CONTENTS

PREFACE

TABLE OF CASES

CHAPTER

1. INTRODUCTION 1 - 20
   A. MEANING OF LEGAL AID
   B. PHILOSOPHY OF LEGAL AID
   C. OBJECTIVES OF THE STUDY
   D. HYPOTHESES
   E. LIMITATIONS OF THE STUDY
   F. METHODOLOGY
   G. COLLECTION OF DATA
   H. INTERPRETATION OF DATA

II. LEGAL AID IN INDIA: A HISTORICAL PERSPECTIVE 21 - 76
   A. INTRODUCTION
   B. PRE-INDEPENDENCE PERIOD
      (a) The Hindu Period
      (b) The Muslim Period
      (c) The British Period
   C. POST INDEPENDENCE PERIOD
      (a) Recommendations of Bombay Committee (1950)
      (b) Recommendations of Sir Arthur Trevor Harris Committee (1950)
      (c) Recommendations of the Law Commission of India (1958)
      (d) Recommendations of Commissioner for Scheduled Castes and Scheduled Tribes (1964)
(e) Recommendations of the Gujrat Legal Aid Committee (1970)

(f) Recommendations of the Central Expert Committee on Legal Aid (1973)

(g) Recommendations of the Tamil Nadu Committee (1973)

(h) Recommendations of Madhya Pradesh Committee (1973)

(i) Recommendations of the Rajasthan Committee (1973)

(j) Recommendations of the National Forum of Lawyers (1975)

(k) Recommendations of Central Committee on National Juridiccare (1977)

(l) Recommendations of Swaran Singh Committee (1976)

(m) Recommendations of the Committee for Implementation of Legal Aid Scheme (1981)

(n) Legal Services Authorities Act, 1987

D. CONCLUSION

[II. CONSTITUTIONAL MECHANISM FOR PROVIDING LEGAL AID: AN OVERVIEW]

A. INTRODUCTION

B. FUNDAMENTAL RIGHTS : THE MANDATE FOR PROVIDING LEGAL AID.

(a) Equal Protection Guarantee and Legal Aid

(b) Guarantee Against Arbitrary Arrest or Detention vis-a-vis Legal Aid
C. DIRECTIVE PRINCIPLES OF STATE POLICY: CONSCIENCE CALL FOR LEGAL AID

(a) Concept of Welfare State and Idea of Justice
(b) Concept of Social Justice and Legal Aid
(c) Legal Aid: A Constitutional Imperative
(d) Legal Aid and Public Interest Litigation

D. CONCLUSION

IV. LEGAL AID IN OTHER COUNTRIES: A COMPARATIVE PERSPECTIVE

A. LEGAL AID IN UNITED STATES OF AMERICA

(a) The Background
(b) Legal Aid in Criminal Proceedings
(c) Legal Aid in Civil proceedings

B. LEGAL AID IN UNITED KINGDOM

(a) The Background
(b) Administrative Setup of Legal Aid Scheme
(c) Legal Aid in Civil Proceedings
(d) Legal Aid in Criminal Proceedings

C. LEGAL AID IN RUSSIA

(a) The Background
(b) Financial Conditions
D. LEGAL AID IN AUSTRALIA
(a) The Background
(b) Administrative Setup for Legal Aid
   i) Australian Legal Aid Office
   ii) Aborginal Legal Services
   iii) Chamber Magistrates
   iv) Flying Lawyer
(c) Eligibility Conditions
(d) Areas Excluded from Legal Aid

E. LEGAL AID IN CANADA
(a) The Background
(b) Legal Aid in Ontario
(c) Legal Aid in Manitoba
(d) Legal Aid in Alberta
(e) Legal Aid in British Columbia
(f) Legal Aid in Quebec
(g) Legal Aid in Saskatchewan

F. CONCLUSION

LEGAL AID AND LEGAL EDUCATION: THE PREVENTIVE PERSPECTIVE

A. INTRODUCTION
B. ROLE OF LAW COLLEGES
   (a) Pattern of Legal Education
   (b) Legal Education and Legal Aid
C. ROLE OF LEGAL AID CLINICS

(a) Meaning and Objective of Legal Aid Clinics

(b) Legal Service Clinics: Structure and Operation

(c) Legal Aid Clinics: Problems and Prospects

(d) Legal Aid Clinics: Some Recommended Models

   i) Banaras Hindu University Model

   ii) Professor Menon's Model

D. ROLE OF PROFESSIONAL LAWYERS

(a) Need to Mobilise Legal Profession

(b) Legal profession and Social Responsibility

(c) Lawyers Organisations vis-a-vis Legal Aid

E. ROLE OF VOLUNTARY AGENCIES

(a) Voluntary Agencies in Preventive and Strategic Legal Services

(b) Promotion of Legal Literacy

(c) Organising Lok Adalats

(d) Rural Entitlement and Legal Support Centres

F. CONCLUSION
VI. ADMINISTRATION AND IMPLEMENTATION OF LEGAL AID IN HIMACHAL PRADESH: AN EMPIRICAL STUDY

A. INTRODUCTION

B. ADMINISTRATIVE FRAMEWORK FOR PROVIDING LEGAL AID

(a) Himachal Pradesh State Legal Aid Board
   i) Composition of State Legal Aid Board
   ii) Functions of the State Legal Aid Board
   iii) Changes Effected by the New Rules of 1984

(b) High Court Legal Aid Committee

(c) District Legal Aid Committee

(d) Sub-Divisional Legal Aid Committee

C. AREAS AND MODES OF PROVIDING LEGAL AID

D. ELIGIBILITY CONDITIONS FOR PROVIDING LEGAL AID

(a) Means Test

(b) Prima-facie Test

(c) Reasonableness Test

E. PROCEDURE FOR GRANTING LEGAL AID

(a) Application for Legal Aid

(b) Execution of Agreement and Power of Attorney

(c) Assignment of Counsel

F. STATE LEGAL AID FUND AND ITS UTILIZATION
G. IMPLEMENTATION OF LEGAL AID IN HIMACHAL PRADESH: A SURVEY

(a) General Scenario
(b) Area of Field Investigations
(c) Research Findings-An Analysis
(d) Responses to Questionnaire for the Beneficiaries
(e) Responses to Questionnaire for the Professional Lawyers
(f) Responses to Questionnaire for Persons Associated with Administration of Legal Aid

H. CONCLUSION

VII. CONCLUSION, SUGGESTIONS AND FUTURE OF LEGAL AID

A. CONCLUSION
B. SUGGESTIONS
C. FUTURE OF LEGAL AID

APPENDICES

A. GEOGRAPHICAL DISTRIBUTION OF LAW TEACHING INSTITUTIONS IN INDIA

B. THE HIMACHAL PRADESH STATE LEGAL AID TO THE POOR RULES, 1980

C. HIMACHAL PRADESH LEGAL AID RULES, 1984

D. MODEL OF QUESTIONNAIRE FOR FIELD RESEARCH

E. THE LEGAL SERVICES AUTHORITIES ACT, 1987
F. CATEGORY-WISE NUMBER OF PERSONS PROVIDED LEGAL AID AND ADVICE IN LAW COURTS IN INDIA

G. TOTAL NUMBER OF PERSONS WHO HAVE BEEN PROVIDED LEGAL AID AND ADVICE BY THE STATE LEGAL AID AND ADVICE BOARDS/ DISTRICT LEGAL AID COMMITTEES IN INDIA

H. NUMBER OF LOK ADALATS ORGANISED BY STATE LEGAL AID AND ADVICE BOARDS/ DISTRICT LEGAL AID COMMITTEES IN INDIA AND THE TOTAL NUMBER OF CASES SETTLED BY THEM

I. DISTRICT / SUB-DIVISION-WISE LIST OF PANCHAYATS/ VILLAGES COVERED UNDER THE PRESENT STUDY

J(i to vi) SARAL KANUNI SAKSHARTA MALA SERIES I to VI

BIBLIOGRAPHY