the social system was operating along with the principles of Dharma. We also see a glimpse of the concept during the period of Kautilya and during the Mogul period the court procedure including the establishment of courts etc. emerged. But it is during the British Era, the concept of legal aid with the support of the state came to be adopted with the development of complex court procedures. As mentioned above, the Rushcliffe Committee inspired the Bombay Society and the reports of subsequent committees including the report of the Expert Committee led to the insertion of Article 39A into our Constitution, followed by the enactment of The Legal Services Authorities Act, 1987 with the objective of providing legal aid on the basis of equal opportunity.

Besides these developments, the study has also taken into consideration the provisions of legal aid as prevailing in England, United
States of America and Canada. The International Community also has shown its apathy towards the oppressed and neglected with the United Nations taking the lead. The philosophy of free legal aid for the vindication of civil and political rights is enshrined in Article 8A of the Universal Declaration of Human Rights and Article 14(3) of the International Covenant on Civil and Political Rights. Besides, the Convention on the Elimination of All Forms of Discrimination Against Women calls for extending all sorts of help to the women folk. International Legal Aid Association was also formed in 1960 to guide and supervise legal aid work throughout the world wherever such help is needed to improve and expand the legal aid where it already existed.

With the attainment of Independence, the state declared itself committed to the objective of all-round development of the Indian masses and accordingly for ameliorating the socio-economic condition of the common people, especially the poor and downtrodden. Special action plans along with long terms planning was adopted as a strategic device for their growth and development. Rapid social and economic development was at the top of the agenda in order to fulfil the ideas and aspiration of the millions which were articulated to be pursued in the social and national life. After six decades of Indian Independence and development of economic planning under the democratic ethos to sub serve the needs of these vulnerable section of the society, it has been observed that the pace of development
and growth has not been as rapid as it was thought in creating conditions suitable to meet the requirements of the society.

Social justice, is in fact, a dynamic term which provides sustenance to the 'rule of law'. It helps in the establishment of just social structure by removing social and economic inequality with the help of law on the one hand, and ensures freedom for optimal personality development of the individual on the other. This can be done by favouring the removal of structural inequalities because the basic idea underlying social justice is equalisation by providing special opportunities to weaker and vulnerable sections of the society. The main objective of social justice is to remove the inequalities-political, economic and social, by guaranteeing equal opportunities to all citizens in various types of political, economic and social activities. In a country, like India with welfare orientation of the state and with vast social, economic and political inequalities resulting from basically in egalitarian social structure, minimum needs of people will have to be satisfied and opportunities for fullest development will have to be given to everyone, particularly by adopting special measures for protecting and promoting the interests of the weaker and vulnerable sections and look after the welfare of the underprivileged, poor and downtrodden.

In such a situation, when we talk of equality of opportunity and status in the context of socio-economic realities, the legal reality to a great extent has been formal. Since we are governed by rule of law, it can be possible to bring about changes through the process of law and the legal process must
therefore be utilized for the purpose of bringing about change in the life and conditions of the poor and underprivileged. If we want to bring about socio-economic transformation and build up a new socio-economic order, the improvement of an effective legal service programme is essential. It may be appropriate here to quote Professor James S. Coleman who says “Partipation in revolutionary action transforms the previously apathetic masses, by giving them a goal and the hope of achieving the goal. The revolutionary action itself and the rewards of success it brings to hard work create men who are no longer bound by traditional customs, inhibited by ascribed authority patterns, and made apathetic by lack of hope. This psychological transformation... is a necessary prerequisite to the social and economic transformation”\(^3\). Thus it becomes imperative for our judiciary to shape the processes of law to actualise the constitutional resolve to secure equal justice to all. In fact, the Indian judiciary has indisputably deepened the rule of law arrangement. Hence, the fundamental role of the law in the society is to achieve the socio-economic justice so that the underprivileged and weaker sections can be able to enjoy the fruits of changed structure. We should not forget the great and sublime purpose which the law intends to serve. This is only because the end of law is to provide justice and the law and justice are in complete harmony with each other.

Pandit Jawahar Lal Nehru opined ‘the rule of law must run close to the rule of life. It cannot go off at a tangent from life’s problems....It has to deal with today’s problems’\(^4\). Thus the law is meant to serve the people and to uphold the spirit of the constitution which can be sustained by social justice.

\(\text{3. Quoted by Justice P.N.Bhagwati, Ex CJI, Law as Instrument of Change, Society for Community Organisation Trust, 1985 at pp.107-108}
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\(\text{4. Inaugural Address at the Plenary Session of International Congress of Jurists, 1959 Quoted by S.N. Dhyani in Law-Morality and Justice; Indian Developments, Metropolitan Book Co. (P) Ltd, 1984 at p.105}\)
The essence of social justice is the attainment of social and economic equality and as such it has got a dynamic character with many aspects and dimensions. It can very well be observed that the yardstick of justice and equity itself changes with changes in the conditions of individual and national life.

In this connection it is noteworthy that the concept of legal aid has been equated with equal justice in action. In fact, it is the delivery system of social justice and is intended to reach the common man. It is indeed, an important element in ensuring that equal opportunities for access to justice are available to all persons irrespective of their social or economic position. It is also a fact that unless the indigent are informed of their right to legal aid and the facilities available, the right would remain illusory.

Despite all these, the poor, downtrodden and women who are considered to be most vulnerable still feel insecure and still they feel uncomfortable to look after themselves in regard to the exercise and enforcement of their legal rights in the courts of law. The cross current prevailing all over the world including India in regard to taking of justice to the poor could not reach those people. Who is responsible for this? Is it the poor litigant himself, or the procedure of administration of justice or the persons who took the responsibility of providing easy access to justice? One major aspect attributed for such a situation is the abject poverty, ignorance and illiteracy which forbids these vulnerable sections of the society from getting justice. The delayed court procedure, the involvement of cost
factor in litigation proceedings and engaging a competent lawyer also distances these people from the justice delivery system. The complexities of the process of law and somehow indifferent attitude of the professionals further add to their woes. To avoid such a situation and in reality to give the oppressed class an opportunity to enjoy the fruits of justice the first and foremost requirement is that they should be made to know the law and develop a congenial atmosphere so as to enable them to assert their rights fearlessly. Thus it clearly proves the hypothesis that the people for whom the law is meant have not been able to understand it and make use of it for their benefit.

In pursuance of the Constitutional mandates, the governments both at the centre and in the state have passed number of laws to ameliorate the unequal conditions of women. Despite welcome changes in legislative and judicial approaches and attitudes, the life of the average woman in India is steeped in inequality, exploitation and dependence on the male. It is the concern of all and the jurists, administrators, intellectuals, voluntary organisations, social workers, lawyers and above all the general public should be actively involved in bringing this state of affairs to the forefront.

It is noteworthy and a great factor that the concept of legal aid and advice has been evolved and recognised as a statutorily guaranteed right to legal service with the enactment of Legal Services Authorities Act in the year 1987. This right created by the enactment of the said legislation in pursuance to the constitutional mandate given under Article 39A binds the
State with an obligation. This law as spelt out in the preamble of the legislation intends to constitute Legal Services Authorities to provide free and competent legal service to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organise Lok Adalats to secure that the operation of the legal system promotes Justice on a basis of equal opportunity.

In order to implement the provisions of the legislation, the Legal Services Authorities at three levels viz: National, State and District levels have been established. The Legal Services Authority at the Central level called the National Legal Services Authority has been assigned the statutory function, amongst others, to ‘lay down policies and principles for making legal services available’. The State and District level Authorities so formed have also been assigned respective functions to discharge. Besides the District Level Authoriteis, Taluk Legal Services Committees comprising judicial officers to coordinate the Legal Services Authorities in the Taluk. All these authorities are there to see the implementation of the provisions of the Act in extending Legal Aid Services to the needy persons by strategic legal aid programmes. But these functionaries are facing difficulties in getting adequate financial support for performing their functions which ultimately affects their functioning. Thus these authorities could not rise up to the expectation to produce the desired result.
The legislation also provides for organising Lok Adalats to provide legal aid to the needy persons. As such all-round efforts have been made both at the central and state level by launching nation wide legal aid programmes and regularly organising Lok Adalats. The experiments of Lok Adalats as an alternate mode of dispute settlement and reaching the poor people by extending a helping hand has become viable, economic and efficient. The present system of administration of Justice has been very rigid, expensive and time consuming which had failed to dispense cheap and expeditious justice to the underprivileged including women. In such a situation the organisation of Lok Adalats have come to the rescue of millions of people by adopting peaceful method of conciliation. The object behind the introduction of Lok Adalat in India is that, we need to prevent the miscarriage of justice which has surfaced the whole legal system for more reasons that we could not switch over to our indigenous legal system which at our time was serving the need of justice on a wider scale because of its simplicity. Although Lok Adalats cannot serve as a substitute to the law courts, yet they have become absolutely necessary para judicial institutions with an endeavor to find an appropriate structure and procedure in the struggle of weaker sections of the community for social justice. Thus it is clear that the legislative policy goal of providing Legal Aid and assistance has been met by launching nation wide Legal Aid Programmes and through regular Lok Adalats, thereby fulfilling its object to a great extent.

Apart from the constitutional and legal provisions, the Code of Criminal Procedure, under Section 304 makes a provision for legal aid at
state expense to an unrepresented accused facing a sessions trial. Further, the Code of Civil Procedure under Order XXXIII, provides legal aid to indigen
persons. In our own State, we have Orissa State Legal Services Authority Rules, 1996 and Orissa State Legal Services Authority Regulations, 1996 made pursuant to the coming into force, The Legal Services Authorities Act. It may be worthwhile to mention here that, prior to the enactment of the enabling legislation, Orissa has made The Orissa Legal Aid to The Poor Rules, 1975 which provides that legal aid may be given in one or more of the following manners:

a) Court fees, process fees and application fees payable or incurred in connection with proceeding in any court; or

b) representation by a legal practitioner; or

c) cost of obtaining certified copies of the judgments, decree and order or preparation of appeal paper books, including printing and translation of documents wherever necessary; or

d) consultation fee to a legal practitioner for investigating in to the merits of the case and given advice as to whether a case should be filed.

Besides this legislation, several other legislations are also there which reiterate the entitlement of legal aid and advice. Some of the noteworthy legislations like Mental Health Act, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and recently enacted Protection of Women from Domestic Violence Act, 2005 indeed aim at providing aid and
advice to these groups of people. By enacting such legislations, the State is now under a statutory obligation to make available 'legal service' which includes 'rendering of any service in the conduct of any case or other legal proceedings'. The Judiciary through its pronouncements has reinforced this view and helped in the evolution of right to free legal aid as a fundamental right.

As mentioned earlier, the judiciary through its pronouncements has reinforced the statutory provisions which reiterate the entitlement of legal aid and advice. In the process, it has helped in evolution of the right to free legal aid services as an essential element of 'reasonable, fair and just procedure'. Thus, the Indian Judiciary has played an proactive role which has been positive and dynamic in coming to the rescue of millions of needy persons in order to provide them equality of justice. The judiciary has taken serious note of the problems in accessing Justice, particularly those faced by the socially and economically disadvantaged sections of the society. In *Bihar Legal Support Society v. Chief Justice of India*, the Supreme Court observed that 'the weaker sections of the society have been deprived of justice for long due to poverty, ignorance and illiteracy'. The rights and benefits conferred by the constitution have no meaning for them. Due to their socially and economically disadvantaged position, they lack the capacity to assert their rights. The judiciary also has evolved mechanisms to ensure that 'equal justice' can be realised.

5. (1986) 4 SCC 767
Thus, in order to see that the right of access to justice should be universal and be available to all as a matter of right, the Supreme Court as mentioned above has evolved one such mechanism, namely the public interest litigation, by relaxing the traditional rule of *locus standi*. The relaxation of this rule gave way to the development of public interest litigation whose object is to protect the public interest. Mainly this concept was developed by the Supreme Court and other courts in the context of violation of human rights of those people who include poor, economically disadvantaged or socially distressed including women who are unable to move the court or who cannot afford the cost of the litigation. Subsequently, this concept was extended to cover cases involving providing legal services and assistance. In *Hussainara Khatoon*[^6] the Supreme Court observed that 'legal aid is nothing else but equal justice in action'. In the same case the apex court also held that the right to free legal services is clearly an essential ingredient of 'reasonable, fair and just procedure' and it must be held implicit in the guarantee of Article 21. Clearly being influenced by the liberal interpretation to the concept of right to life contained in Article 21 as given in *Maneka Gandhi’s*[^7] case, the Supreme Court took this pragmatic approach in Hussainara Khatoon case which was subsequently interpreted in the same manner in *Khatri v State of Bihar*[^8] and *Sukdas* cases[^9]. Thus, holding that legal aid is infact, the delivery system of social justice, the apex court

[^6]: *Hussainara Khatoon v State of Bihar* AIR 1979 SC 1369
[^7]: *Maneka Gandhi v Union of India* AIR 1978 SC 597
[^8]: AIR 1981 SC 928
[^9]: *Suk Das v Union Territory of Arunachal Pradesh* AIR 1986 SC 991
interpreted the provisions of law keeping in mind the aspirations of millions of destitute and poor persons.

Legal aid is considered to be an integral part of a welfare state because the natural growth and development of all individuals is imperative in a democracy. The evolution of legal assistance in contemporary society must be responsible to the political and social fabric of the nation or the jurisdiction in which legal aid schemes are established. It is interesting to observe that development in most western countries bear remarkable similarities, beginning from the assumption that inequality with respect to access to justice is an outgrowth of the availability of legal services. Most schemes perhaps ignore the more relevant socio-economic distinctions between the traditional users of the justice system and the poor. In order to see that the vulnerable sections of the society enjoy substantive equality, it is the obligation of the state to provide sustainable help to the traditionally weak and vulnerable members of the society.

By making mere legislations will not solve the problem. Law is not a regulator of human conduct, it is merely a prescription or authorised guidance for maintaining the balance. It is a task of social engineering and solidarity and its duty is to see the progress of the civilisation and work for the betterment of the society and should be utilised for a fruitful purpose. However, it is not through the legal process alone we can be able to control the situation and come to the help of the needy persons. We should go beyond the law and the legal process and examine the other side of the problem which is purely outside the legal domain i.e. the socio-economic
aspects. So when we study the problem in their socio-economic perspective along with legal aspect we can be able to find out proper means and ways in solving the problems. Thus it is clear that despite all the legislation for providing legal aid to the needy persons has failed to a great extent to come to the rescue of these people.

Legal aid is a pedestal for the unequal in a society, facing litigation, to make them look of ‘equal-size’ as that of the long-statured opposing party. Therefore, till inequality prevails in a society, the need and importance of legal aid will remain to be there. And inequality, in its economic, social physical, cultural and geographical sense, is existing in the developed, developing and also the underdeveloped societies in the world over. Inequality has been existing in the past, continues today, thereby giving us a foresight that it will perpetuate in future also. Legal aid, as a satisfying remedy for the unequal and deprived sections of the society facing legal problems, shall gain an added importance in the coming years of this country.

The Legal Aid as expected could not deliver intensively. The benefits of legal aid could not reach the people those who are in dire need of this benefit. The functionaries of the State Authorities and those involved in the process may be held responsible for this. Legal literacy and legal advice are largely on papers and only to a limited extent, are available in practice. Even in its remedial branch, the beneficiary has to spend of his own and feel discontented with the services of the scheme. The legal aid counsel does not cause confidence of equality with his adversary. Community has
not adopted legal aid programme as its own. The low and the lost in the social hierarchy, as the groups, do not find favour with the legal aid administration. Voluntary organisation have not come up in desirable proportions and strength. Lower Judiciary is not active and concerned about the legal aid needs of the poor in the society.

Although Lok Adalats are getting popular in delivering speedy justice, their pace and potency are not up to the mark. Some times it has been felt we are distancing ourselves from realising the object of legal aid. These may be considered as stumbling blocks for giving the legal aid movements the proper boost. Thus it can very well be concluded that the legal aid has yet to take off as a social movement.

Despite our having a feeling of pride today about the modern civilisation, we consistently lack behind in providing Free Legal Aid Service to the poorest of the poor and other neglected segments particularly the women. The legal system has always been the handmade of dominant social structures and policies differently rationalised in terms of contemporary needs and ideologies. None should be preferred at the cost of the other. So in this modern world when the State is planning to forge ahead with rapid developmental activities, it is necessary to see that the dynamic legal aid programme is primarily and strategically directed towards women’s problems in law and justice administration.

2. SUGGESTIONS

It is now clear that the underprivileged especially the women are not able to enjoy the fruits of justice delivery system and for some the impact of
administration of justice is a distant dream. These vulnerable sections of the society still lack the basic knowledge of law and they do not consider themselves fit to approach the court of law against injustice or wrongs. Liberal and extensive application of the concept of legal aid in the changing socio-economic scenario could not provide the desired result so as to place these deprived and weaker sections in an equal footing. Still our society is not able to accept the weaker sections of the society, lower caste people and women are entitled to legal aid considering the oppression and low status of these people. Our society, which is prone to abject poverty, illiteracy and ignorance, need both preventive and remedial measures for the legal aid to be a reality. The constitutional recognition and statutory support in a diverse society like ours for providing legal aid to the poor, destitute and weaker sex has been accepted by the legal administration but recognising the complexities of the problems, could not generate confidence amongst the poor that they have an equal access to the law courts. The measures taken in this connection with regard to the mandates of the legislation were not implemented properly and effectively. The need of the hour warrants thorough and rigorous implementation of the provisions with utmost good faith, great zeal with a mission and above all the political will. It may be submitted here that the measures to be taken is not for the benefit of a particular group or a section of the people rather it is for the society at large. Therefore, the half hearted approaches made so far need
to be remedied and hence, the necessity to incorporate some suggestions
to make the implementation process more realistic and pragmatic.

They are realistically as under

1. After experimenting with the legislation meant to provide free and
   competent legal service and to ensure that opportunity of
   securing social justice is not denied to any body, there is a feeling
   that the legislation could not fulfil the aspirations of the society
   which led to the frustration among the masses. As such, the
   legislation on the subject need to be necessarily amended to do
   away with the disparities.

2. The Act was enacted with the purpose of providing free legal
   service and to carry on the objective, the Legal Services
   Authorities were established with specific powers. But it was found
   that the controlling and regulating machinery failed to prove its
   efficacy to a great extent. This may be due to lenient and
   persuasive approach adopted by the authorities. So, the existing
   legal measure could not come to the rescue of the oppressed
   and depressed. In the recent past, certain decisions of the
   judiciary have been able to enhance the responsibility and
   commitment of the Legal Services Authorities. So, in such a
   situation, a cross medium approach is necessary and therefore it
   is suggested that the Authorities should be given more and
   independent powers.
3. With the adoption of new methods, new programmes for the administration, the society is confronted with many challenges. With the existing capacity, the regulating Authority is in no way capable of handling these cases as the economics of legal assistance has no match with the problems arising out of litigation procedure. To this end, it is submitted that the Legal Services Authorities and Committees under the Act must be sufficiently funded by the state and must receive adequate support and ample assistance from the civil services. Then, only something effective could be done.

4. The legal aid administration should act with a free hand to ensure greater efficiency in the implementation of the provisions of the Act. Thus, the legal aid administration should be independent of government control and should provide a network of services throughout the country so as to apply the benefit of the process uniformly.

5. The judiciary has declared that the right to free legal aid should be fair, reasonable and just and hence inherent in Article 21 of the Constitution. In the process, legal aid programme has come to be treated as a fundamental right. Therefore, when the right to legal aid stands recognised as a fundamental right, it should be made enforceable through a writ petition, if the state fails to provide free legal assistance to the indigent accused.
6. Legal services personnel should strictly comply with and employ the means-cum merit criteria for avoiding likely misuse of legal service system. Rights and duties are interdependent and inseparable. If we all insist on the right and no duties, there shall be no effective legal service and social order in the society. Therefore, it is suggested that recognising the oppression and low-status of these people, liberal and extensive provisions of free legal aid should be extended to cater to the needs of these people.

7. The objective of legal aid is to create an effective, well-structured and comprehensive legal service programme and project for prompt distributive justice and high order of social equality. Thus, legal aid in its scope and ambit must contain both preventive and protective measures. In order to give some representation to the social interests legal aid should be adopted as such, as people’s movement for speedy and inexpensive justice.

8. Aspect of ‘Permanent Lok Adalat’ must be planned and should work in all district in the country phase wise. Periodic review and evaluation should be made besides assessing the developments. Settlement of pre- pending and post litigation (for execution of awards and decrees), dispute in such Permanent Lok Adalat must be protected as being final and binding.
9. It has been understood that for whom the legislation was enacted, for whose benefit certain programmes were undertaken, understand nothing or very little. In a welfare state when any legislation is made or when the government takes any programme, all these aim at the welfare of the people. In such a condition, when people are not able to understand it, it will prove to be a futile exercise. So, it is suggested that massive awareness campaign should be made throughout the state to educate the people and make them aware of the provisions of law. For this, the government functionaries, students, teachers, voluntary organisations as well as the interested persons should be engaged in this noble task.

10. It has also been noticed that poverty, illiteracy and ignorance play a crucial role in dissuading the oppressed and destitute to approach the court of law and fight for enforcing their right. The fruits of justice, access to court procedure seen to be beyond their reach. Hence, it is suggested that all out efforts should be made so that the benefits of legal aid is capable of generating confidence amongst the poor, that they have an equal access to the judicial process. Then only the goal of the constitution can be realised to a great extent.

11. Legal service is not a charity, nor a grace but a constitutional mandate and State, members of the Bench and Bar, as well as other concerned legal aid functionaries, service oriented
organisations should strive to ensure that this solemn pledge is observed with letter and spirit.

12. Women constitute about one-half of our population but they are placed at various disadvantageous positions due to gender differences and bias. They have been the victim of violence and exploitation by the male dominated society all over the world. Ours is a tradition-bound society where women have been subject to social, economic, physical, psychological and sexual exploitation from time immemorial. Hence, they are deprived of the welfare measures, victims of injustice and for them the concept of legal aid has no meaning at all. Therefore, it is suggested that massive and extensive positive action is needed by the government officials not to shift their responsibility and ensure equal opportunity for procuring justice irrespective of their weak economic and social condition.

13. Taking only precautionary measures for minimising the instances of oppression and depression is certainly a necessary and valuable tool. The judiciary has got a major role to play in this regard. But alone it cannot remove the barriers. Legal fraternity must respond to the juristic sensitivity to the voice of the poor, suppressed and exploited women. It is therefore, submitted that all the three organs of the government the Judiciary, Executive and the Legislature, have to act co-operatively. It has to be a mass
movement in which people from all walks of life can take part being backed by social organisations. In a state like Orissa such a task is itself formidable but all out efforts should have to be made to protect the interest of these vulnerable section of the society.

14. Legal aid to be effective and meaningful, needs to be well spread in the rural areas of the country and the state as well, and it should be instrumental in accomplishing equality in society and ensure justice. For the purpose well structured and effective planning must be made for the multifaceted and dimensional legal literacy campaign.

15. Above all, a sincere and resolute political will is needed to bridge the gap between the policy, legislation and implementation. At the same time, a change in attitude, a missionary zeal and holistic approach towards the problem is necessary for the success of the reforms.