CHAPTER-XI

CONCLUSIONS AND SUGGESTIONS

Legal aid which has already been discussed critically in the previous Chapters 1 to X in the State of Assam and particularly in Nagaon District covering following Chapter namely-

(i) Introduction (ii) Legal Aid Movement in India with Historical Perspective (iii) Concept of Legal Aid outside India (iv) Constitutional and Statutory Provision of Legal Aid (v) Para Legal Aid (vi) Implementation and Implication of Legal Aid (vii) Lok Adalat a Viable Alternative Dispute Resolution System (viii) Legal Aid in Assam (ix) Legal Aid in Nagaon District in Non-statutory Period, and (x) Legal Aid in Nagaon District in Statutory Period.

In this last Chapter having studying the legal aid thoroughly and vividly it is found that without legal aid to poor the actual access to justice cannot be rendered to the indigent people. In the matter of access to justice to achieve the goal of equity before law among people and citizen which Supreme Court of India explains as one of the fundamental rights in the guise of right to life under Article 21 of the Constitution of India. Without legal services to poor there rendering of justice to them would be a farce.

The importance, necessity and role of legal aid have increased tremendously with the advancement of society and people’s increasing desire to keep them abreast with equal to others and avail benefit of advancement of civilization.

In the Chapter-1 which relates to ‘Introduction’ Chapter, in the investigation at...
is elaborately discussed about previous and present concept of legal aid, its meaning
with definition, the aims and object of legal aid.

The investigation and discussion also convey legal aid (legal services) are improving
or growing as an outcome of socio-economic philosophy narrating its consequences when
poor and downtrodden would be equally treated with equal footing.

The study reflects the present track and trend of legal aid.

The researcher has adopted the methodology of collecting statistics of various
aspects on primary and secondary sources. The research was done on doctrinal and
empirical method depending upon interview, investigation, enquiry and observation and
the like.

The researcher has followed the random survey method by interviewing all total
400 persons of five categories, namely advocates, persons eligible for legal aid to poor,
person already receiving legal aid, person related with legal profession and students of
law including intellectuals (80 person to each category) by distributing questionnaire
containing 80 questions in Part-I. While Part-II of questionnaire deals with questions
put to Non-Government Organisations offering legal aid. The Part II of the questionnaire
was asked to 20 Non-Government Organisations bearing 7 direct questions and collected
report in XV proformas. The interviews are only from Nagaon district state of Assam.

After calculating the different options, the answers are deduced on the basis of majority.
It is tried to prove the hypothesis basing upon the deduced and analysed results informations.

The researcher had adopted the following hypothesis for the purpose of study
which has been to establish the hypothesis by various discussions, investigations, analysis
and by comparative study. The hypothesis is 'Through the various legal provisions as
enumerated for legal aid (now legal services) are sufficient to provide our day-to-day
necessity but the implementation is beyond satisfaction in Assam in general and Nagaon
District in particular.'

In the Chapter-II: 'Legal Aid Movement in India with Historical Perspective',
the investigation found that Legal Aid was prevailing since the RIG VEDA period. RIG
VEDA lays-

'Real greatness lies in uplifting the downtrodden and fallen people and helping
the weaker section of the society' - RIG VEDA 0.137 1.

The 36th and 42nd SLOKAS of RIG VEDA contain the legal aid provision with the inclusion of speedy justice through Lok Adalat by way of negotiation, conciliation
and arbitration within the legal aid or services. With the advancement of society the legal
aid was also conferred to people by 'GAON MEI: 'RAJZAR MEI'. British who stained
every nerve to demolish and ruin the prevailing Indian administration of justice failed
to reap the harvest inspite of his over and over again attempts. In Assam the 'PIARK'
(unit of four) System introduced by AHOM Kings was one of the system of legal aid
from 14th century to 18th century, while in 15th century Mahapurush (saint) Sri Sankardev
which in order to organise the people of Assam introduced the 'KHELI' (associations
of families mainly for 'GURU' (Religious master of disciples) started 'SIYARI' a centre
to teach disciples by master about the various ways and art of religion and culture) grew
as a centre for administration of justice and decided the dispute amicably or
negotiation or arbitration or conciliation.

After independence of India various Non Government Organisations, Voluntary
Organisations, Bar Councils, Judges tried by themselves to introduce the legal aid system
Various committees were constituted by Central Government, for which in the year 1976, the legal aid achieved the Constitutional status under Directive Principle of State Policy (Part-IV) adding Article 39A to the Constitution of India by 42nd Amendment of Constitution. There after the Committee for Implementation of Legal Aid Scheme (CILAS) was constituted in the year 1980 by Central Government which carried on legal aid up to implementation and enforcement of The Legal Services Authorities Act, 1987. As all the provisions of the above Act was enforced only from 9.11.1995. Legal aid was carried out by States up to 8.11.1995 as per direction of Central Government through some Boards and State also framed some rules to carry out this scheme forwarded by Committee for Implementation of Legal Aid Scheme (CILAS).

In the Third Chapter it is tried to the study of legal aid in different countries outside of India, particularly the United Kingdom, United States of America, Russia, Canada, France, Japan, Australia, Germany, Sri Lanka, South Africa and the like. On comparative study it is found that the United Kingdom model was followed by India as per recommendation of various Committees having similarity of Rushcliffe Committee of England. Justice V. R. Krishna Iyer and Justice P. Bhagwati of Supreme Court mainly brought the concept of legal aid out of Rushcliffe Committee recommendations. United State of Americas is a bit different than United Kingdom where due to initiation of various voluntary organisations Supreme Court Judgement of Gideon Vs Wainright (372 us 335(1963) 48) compelled the Judicial authority to provide legal aid with defence services in criminal cases to provide criminal justice through Criminal Justice Act 1974. Previously there were binding obligations or rules to provide legal aid only in civil matters. In USA the legal aid concept properly grew abit late than U.K. in early seventeenth century.
while it was early part of thirteenth century in United Kingdom. While in Canada legal aid is always administered by and provided as charity by Bar Associations. In France legal aid system is similar with British legal aid system and provided to all eligible persons. In Japan, after world war II, due to rapid industrialization to recess the people's grievances including unions, industrial workers, the legal aid associations were established in the year 1952 to provide legal aid in courts as well as tribunals. In Australia it is the development of legal aid with the passing of Poor Persons Legal Assistance Act, 1936. Here the facility is provided by trade unions, social welfare societies, Citizen Advice Bureaux. Citizens here to fulfill required criteria and means test to get free legal aid from government. In Russia there is no comprehensive legal aid programme during communist regime, as there are no question of social and political injustice where people's court existed. In Germany legal aid is provided under legal aid Act, 1935, by courts after fulfilling means test. In South Africa vide Section-25(3) of Interim Constitution, started Legal Aid Board which provides legal aid both Civil and Criminal matters. In Sri Lanka the scheme of legal aid is administered by professional organisations of Solicitors-known as the incorporated Law Society of Ceylon.

The facts observed in this Chapter that whether it is a developed or developing country, the need of legal aid is unavoidable and most necessary. Legal aid being one of the most essential legal rights must be rendered by almost all the countries of world order to keep a balance between have's or have not. Otherwise the administration of justice would suffer a jolt and jeopardy in the modern society. Even a communist country of erstwhile United States of Socialistic Republic (USSR) where communism was the order of the day, there is also the need of legal services as observed. Even the less
developed countries of Africa is not exception in this respect.

The 'Existing constitutional and Statutory Provision of Legal Aid' has been the matter of investigation in Chapter-IV. An attempt is made to know about the various legal aid provisions made during the period of Committee for Implementation of Legal Aid Scheme (CILAS) by Central Government after making provision to make legislation by virtue of Article 39A, which was included by 42nd Amendment Act, 1976, by providing constitution status to legal aid to poor. It is also found that up to elapse of 11 years after 42nd Amendment Act, no legislation for legal aid to poor was enacted due to partial resistance from lawyers. Only in the year, 1987, The Legal Services Authorities Act, 1987 was passed, but not totally enforced it. With the enforcement of The Legal Services Authorities Act, 1987, since 9.11.1995, the previous rules and regulations were repealed to implement decisions of Committee for Implementation of Legal Aid Scheme. The new Rules and Regulations were framed keeping with the provisions of the above Act.

Here it is found that legal services include legal aid, legal advice, legal literature, legal awareness, legal aid camp, speedy legal aid through Lok Adalats, clinical legal aid by para legals, legal aid to poor includes to provide-supplying of lawyers free of cost to stand in the court, to provide cost to poors to initiate case/suit in court, to provide free of cost or cost of court stamps to poor, to provide cost to bring witnesses for the suit and also to provide cost to get judgement copy free of cost. The above will be available only when the indigent will apply in proper form and fulfill the criteria. A person whose family income in all sources are less than Rs.25,000 per annum is poor on 31.12.03. While Scheduled Castes, Scheduled Tribes, Destitute women and
children, person effected by natural calamities, jail inmates and the likes are entitled to get free legal aid.

Who will eligible for free legal aid is decided by the respective committees like Sub-Divisional Legal Services Committee, District Legal Services Authority, State Legal Services Authority, National Legal Services Authority, High Court Legal Services Committee and Supreme Court Legal Services Committee.

Here legal aid/services include the speedy legal aid through Lok Adalat to amicably settle the case both at prelitigative and litigative stage. Here both civil cases and compoundable criminal cases pending in courts are amicably settled having no future provision of appeal to lessen the accumulation of cases at different courts. The inclusion of ‘six public utility services’ within Permanent Lok Adalat created by Amendment of The Legal Services Authorities Act, 1987, in the year 2002, adds the further dimension of this Act and Lok Adalats. The distribution and control of various funds of committee and authorities are found which also clearly state the financial liabilities of different officials. The clear provision is made in the Act describing duties and responsibilities of different officials, ex-officials and ex-officio officials. It also provides for provision of clinical legal aid by para legals. After all, this Act has made almost all provisions of legal aid/services to properly and clearly implement the legal services particularly to poor and downtrodden.

In the Chapter-V entitled as ‘Para Legal Aid’—considers how under various capacity, a para legal can offer legal aid being not a legal practitioner but being trained and experienced and interested persons of law, serving under Non Government Organisations or legal aid clinics. Now Para-Legals are compared with ‘Bare Foot Advocates’. It is known that in national and international perspectives para-legals are providing yeoman's
service to the people in general and indigent in particular. It also found that the Law
Commission recommended to amend The Advocate Act's 1961, adding another section,
allowing the final year LL.B. students to practise at court as para legals to provide
legal aid only under supervision of experienced teachers and lawyers. It is noticed that
by evolution of para-legal-services in South Africa, a few Universities are starting para
legal-courses (to teach below LL.B. degree) of 2 to 3 years durations mainly to produce
para legals. In study it found that the practice of para legals are growing all over work
as alternative to lawyers, as lawyers are too busy of less interested to provide legal
aid. It is found that in order to achieve the goal of equal access to justice para legal
aid and para legals can play very important and crucial role not in days of present but
in the days of future. The cheap and easily accessible para legal aid in comparison with
lawyers’s legal aid is also studied and investigated. It is found that comparatively para
legals are performing superior service than practising lawyers in the matter of availability,
cost and accessibleness.

In the Sixth Chapter 'Implementation and Implication of Legal Aid' attempts
made to study and to know how legal aid has been implemented since the days of
RIG VEDA, Ramayana and Mahabharata period, Medieval period, Mughal period,
English period and in the Independence era. In Assam how it was implemented through
PAIK, GAON MEI, KHEI, SATRA, NAMGHAR and RAJARMEL institutions.
Speedy justice which has been now accepted as one of the component of legal aid.
In India various legal disputes have been amicably settled by Village Councils since the
days of vedic period to modern period, through PANDITS, KAZIS, MAULAVIS and
the like. Panchayat Adalat which provides Panchayati Justice through NYAYA PANCHAYATS.
Village Punch (in Assam GAONPRADHAN - Village Headman) also provided speedier justice through Gaon Mel (Village Council) to amicably settle the disputes.

After independence, the various committees were formed by Bar Councils, Voluntary Organisations and Non-Government Organisations to provide legal aid. The implementation of legal aid during the days of Committee for Implementation of Legal Aid Scheme (CILAS) since 1980 to 1995 are studied and found the various Boards and Committees of States through which legal aids, legal advice, legal literature, legal aid camp, awareness camp and clinical legal aid were rendered and succeeded to provide to less than 1% of the people of India living below poverty line. Of course the success, roused people's legal consciousness and also succeed to amicably settle a substantial number of cases through Lok Adalat and showing best performance to amicably settle Motor Accident Claims Tribunal’s Cases (MACT) in that Tribunal to provide adequate compensation. Legal aid provided to prisoners and jail inmates.

While in the statutory period that is since 9.11.1995 to 31.12.2003, the legal aid provided through The Legal Services Authorities Act, 1987, by the help of National Legal Services Authority, State Legal Services Authorities, District Legal Services Authorities, Supreme Court Legal Services Committee, High Court Legal Services Committees and Taluka Legal Services Committees, constituted as per above Act have been rendering stupendous and commendable task to provide equal access to justice to indigent people in order to achieve coveted goal of Article 14 and 21 of the constitution. Legal aid now extended to destitutes of natural calamities- like cyclone, flood, drought and the like. The legal aid provided to the victims of Bhopal Gas Tragedy, Gujarat Riot effected people and Gyser Train Accident cases are worth mentioning. People of Scheduled Caste,
Scheduled Tribe, Women and Children, Remand Home, Destitute Home, Juvenile Home, riot effected and disables which can easily avail the legal aid benefit without having annual turn over. The study is also made upon the various programmes launched by Central and state Governments, voluntary organisations, NGOs, Universities, Law Schools and Law Colleges. According to the statistics shown in the investment it is found the slow progress of Legal aid movement in nook and corner of India in all spheres; legal aid, legal advice, clinical legal aid and speedy legal aid (through Lok Adalat). Special legal aid is provided to jail inmates by Government or Non-Government Organisations. Ad almost all states like Centre are publishing magazines, Journals, Booklets, Pamphlets, Radio and Television programmes to provide legal aid. A systematic study and analysis is made in the chapter showing statistics particularly in clinical legal aid, para-legals of various legal institutions and Non-Government Organisations are staining every nerve to render legal aid in various aspects. (State of Gujrat opens legal aid clinic for 24 hours) Governments are opening Counselling and Conciliation Centres to aid and advice the people.

Study is also made and found about the legal aid rendered to jail inmates and found that a substantive portion of jail inmates are not receiving proper legal aid in Assam as well as India.

Inspit of its endeavour and effort to render legal aid to nook and corner of India it is found on the investigation that the effort has not reached to the doors of all indigent people living below poverty line. Mass effort and stress must be given so that from the present less than 1% beneficiary it can be raised to all needy and deserving persons. Hence it is looked for suggestions how this could be achieved within a reasonable time.

The 'Lok Adalat-the Viable Alternative to Dispute Resolution System' has been
discussed under VII Chapter of this research work. Here specially the most popular system of legal aid in India that is ‘Lok Adalat’ is extensively and critically discussed showing various statistics. It is found that in legal aid the ‘Lok Adalat System’ is the most effective and popular from which the Lok Adalat is now termed as Peoples Court. The system by upgrading the ‘GOANMEL’ (village council led by Village Headman) and conferring it legal status succeeds not only to benefit the people of India but also to provide speedy justice by amicable settlement in a remarkable way. This process succeeds to lessen the large number of pending cases with assistance of adhoc courts after settlement of dispute the provision for not to appeal is another important point. The Permanent Lok Adalat from its very beginning succeeds to attract the people and benefit them through various public utility services. The researcher by showing various statistics and through random survey proves the growing popularity of Lok Adalats as it is growing as a movement of legal aid. The early and adequate compensations received through Lok Adalats in Motor Accident Claims Tribunal are also found on investigation.

The fund allotment by National Legal Services Authority (NALSA) to states are also shown and discussed. The fund allotment to NALSA by Central Government or by National Legal Services Authority to State Legal Services Authorities are found not adequate and proper. The more need of fund in order to frequent holding of Lok Adalats in fixed and mobile places are also found in study and investigation. It also studied the legal lacuna of Lok Adalat and attempt is also made to suggest ways to plug the lacunas.

The Lok Adalat system also produces an astounding result in Nagaon District as well as in state of Assam in comparison with benefit rendered with legal aid, legal advice, legal aid camp or legal aid clinic. In Nagaon District almost 36 people of below
poverty line is benefitted upto 31.12.2003. In the case of state of Assam the percentage in general is less than the Nagaon District, but in some developed and more literate districts the percentage is more than Nagaon District. Traditional Lok Adalat earns its fame particularly in the matter of resolving disputes of Motor Accidents Claims Tribunals, within a reasonable time paying adequate compensation to distressed persons.

Though in India the Permanent Lok Adalat system succeeds to benefit a bulk of people in several developed states (as per available statistics) but in case of state of Assam, the deplorable position is noticed. Having not established a single Permanent Lok Adalat anywhere upto 31.12.2003.

The researcher in the Chapter-VIII ‘The Legal Aid in Assam’ not only critically studies the history of legal aid since 3rd century A.D. but also analyses the various statistics of implementation and implication of legal aid programme. In Assam the legal aid since RIG VEDA period existed and the PAIK system during Ahom (from 13th century). The village council among indigenous tribals-named as KEBANG since before death of Christ existed, along with the KHIL, SATRA and SAMGHAR institutions initiated by Saint Sri Sankardev, from 15th century. The RAIZARMEL (committee of mass people) initiated by particularly activist of Independence Movements, helped the people to achieve legal aid particularly in the direction of speedy justice through amicable settlements, are critically and analytically discussed.

Showing different statistics and survey reports the investigator has been able to come to the conclusion that the beneficiary of legal aid and advice are benefitted proportionately less than that of all India average. Less than 1% of the total population have been receiving legal aid in Assam where more than 30% people live below poverty
line (as the census report of 2001) and the Government initiative is not aware about the legal services provision. The legal aid camp, legal advice, counselling centres, clinical legal aid clinics are not properly executing or functioning either from the Government or from voluntary organisations or through para legal created by several legal institutions.

Para legal of only a few legal institutions have been rendering legal aid. It fails to create a legal or ethical obligation to render legal aid to para legals that is students of Law Colleges and Law Departments of Universities. The lack of initiative of Assam Government can be proved in their allotment of Rs. 35,000/- only from the year 1995 to 2003 to Assam State Legal Services Authority. The different committees to be instituted or renewed by Assam Government mandatorily by the provision of The Legal Services Authorities Act, 1987, are not renewed in time in order to infuse new blood to those committees. Permanent Lok Adalats are not functioning in all district head quarters. Only four Permanent Lok Adalats had been instituted out of 26 districts. A Lok Adalat is holding at regular intervals, but for such activities the fund constraint has been one of the hindrances. The lawyers engaged by Legal Services Authorities are not receiving their dues for advocacy in time. Most of lawyers in Assam are not interested to render legal aid free of cost, following the legal obligation or ethics enumerated in Bar Council Rules, 1983. Lawyers have a lackadaisical attitude to legal aid, thinking it may jeopardise the legal profession. People due to lack of awarness can not compel the executor or authority to provide legal aid or advice in due time and in due place. Considering the percentage of people already benefitted through legal services which is merely 0.25% of the total population. It can be easily deduced that people of Assam are not satisfied from the delay-delaying and insincere attitude of District and State Legal Services Authorities.
in the matter of rendering of legal services to them. This points come from the interview of 400 persons asked through the questionnaire, in two parts.

The IX Chapter deals with legal aid in Nagaon District during Non-Statutory period. Here critical analysis, discussion and investigation are made in Nagaon District specially from March 1980 to 8.11.1995 (that is upto enforcement of The Legal Services Authorities Act, 1987) about implementation and implication of legal aid, legal advice, legal literature for legal aid, legal aid camps, counselling centres, Lok Adalats. Legal aid clinic and the like on investigation and analysis it is found that legal aid was available from 1st to 12th century in Nagaon District in the shape of village councils known as KEBANG among MIKIR (now known as KARBI), LALUNG (now known as HWAM) KACHARI on the basis of perennial customs. The ‘PAIK’ system introduced by MACH dynasty during 14th century to 19th century was also present in Nagaon District area administered through BORPHUKAN (Viceroy) of Kaliabor. Particularly the organisation of villages by BORPHUKAN in Nagaon District helped the Mahapurush (Saint) Sri Sankardeva who belongs to this district from present Bordowa Satra being successor of Chieftain King/landlord. The Saint started local administration at KARKHANA to resolve their disputes locally and amicably assisted by Panchayat to organise KHELL (unit of families) and SATRA (centre of SANKARI religion and culture) and NAMGHAR (god chanting house). During 15th century onwards these institutions (PAIK, KHELL, SATRA and NAMGHAR) being the unique units in society resolved their disputes through amicable settlement to attain the speedy legal aid. The prevailing principle of speedy justice since RIG VEDIC period continued in Assam on the principle of SMRITIS and DHARMASUTRAS and decided by PANDITS. SATRAS were treated as Upper
and NAMGHARS were as Lower Adalats. On study and investigation it is found that like MADMARIA INSURRECTION in Upper Assam which dethroned the Ahom King due to misuse of administration of justice. The RAIZAR MEILS (council of mass people) which were organised against English rule in the era of Independence Movement of India, that is during last part of 19th century and 1st half of 20th century to protest against tyrannies and atrocities of English. They were also inspired by the revolt of Assam under the able leadership of Moniram Dewan against British colonism. In the year 1858 (said as 1st War of Independence of India), played a very pivotal role in the matter of speedy justice by amicable settlements.

It is the ‘RAIZARMEIL’ by which people were systematically organised against English Rule leading to the Peasant Revolution of Assam in Phulaguri (said as PHULAGURI DHEBA) on 18.10.1862 of Nagaon District is also one of the remarkable peoples organisation to resolve their own disputes through amicable settlement. The decentralisation of power of administration of justice by Ahom, Kachari and Bhuyan Kings also helped to provide speedy legal aid by those sub-ordinate officers of those kings. During English Ruler the labourers to cultivate tea who were brought from different states of India also practised the settlement of disputes through their PANCHAYAT COUNCIL with the help of PUNCH or HEADMAN. The immigrant Muslims who started to come to Nagaon District since 1943, they also resolved their many disputes through the court of KAZIS or MAULAVIS which provided to them speedy legal aid by amicable settlement of disputes. Though after independence upto 1986 there was no amplemlementation of legal aid from government angle, the said was available from 1987 to 1993 through Sub Divisional Legal Aid Boards of Nagaon, Hojai and Kaliabor Sub Divisions and Now going...
Law College. No any remarkable performance of legal services were noticed except the holding of legal aid or awareness camp, holding of Lok Adalats, rendering of legal aid and advice to only a few people. The Sub-Division Committees organised Orientation Programmes of Judicial Officers and Members of Bar Association (Lawyers). The Secretary, Legislative Department of Assam who was Ex-Officio-Secretary of Assam Legal Aid Board released the fund to different Law Colleges of Assam. and in Nagaon district the Nowgong Law College which received only less amount as grant who organised so many Legal Aid Camps. The non-mandatory Lok Adalats were held only five numbers from the year of 1987 to 8.11.1995, which settled only 373 cases out of which 87 cases were Motor Accident Claims.

The English which also tried their level best to destroy the prevailing local justice delivery system leading to speedy justice failed miserably and which continued as inner current within the society. It is found that sometime the English was compelled to recognise local Panchayati justice of legal aid and referred some disputes to arbitration under Bengal Regulation, 1772.

In Nagaon district out of 16,63,571 population (1971 census) only 52 persons (find out from Assam figure proportionately) benefitted in Nagaon District from MAC compensation of Rs. 49,54,500.

The investigation shows that though justice is an Indian creed of long ago yet the legal aid movement not spread far and wide in Nagaon District, failed to rouse proper consciousness and also failed to succeed in providing legal aid even upto 1% people of Nagaon District. The Nyaya Panchayat of Panchayati Justice which can be offered without paper works, suitable for both literate and illiterate people are not implemented
here. But there was that provision in the Assam Rural Panchayati Raj Act, 1948. In Nagaon District like Assam from 1981 to 1988, not a single persons benefited out of legal advice and the rule made in Assam in the year 1978, 1984 and 1986 were only on paper for Nagaon District which served no purpose for the economically weaker people of Nagaon District, that is virtually served no purpose and impact.

In the Xth Chapter namely-'Legal Aid in Nagaon District During Statutory Period' research and investigation are done for the period 9.11.95 to 31.12.05 in Nagaon District. Attempt is made to know the implementation and implication of legal aid after the passing of The Legal Services Authorities Act, 1987. On investigation it is found that though The Legal Services Authorities Act, 1987 was totally enforced with effect from 9.11.1995 like Assam in Nagaon District it was practically came in to force from the last part of the year 1996. The Nagaon District Legal Services Authority was also constituted a bit lately like Assam State Legal Services Authority.

The Nagaon District Legal Services Authority to execute the legal services was also constituted only on 07.04.1998. The honourable member of District Legal Services Authority stained every nerve to offer legal aid and advice only those persons who in prescribed forms applied to that Authority and received legal services. In Kaliabor and Hojai Sub-Division also constituted Sub-divisional Legal Services Committees for the smooth and speedy running of Legal Services Programmes but from the number of persons who received legal aid in the District it can well be calculated out the performance of the two Sub-Divisions, being far from satisfactory.

According to the investigation performed by this researcher through the questionnaire, it is deduced through analysis that-inspite of the sufficient legal provisions incorporated
in the legislation as well as constitution, endowed with rules and regulations, people of Nagaon District are not properly receiving the legal services. The District Legal Services Authority along with Sub Divisional Legal Services Committees are not properly and sincerely performing its bounden duty in the matter of implementation of legal services. Of course there are some obvious reasons like lack of manpower and provisions of fund along with sincerity and dedications of people are some of the important reasons.

The apathy of lawyers to this legal provisions and their violation of legal ethics also added the condition to deteriorate further the calculation that below 0.5% people of Nagaon District have been already covered by legal aid (services) programme where more than 30% people of Nagaon District live below poverty line (Census report 2001).

In the investigation though it came to light that para-legal can play more pivotal role than lawyers, in Nagaon District. Due to less number of voluntary organisations, Non Government Organisations, and only one legal institution in Nagaon District, it is not possible to provide sufficient number of para-legals for which the rendering of legal aid by them are not to the utter satisfaction of the people. Most of people of Nagaon District particularly in rural areas are not properly aware of this legal aid provision. The rendering of speedy legal aid through Lok Adalats, Counselling Cells, Legal Aid Clinics are not well to the mark. But this researcher on study has found the Lok Adalats were held at greater intervals instead of shorter intervals, NYAYA Panchayats (Panchayat Adalats) which can play a very prominent role to render legal services. On survey or investigation it is found the people of Nagaon District has yet to accept this concept.

It is found on study and investigation that the Nagaon Legal Services Authority has rendered legal aid to all total 4441 persons. It means the authority covered only 0.25%
of the total population and there are more than 30% population of below poverty line as per census report of 1991.

As per available statistics from 06.11.1997 to 31.12.2003, Legal Services Authority provided legal advice to only 943 persons, which is very meagre amount in comparison of legal advice offered by four voluntary organisations. The voluntary organisations have been offering legal aid to 980 people during the mean time.

While Nowgong Law College had organised 54 legal aid camps where 33 Non Government Organisations forwarded their helping hands. The camps were organised in economically backward areas and 35% people of those areas were found under poverty line by researcher on investigation.

The number of people benefitted through Legal Aid, Legal Advice, Counselling Centres and Clinical Legal Aid from the end of District Legal Services Authority are very much below expectation that is below of all India average. The contribution of voluntary organisations are not well to the mark.

The Women Commission Cell of Nagaon Court offered legal aid to 82 women during the period 06.01.1997 to 04.02.2003 which is not at all encouraging.

The Clinical Legal Aid is not provided by any agency of Nagaon District Legal Services Authority. Nowgong Law College has been offering clinical legal aid in cases from March 2K to 31.12.2003, which are far below the average of other states like Gujrat, Maharashtra, Delhi and the like.

In Nagaon District no example of rendering legal aid in Public Interest Litigations are found. Jail inmates are not getting any type of help from Nagaon District Legal Services Authority or from any voluntary organisations or legal institutions.
On the other hand the process for pre-litigation settlement of disputes by Traditional Lok Adalats or Permanent Lok Adalat are not available up to 31.12.2003. No Permanent Lok Adalat is Constituted in Nagaon District up to 31.12.2003.

Complaints of consumer protection which can be amicably settled in Lok Adalats are not initiated in Nagaon District.

The researcher also investigated the amicable settlement of disputes in other forum than Lok Adalats that is Rajah Adalats, where also number of cases were disposed which are less than the expectation. While according to Public Utility Service no DAK (Postal) Adalats, Adalat in Bharat Sanchar Nigam Limited, Electricity Department, Municipality Department and Supply Department are not initiated up to 31.12.2003.

While it is investigated and studied about the speedy legal aid rendered through Lok Adalats by amicable settlement of disputes it is found that during this period Lok Adalats were organised on 23 days in which all total 8141 cases out of 17,500 cases were amicably settled. Out of 8141 cases 170 cases are civil nature, 6968 cases of compoundable criminal cases and 961 cases are Motor Accident cases. In Motor Accident cases Rs. 3,57,33,000/- were paid as a compensation. On comparative study it is found that the number of cases settled in Lok Adalats is far less than the all India ratio.

While on analysis and investigation the number of persons benefitted through Lok Adalat, is found that 81410 persons benefitted covering 16282 families. Hereby this statistics only 3-5% persons of Nagaon District (according to census Report 2001 the than population of Nagaon District was 23,12,598) are benefitted.

The researcher also studied and investigated the fund released by Assam State
Legal Services Authority to Nowgong Law College to hold Legal Aid Camps. The meagre amount of Rs. 37,000/- which was released to hold 54 legal aid camps benefitted all total 3996 people to make them aware about various provisions of law and legal aid. While the Non Government Organisations held only 6 legal aid camps during this period. As it is deduced is Table-96 that shortage of fund is the one of the reasons for slow progress of legal aid in Nagaon District.

The researcher while studied and investigated the pros and cons of legal aid and tried to prove the hypothesis, having considered all the pros and cons of various observations and conclusions, investigation and analysis, noticed some legal loopholes, legal constraints and drawbacks in the matter of execution or implementation or hardship of legal aid programme.

Having considered all the constraints, drawbacks, loopholes, legal lacuna of legal aid, the researcher after a through and careful observation has advanced the following suggestions and it is guessed that by following of such suggestions may lead the district as well as the state to an expectable standard to fulfill the coveted goal and objective of equal access to justice through-Legal Aid or Legal Services.

In the opinion of the investigator there are certain beneficial aspects upon some area incorporated below. At the same time several loopholes and drawbacks have been observed and the same are proposed to be highlighted in the following pages.

In order to make legal aid in Assam a reality and reach the intended beneficiaries these loopholes have to be repalced by way of incorporation of educative, reformative and reconstractive measures at various levels. These have been incorporated by way of suggestion and recommendation.
The researcher has experienced the following as positive and negative observation

**POSITIVE OBSERVATION**

(1) Legal aid has been able to inculcate a sense of trust among the poor and indigent people of the state.

(2) Legal services have succeeded to rouse legal awareness among a substantial section of society.

(3) The outlook of the legal fraternity towards the issue under investigation has undergone quite a metamorphosis. Though limited to a minimum, will to protect and develop a catalytic change upon clinical legal education. The legal aid movement has acquire a constitutional status and elevated to a fundamental right.

(4) The service rendered by traditional and permanent Lok Adalots are proving more effective and beneficial to all litigants, particularly to indigents.

(5) The clinical legal services which are growing parallely with counselling centres run by administration, has succeeded in providing legal aid particularly through Non Government Organisations in the state.

(6) Non-Government Organisations and Law students as Para Legals are coming forward to render legal aid/services with the advancement of time which proves effective.

(7) Though the various legal provisions of Statute, Rules and Regulations of Legal Services are not properly implemented in Assam in general and Nowgong District in particular, but the slow initiation of those legal provisions, a proper environment is becoming discernable.

(8) Inspite of constraints and conflict produced by rolling of time, the philosophy to
amicably settle disputes, running since the days of Vedic Age in India is still alive as an undercurrent and has helped in the legal aid movement. The statutory recognition of GOANMEJ (Village councils run by Village Headmen) to Lok Adalat (People's Court) by The Legal Services Authorities Act, 1987, succeeded to rouse the declining philosophy of Indian people to a reasonable level.

NEGATIVE OBSERVATION

(1) Inspite of the existence a legal regime the implementation of its legal provision has been to be lukewarm on the part of Central as well as State Governments particularly in Assam.

(2) The legal services which are included in concurrent list are not properly followed particularly by State Governments.

(3) Union Government by sanctioning a particular amount annually to National Legal Services Authority (NALSANA) deems its duty to be performed. It's not effective in monitoring the situation. The fund released by Union Government is not sufficient. It even fails to release a sum which will be equal to one rupee to each per head population of India and even people living below poverty line.

(4) Most of the State Governments (except a few) are turning a deaf ear to the release of fund to State Legal Services Authorities. In case of Assam this is a more acute than any other state of India.

(5) The administrative machinery to carry out the legal services are not properly geared up or created in most of the states. Even The Legal Services Authorities Act, 1987, being a programme under Directive Principle to State Policy, the judicial machinery are giving more prominence than the administrative machinaries. In case
of Assam and Nagaon district, this deficiency is more acute than any other state.

A separate executing machinery to carry out the programme in district level is lacking. Hence it suffers a serious setback in the matter of administration and execution.

6. The proper orientation courses in the state of Assam for legal professionals are not introduced for effective implementation of the Act.

7. Lack of adequate publicity and advocacy measures have failed to sensitize the people.

8. The mindset of the legal professional has to be changed in order to render legal aid meaningful.

9. The slow and steady progress of legal aid in the state of Assam has failed to rouse proper attention and attraction of most of Non Government Organisations to render legal services in Assam.

10. The Counselling Centres and Family Counselling Cells to be run by District Legal Services Authorities in Assam, are not properly functioning in Assam in general and Nagaon District in particular.

11. The legal aid camps and clinical legal aid to be rendered by different Legal Services Authorities of Assam are not properly functioning.

12. Para-Legals Services to be rendered by para legals being "bare foot advocates" particularly by legal institutions are not properly functioning in the state of Assam except in Nagaon District.

13. Traditional Lok Adalats which are functioning after intervals of time in the state of Assam fail to amicably settle more cases in comparison with all India average.
(14) Permanent Lok Adalat system brought by amendment of The Legal Services Authorities Act, 1987, in the year 2002, by adding Section 22A to 22L, to settle some of ‘Public Utility Services’ amicably are not properly functioning as per provision of law in all District Headquarters, particularly in Nagaon District Headquarters.

(15) The acute fund position in the state of Assam in general and Nagaon District in particular is also one of the reasons for slow progress of legal services programme in Assam.

(16) The ‘Panchayati Justice‘ which was part and parcel of administration of justice in India since time immemorial is declining in Assam, even after the grant of constitutional status to Panchayats as there are no any provision of ‘Panchayati Adalats’ at present in the Assam Panchayatiraj Act, 1994. Of course the KIBUNG (Village Council) of tribals still gets prominence in the two Autonomous District Councils runs under Sixth Schedule of Constitution of India.

IN THE MATTER OF LEGAL SERVICES AUTHORITIES ACT, 1987

The researcher after an analytical investigation, is of the opinion that The Legal Services Authorities Act, 1987 in its present form may not be able to fulfil its objectives. In his opinion certain following changes are necessary—

(1) Steps should be taken for including Ex-Servicemen, Ex-Members of Armed Forces, Ex-Members of Para Military Forces and the dependants of those who died on duty or in war in the category of eligible persons under Section 12 of The Legal Services Authorities Act, 1987.

(2) Steps should be taken to cover HIV/AIDS, Cancer and other serious types of patients to be entitled to legal services irrespective to their means of income by
suitable amendment of section 12 of the Act.

(3) For convenience, The Legal Services Authorities Act, 1987 be amended making
Additional District Judge/Chief Judicial Magistrate as Vice Chairman of the District
Legal Services Authority.

(4) The institution of High Court Legal Services Committee as provided in Section
8 A of The Legal Services Authorities Act, 1987 can supplement the effort of
State Legal Services Authorities in achieving the objects underlying the Act. Such
committee can be made more powerful, dynamic and vibrant through an amendment

(5) The proposed amendment of The National Legal Services Authority Rules, 1998
by inserting rule 12A to use common format of accounts and financial statements
by Central Authority, State Authority and District Authority be considered

(6) The personnals of The Legal Services Authorities should be consulted in the
planning run by Planning Commission for actual working of Legal Aid Movement

(7) There should be statutory provision in The Legal Services Authorities Act, 1987
for establishment of Permanent Lok Adalat in Government Departments and Statutory
Bodies.

(8) The Legal Services Authorities Act, 1987 should be amended to provide that if
the judges or conciliators of Lok Adalats are satisfied that one of the parties are
unreasonably opposes a reasonable settlement and has no valid defence whatsoever
against the claim of the opposite party, they may pass an award on the basis
of the material before them without the consent of one or more parties which
must be binding to them.

(9) There should be a provision in the Act to declare a 'month of action' in every
year where at least more than 3 years old cases should be decided amicably through Lok Adalats.

(10) The ‘Public Utility Services’ under Section 22A to 22E should be brought under the per view of two tier OMBUDSMAN system which acts as an external agency outside the administrative hierarchy to prove administrative faults.

(11) It is desirable to frame uniform rules and regulations by State Government as per direction of the Acts and under the initiative of Central Government.

(12) As far as practicable The Legal Services Authorities should be made an autonomous body, being free from any political interference.

(13) The Legal Services Authorities Act, 1987, for the benefit of the poor people and to bring law to the doorstep of the people by amendment, the provision for Block Development Level Legal Services Committee should be constituted.

(14) In order to make it more comprehensive Legal Services Committee or Authority should include representatives from leading Non Government Organisations, leading Mahila Mandals, Panchayats, Municipalities, Members of Legislative Assembly and Member of Parliament.

(15) In order to find out the real indigent person through means test, the ownership of property of the family should also be taken into consideration simultaneously.

(16) Public Interest Litigation (PIL) has rendered an yeoman’s service to the public so it should be included within the meaning of The Legal Services Authorities Act, 1987.

(17) The jurisdiction of Lok Adalat should extend so that it may be held in different Government Departments, Local Bodies, Corporations and to provide amicable
settlements of disputes.

(18) In the matter of appointment of conciliators of Lok Adalats over and above lawyers, persons having knowledge of law from the member of local bodies, representative of voluntary organisations, law teachers and member of Mahila Mandalas should be considered.

(19) While considering the financial assistance to Non Government Organisations by National Legal Services Authority (NALSA) or State Legal Services Authorities, their past performance, ability, types of people benefitted should be properly verified.

(20) There should be provision to provide remuneration from State Legal Services Authorities to Law Teachers, who has devoted time in Legal Aid Clinic in addition to the normal and stipulated duty depending upon the progress of work done.

(21) There should be provision for monitoring and follow up action of all activities of Authorities and Committees.

(22) The indigent or economically poor person should be given option to select his lawyer from the panel of lawyers to contest the case.

(23) There should provision in this Act to vary the yearly income of the person who approaches for free legal aid to the Non Government Organisations, all India Women Conference, Registered Trade Unions, Red Cross Society and Members of Local Bodies related with Nyaya Panchayats.

(24) By amendment The Legal Services Authorities Act, 1987 should be provided with suo-motu provision in Lok Adalat conferring power to National Legal Services Authority and State Legal Services Authorities in order to give relief in relation to
the public.

(25) As suggested by Expert Committee of Central Government in the year 1973, LEGAL INSURANCE SCHEME, with contributions from employees, for workmen be implemented immediately.

(26) There should be clear provision in The Legal Services Authorities Act, 1987, to open a Women Cell constituted specially by women lawyers in each court to provide legal aid and advice to the weak and distressed women.

(27) In The Legal Services Authorities Act, 1987, provision should made for providing legal aid to harassed and tortured women in leading their marital life in addition to providing counsel for instituting suit for maintenance, judicial separation and divorce.

(28) For smooth and effective running of legal aid movement in each Development Block a person of practising experience with requisite minimum LL.B. Degree be appointed as Extension Officer (Legal Aid) to look after and help in all Services of Legal Aid Movement and to start Gram Adalat.

(29) Under Section 13(2) of The Legal Services Authorities Act, 1987, if a person makes a false affidavit declaring his indigency, the specific provision should be made to penalize those giving false affidavits.

(30) Special provision should be made in The Legal Services Authorities Act, 1987, to provide free legal aid to those in custody: complainants and victims of crime, witnesses, claimants of maintenance and those having to file to defend a case.

IN THE MATTER OF CONSTITUTION OF INDIA AND OTHER LEGISLATIONS

(1) The recommendation of the Review Committee to provide for Article 39A under
Chapter -III that in fundamental rights of the Constitution will provide a very firm footing to the Legal Aid Movement. Hence parliament should give adequate consideration to the matter. Similarly Article 22(1) should be amended to specifically provide for legal aid to indigent persons under detention having clear provision of 'Right to Council' in both civil and criminal cases in the constitution.

(2) In backward and rural areas women have no separate sources of income. In such cases direct legal aid from court without going through Legal Services Authorities be provided which will be of immense benefit.

(3) With regards to Section 304 of Criminal Procedure Code 1973, the following suggestions are forwarded:

(a) Legal aid to poor and destitute in all cases, except those tried summarily be extended as per provision of The Legal Services Authorities Act, 1987. Adequate amendment to that effect should be made in Code of Criminal Procedure.

(b) To render legal aid to poor and destitute in order to provide the services of counsel at state expenses even in the investigation period should be considered by amendment of the Code of Criminal Procedure.

(c) By decentralisation of judicial power some petty judicial power in Civil Procedure Code and Criminal Procedure Code to settle disputes by Panchayat Bodies renovating the Nyaya Panchayats may be entrusted.

(4) By amending Rule 7 of Bar Council of India Rules 1983, it should be made mandatory to pay lawyers offering legal aid, out of Bar Council of India Legal Aid Fund.

(5) According to Bar Council of India Training Rules, 1995, a new Compulsory Training
Rule for Clinical Legal Education and Training in Legal Aid Clinic in the last year of LL.B. Course should be made compulsory.

(6) Amending the Advocates Act, 1961, it should be made mandatory, at least lawyers of five years standing should render legal aid at least six cases in a month either free of cost or in nominal rate as per provision of Rule 15 of Bar Council of India Rules, 1983.

(7) It should be an added qualification of an advocate, the data of free legal aid while the advocate is considered for appointment either as Magistrate or Judge.

(8) Making provision in Article 243 to 243 O in Indian Constitution, the Panchayati Raj Act of states should be amended allowing Nyaya Panchayat (at least one in each Block) to render judicial duties under the direction of judiciary department to amicably settle the following disputes summarily:

(a) Civil suits up to the value of Rs. 50,000 -
(b) Matrimonial disputes
(c) Compoundable criminal cases.
(d) Cases settle in Executive Magistrate Court under Criminal Procedure Code.
(e) Disputes which can be settled through Revenue Adalats.

SPEEDY JUSTICE TO REDUCE BACKLOG OF CASES

With the advancement of society the numbers of litigations are increasing, on the other hand the enormous growth of urban population by migration from rural areas due to industrialisation, increase of other populations and fall of spirit of obeying laws are other reasons for increase of backlog of cases in courts. The following are the suggestions to reduce the backlog of cases.
(1) By assessing the performance Lok Adalats, Women’s Courts, Family Courts and Fast Track Courts and Tribunals, if necessary must be strengthened so that they can take some of burden of the regular courts.

(2) There is need of more investment in the matter of training and capacity building of all Judicial Officers so that they become more effective in case of management and disposal.

(3) There should be the system of increasing the number of working hours, working days and cutting down vacations of the courts to a reasonable extent.

(4) Judges of all levels should be trained and updated for achieving and maintaining professional excellence by providing orientation courses particularly in the new trends of litigation such as those related to Intellectual Property Right, Cyber Crimes, environment, money lending competition, telecom, taxation, international arbitration and International Criminal Courts including various devices of alternative dispute resolution systems (ADRS).

(5) To relieve the state Government from financial constraints as State Judiciary are trying almost 340 Central Statutes which constitutes 50% to 60% of total cases of each state after bringing ‘Administration of Justice, Constitution and Organisation of Courts’ from State List to Concurrent List after 42nd amendment of Constitution Central Government should provide special fund to states so that State Government can open more courts and to appoint more Subordinate Judges to speed up trial of cases.

(6) As Union of India, State Governments, Public Sector Undertakings and Government Corporations are largest litigants in the court of law, so all the Governments should
develop an in-house mechanism for settling such disputes to which they are parties before they reach the Courts and also by taking conscious decisions whether to litigate or not to litigate. Such records will help the process of legal aid.

(7) Number of family Courts should be increased from present 87 numbers (year 2005) to 200 numbers as the annual backlog of Family Courts are more than 14,000 per year and cases are to be decided within 6(six) months as per provision of the Act.

(8) Like independence of judiciary, judiciary should also avail the autonomy to receive and spend fund of Government, followed by strict audit to remove some obstacles created due to paucity of fund in order to provide speedy justice.

(9) It is said that delay in the disposal of cases is also 'judge made' lack of punctuality, laxity and lack of control over the case file and court proceeding contributes in no small measure to delay in disposal of cases, so it is necessary for proper supervision, inspection and guidance by the District Judges and the High Court is absolutely necessary.

(10) Particularly more stresses, should be given to introduce proper and scientific orientation courses for all Judicial Officers in the District Judiciary to apprise and sensitise them of The Legal Services Schemes and Programmes as well as the legal aid network so that they can convey the message of the availability of legal aid to the masses.

(11) In order to reduce the backlog of cases legal services functionaries should find out as to whether a person approaching them for legal aid has prima facie case in his favour which is a pre-requisite for grant of legal aid. Legal aid must not
be given as a matter of routine and frivolous cases should not be supported by Legal Aid Authorities.

(12) In order to speed up the disposal of cases if necessary shift system in Lok Adalat can be introduced like industries.

(13) Bar Council should properly execute the obligations conferred upon lawyers to provide legal aid to poor vide Section-6A and Section -9A of Advocates Act, 1961 and Rule-7 and Rule-46 of Bar Council of India Rules, 1983

(14) With the coming of diverse and complex various issues to the court the judiciary have facing with new challenges and responsibilities in the matter of docket explosion, chronic delays in disposal of cases, raising cost of litigation and the like judiciary must try to tackle these problems with constant innovations, evolving new techniques, new procedures and new types of adjudication like Alternative Dispute Resolution System in order to provide speedy justice.

(15) The State Legal Services Authorities, District Legal Services Authorities and Taluk Legal Services Committees should be provided with modern amenities including separate ministerial staff for carrying out legal aid movements and keeping of proper records and accounts with computer facilities.

(16) Legal Services Authorities should in special cases relax the procedure of declaration through affidavit the criteria for means test in order to qualify to obtain legal aid from different Legal Services Authorities.

(17) Legal aid through which 'access to justice' is maintained in order to achieve equality in society, should be made available to both of the parties and during all stages of litigation.
(18) As far as practicable the legal services officials and functionaries should directly connect with the deserving legal aid persons so that neither middle person nor clouts can enter in between them.

(19) The panel of counsels constituted to provide legal aid, must be cautiously and sincerely prepared so that the advocates provided legal aid be competent and qualified to generate confidence in the minds of beneficiary that he is equal footing with his opponent.

(20) At least in all courts there should be a notice board that any persons who cannot provide lawyers by his own cost due to poverty has a right to counsel.

(21) Judiciary if necessary should have leniency towards indigent and downtrodden people and use the trend of judicial activism in the Public Interest Litigations started by public spirited people.

(22) As far as practicable the sincere and dedicated committee with selflessness of the functionaries of free legal aid movement can be rewarded on Sub-Divisional, District, State and National basis and give opportunity of appointment of those rewarded persons in any vacant post of the Judicial Department related with legal aid movement.

(23) As legal aid is also service to humanity being basic human rights, various religious welfare organisations should be requested by National Legal Services Authority or State Legal Services Authorities to undertake the task of free legal aid to the poor in broad and extensive manner.

(24) To make legal aid attractive, competitive, dynamic and value based and within the reach of everyone the concept of legal insurances, for natural and corporate
persons alike, should be adopted by the Insurance Companies.

(25) With a view to avoid delay, rules should be made so that court provide authenticated copies of the judgement to the parties on the day of pronouncement of the judgement.

(26) To avoid delay in production of record after expiry of 6(six) months, court should presume that the witness or person who was summoned to produce documents has refused or neglected to produce document in his possession.

(27) Those disputes which need early redressal like matrimonial, insurance claims, labour dispute and the like unless the relief is rendered in proper time which leads to further litigation and loss of mental, economical physical vigour should be disposed of by the judges as early as practicable.

(28) Some complicated procedures provided by Rules and Regulations (like Regulation 19(2) of Assam State Legal Services Authorities Regulation, 1998) should be simplified in order to provide speedy justice.

NON GOVERNMENT ORGANISATION

It is found that some genuine Non Government Organisations are playing very crucial and fruitful role in the matter of speedy disposal of cases, to provide legal advice, legal literacy, awareness and legal aid rendering yeoman's service to the people.

Yet, the investigator feels this Non Government Organisations can work effectively by address themselves in the following manner:

(1) Initially Legal Services Authorities should identify the trustworthy and suitable Non Government Organisations through whom legal literacy, legal advice, legal awareness and legal aid campaign may be taken to tribal, backward and far flung areas of the country.
(2) National Legal Services Authority should provide financial assistance to those accredited Non Government Organisations for implementation of various strategic legal aid programmes.

(3) The use of new technique and methodology to address in prelitigative stage is of utmost necessary which can be achieved through the aid and co-operation of Non Government Organisations.

(4) Volunteers of Non Government Organisations must be made service minded by providing proper orientation training in the matter of legal education and professional matters to be the actual para legals.

(5) It must be pointed out that involvement of Non Government Organisations in the legal literacy and legal awareness campaign is imperative as it is they who can reach the backward, tribal and far flung areas of the state and convey to the people residing there the message of legal aid in a way that they would appropriate it.

IN CASES OF PRELITIGATIVE SETTLEMENT OF DISPUTES

The provision of pre-litigative settlement of disputes provided under Section 19.51 and Lok Adalat in Section 20 of The Legal Services Authorities Act, 1987.

(1) Stresses should be given in pre-litigative settlement particularly in Bank and Financial institution's loan's cases and the cases where fine can be easily imposed and collected as those institutions have miserably failed to recover loan to the tune of Rs. 60,000 crores after protected litigation up to the year 2003.

(2) The use of new techniques and methodology in order to hammer out a solution in prelitigative stage is utmost necessary for adopting an easy and simplified procedure.

(3) From the various experiences it is found that stress can be given for prelitigative
settlement in the following areas— (a) Land Acquisition Proceedings (b) Motor Accident Claims (c) Matrimonial Disputes (d) Labour Disputes (e) Civil Litigations (f) Private Complaints for penal offences and (g) Life Insurance Claims.

(4) In order to properly settle the disputes in pre-litigative stage Govt. can consider the establishment of Pre-Litigative Settlement Tribunal from Taluk (Sub-Division) level to the National level.

(5) The earlier the problem is addressed the better are the chances for successful settlement. Therefore it is necessary to educate the people on the advantage of pre-litigative settlement when they will come forward for pre-litigative settlement.

(6) Pre-litigative settlement to be successful and popular, the problems have to be identified as early as possible and to identify the potential disputes and for their early resolution, legal literacy is a must and legal literacy camp should be held not only in rural places but also in educational institutions which would help to spread the message better, quicker and further.

(7) Limitation Act should be suitably amended to exclude the period spent by the parties before the Lok Adalats for pre-litigative and litigative settlement so that there remedy before the courts is not barred by Limitation Act.

FINANCIAL STRENGTH OF LEGAL SERVICES AUTHORITIES

Legal Services Authorities can not properly function and provide yeoman's service to the indigent people unless the financial position are satisfactory. At present in India where more than 30 crores of people are living below poverty line for which the Central Government has been spending only 3 crores a year. In order to increase and strengthen the financial position, the following suggestions are forwarded—
(1) National Legal Services Authority or State Legal Services Authorities by proposal may request the authority concerned for extension of Income Tax Act, 1961, upto rupees five lakhs for tax exemption for donation to Legal Services Fund(s).

(2) It is unfortunate that some State Government are not willing to provide the State Legal Services Authorities with the necessary funds. So there should be made a legislation stipulating the percentage of budget for legal services depending upon the population of the state.

(3) The funds of legal aid services should be collected also from other well-to-do people by persuading that it is a social programme in response to social needs and human expectations carried through public representative and office bearers of Non Government Organisations.

(4) Non Government Organisations be persuaded by different Legal Services Committees or Authorities to spend there substantial budget for the causes and upliftment of legal services to the poor.

(5) The indigent person who will work on money suit can be requested to donate a portion of the amount gained after availing the free legal aid vide Section 13(4) of The Legal Services Authorities Act, 1987.

(6) There can be levied special surcharge or court fee or special stump on 'VAKILATNAMA' (paper assigning lawyer to advocate the case). The amount so collected can be deposited to respective District and State Level Legal Aid Authorities to carry out the function of Legal Services Authorities.

(7) By introduction of Legal Insurance Scheme that is getting the financial and legal aid from the Insurance Authority when the legal incident will arise, the insurance
company should be compelled to spend a portion of profit of that authority for legal services.

(8) Like the foreign countries “Suitors Funds” has to be established for providing legal aid to the victimised people particularly the fair sex, child, disabled and destitutes, who have no any proper means to defend or start cases like maintenance, custody of child, divorce, judicial separation, restitution of conjugal rights, deprivation from due shares of succession.

(9) There should be allocation of budget in state Assemblies in the same manner like other important departments and people should aware of it from budget allocation.

ADMINISTRATION OF LEGAL SERVICES

The following suggestions are forwarded in the matter of administration of legal services-

(1) The administration of legal aid requires largely to be handled by the representatives of the people including those representing the beneficiaries.

(2) In the states where there are no separate department or branch, there should be a separate branch or department to carry out the functions of legal services from block level to national level.

LEGAL AID AND LEGAL ADVICE

In this connection one can recall the famous observation of Lord Denning- since second world war, the greatest revolution in the law has been the mechanism and evolution of the system of legal aid.

The legal aid and legal advice now assumes the form of a movement for the people in general and the indigent persons in particular. So in the Ninth International
Conference of South Asia Association for Regional Co-operation in law, while dealing with 'Law as an Instrument of Social and Economic Change' otherwise declared as Jaipur Declaration, a call was given to use Judicial Review and Judicial Activism in the larger public interest and would use the laws to serve the goal of public welfare.

The following are the suggestions offered in respect of legal aid and legal advice

(1) In each city/town the legal aid centres or in every Block Panchayat Legal Aid Centres have to be established and the arena of the legal aid programme commensurate to the City/Town/Block Panchayat population.

(2) The legal aid centres should engage at least a few lawyers on full time basis and selection of lawyers should be used on their commitments, competences and experiences.

(3) The Legal Aid Centres should strictly use means tests and merit tests for avoiding misuse of the affidavit system vide Section-13(2) of Legal Services Authorities Act, 1987.

(4) The Legal Aid Centres should be funded either by the central or the state governments so that continuous funding of these programmes will continue without break.

(5) The Legal Aid Centres should be set up in High Courts. They must be strictly supervised by the court concerned so that good quality and competent legal aid and advice can be ensured.

(6) In selection of lawyers, their commitment, experience, integrity and competence must be kept in view. Only well structured and broad based legal aid programmes can provide credibility to the present day legal aid system.

(7) There should be uniform devise to find out ways through out the country, particularly
in the matter of payment of court fees, process fees, expenses of witnesses and other charges payable by State Legal Services Authorities.

(8) Judicial Officers, Members of Bar, Bureaucrates and Social workers to be persuaded by Legal Services Committees/Authorities to serve voluntarily and work for legal aid programmes and schemes to liberate our poor and downtrodden brotheren from sorrows and pains.

(9) Country wide publicity compign should be launched by the above people and Legal Services Authorities to apprise the people about legal aid programmes or centres to creat mass legal awareness.

(10) There is need to adopt requisite step immediately for formulating proper programmes and schemes of legal aid to sensitize judicial officers and advocates.

(11) It is necessary to organise workshops for lawyers now and then which are connected with legal aid for discussing the problems with a view to improving the quality of services rendered by lawyers and to teach the highest obligation as provided in Rule-46 in Chapter-II of Bar Council of India Rules. 1983.

(12) Fresh law graduates who are already familiar with legal aid work as students of law and had developed aptitude can be offered part time assignments by the Legal Services Committees/Authorities in the different courts.

(13) It should organise legal aid workshop at least once a year for improving the system of legal aid. From 'access to justice for all' one can move forward to achieve the goal of 'access to speedy and quality justice for all.'

(14) As Central Government funds to National Legal Services Authority, which is not sufficient to allocate to State Legal Services Authorities, So State Governments
should provide at least match up or substantial amount for this purpose.

(15) Legal profession being a highly organised, monopolistic class having the right to
practise before a court of law or a tribunal statutorily conferred on the members
of the profession and denied to any one else. So in the LLB course students
should be taught so becoming a member of organised profession, the institutional
aspect of the profession must assume a greater significance, responsibility and
accountability to the society particularly in respect of legal aid.

(16) Supreme court in Central Coal Field’s case (AIR 1980 S.C. 2125) said that the
effective access to justice provided under Article 39A was considered to be ‘basic
human right.’ What was considered to be fundamental right has now been transformed
in to human right, so there should be special, fruitful and effective scheme from
Government angle to bring faith of common man in the system with the added
endeavour of all concerned with the administration of justice.

(17) While functions, seminars and conferences should have only one aim to achieve
that is propagation of the movement and reaching the target of the deserving
beneficiaries of the movement.

(18) Judges by their weapon of ‘judicial activism’ should widen the scope of pro bono
publico, giving more stress to it so that the poor litigants which can not approach
Supreme Court Legal Services Committee or High Court Legal Services Committees,
can take help from this epistolary jurisdiction.

(19) Legal aid to poor to be more meaningful, the Magistrate and Judges can use the
popular method of amicus curiae (friend of court). This amicus curiae method
principle should be made also a part and parcel of legal aid to poor.
The Central Government and State Government should appoint Legal Aid Officers in each Sub-Division, out those officers 50% officers should preferably be women lawyers to work for the distressed and downtrodden women.

LEGAL EDUCATION AND LEGAL AWARENESS

Legal awareness which is treated as most powerful aspect of legal aid can be achieved through legal literacy and legal education. The following are the suggestions forwarded in this aspect-

1. The gap created by illiteracy and lack of legal awareness can be bridged the gap by engaging the Non Government Organisations and Social Action Groups.

2. Non Government Organisations and Social Actions Groups can disseminate the legal literacy legal education and legal awareness in far-flung areas including Tribal and Backward areas.

3. National Legal Services Authority should take concrete step to create nationwide network programme of voluntary agencies for spreading legal literacy, legal awareness and legal aid information to the masses.

4. Identifying the proper Non Government Organisations and Social Actions Groups funds should be provided as grants to those institutions to implement those schemes.

5. In a District Non Government Organisations or Social Actions Groups should be supervised by District Judge, which is ex-officio Chairman of District Legal Services Authority.

6. Non Government Organisations and Social Action Groups should be properly be given accreditation announcing best prizes on the basis of their performance.

7. A multi-dimensional legal literacy campaign has to be launched throughout the
country to make the masses aware of their legal rights and the procedure to make use of it.

(8) Students of Law Colleges should get involved in legal literacy services and campaign it, will add their knowledge and increase competence to interact with their future probable clients.

(9) To educate the general people and to bring mass awareness more and more, legal aid programmes should be telecasted or broadcasted through Doordarshan Television or All India Radios.

(10) Various techniques should be used for conducting legal literacy and legal awareness programme like - lecture, panel discussions, case analysis, audio visual aids, monologues, songs, folk-lore and street plays, distribution of pamphlets and booklets, poster, signboards and the like.

(11) There should be resource persons for legal literacy and awareness camp from law teaching faculty members, practising lawyers, police personnels, psychiatrists, social workers and other agencies related to the problems of the targeted groups.

(12) There should be seminars, workshops, colloquiums, refresher courses and orientation trainings particularly to provide Legal Literacy, Legal Education to Para Legal Officers, Gram Sevaks, Anganbadi Workers and Functionaries of the Non Government Organisations and Members of Nyaya Panchayats or Panchayatdars to acquaint them with new laws, technique of pre-litigative or litigative settlements of disputes and the like.

(13) For the success of prevention of atrocities on women, the special public opinion in favour of legal aid to women should have to formed through legal education.
The following suggestions are forwarded in respect of clinical legal education and legal aid clinic:

1. Training of clinical legal education through legal aid clinic should be made compulsory for law students of LL.B. Course as requested by National Legal Services Authority to Bar Council of India.

2. Clinical legal education should not be restricted to advocacy; it should be extended to wider goals to enable the law students to assimilate duties and responsibilities as a student of legal profession.

3. Clinical legal education should be a blend on integration of the components of traditional legal education with practical training of law. So that law students can acquire varied skills through it as well as legal aid clinic.

4. Through it the law students can be made conversant with different facts and dimensions of the most wanted the Public Interest Litigation.

5. This compulsory training under proper teachers and guides will help the law students from the inconvenience to arrange a senior advocate for proper legal training as a new entrants in legal profession as well as Bar.

6. The Bar Council of India should also consider suggestion of permitting the final years law student or law trainees to appear in courts for the indigent litigants under the supervision of advocates or faculty members.

7. The student of Law College being member of Legal Aid Clinic should approach
the common men of remote village to provide Legal Aid and Advice it possible through elected representatives.

(8) Legal Aid Clinic should hear the problem of remote and backward people relating to revenue, agriculture, loans, family matters and the civil and criminal cases and advice them accordingly.

(9) The involvement of law students after proper training in Legal Aid Clinic will be helpful to co-ordinate the schemes of Legal Services Authorities particularly in the field of Legal Literacy and Legal Awareness and the like.

(10) Social workers should be drawn from amongst the retired judicial and civil service officers, retired lawyers, educated housewives and other enlightened segments of society depending upon and looking upon the place and society. They could also be used not only in Clinical Legal Education and Legal Aid but also can be used to help in legal advice, legal aid counselling and conciliation centres.

(11) ‘Like Legal Aid Helpline’ of Patiala House Court since 9.2.2002 to enable the public to get legal information and advice with regards to their grievances on the phone, like wise all Legal Aid Clinics can make that arrangement in their clinics.

(12) Legal Aid (Services) Clinic should hold Workshop, Seminars, Refresher and Orientation Programmes not only to all law students but for Law Teachers, Lawyers, Judges, Bureaucrates, Non-Government Organisations, Law Enforcement Agencies, Legal Aid Functionaries and Officials of Universities and Colleges.

(13) There should be Legal Aid (Services) Clinic Cell run by women lawyers or budding women lawyers for needy and distressed women in particular.

(14) The Legal Aid (Services) Clinic should hold para legal training to law students.
social workers specially on subject related to children, labours, backward classes, beggers, disables and people under police custody and jail.

(15) There should be research cell to carry out studies for the purpose of legal services and closely surveying and monitoring the needs of the weaker and disadvantaged groups. The research cell should also undertake the identifying areas for test case litigation.

In conclusion it can be said that if the following suggestions are properly followed and reflected in the implementation as far practicable the legal aid services to poor will be fruitful and result oriented leading to reach the goal of "access to justice" in the track of rule of law.