CHAPTER-VII

ROLE OF VOLUNTARISM IN LEGAL AID AND LOK ADALAT
People's participation is essential for the success of any scheme under development administration. Voluntary participation and active involvement of people not only facilitates the easy implementation of projects, but also enhances its acceptability. Such participation of people is secured when people themselves are convinced of the utility of the schemes and are aware of its socio-economic relevance and effects on themselves. Such consciousness is almost automatic when people are educated and well-informed. But in case of a country like India, where a majority of the people are illiterate, awareness among the people is unusually low. This situation creates the need for the voluntary agencies to act as a creative and catalytic agent to create and enhance the awareness of the people regarding the various plans and projects launched by the government for the benefit of the people.

As far as the Legal Aid and the Lok Adalat schemes are concerned the most important arm of the schemes have been to "encourage the poor to organise and mobilise themselves to urge them to co-operate with other groups similarly situated and to motivate them to invent and use meta-legal tactics to
change law and society. Thus there are agenda of action for the public-spirited social groups to motivate and mobilise the people by educating them about the Lok Adalat movement. Justice can go to the doorsteps of the people, but it can't be conferred from the above unless it is accepted from below and this willing acceptance of justice through the Lok Adalats can be ensured only when people are made sufficiently aware of their rights and obligations in an organised society. In this context, the role of voluntary agencies assumes a direct significance.

To build up a strong legal aid and advice system and Lok Adalat movement, the co-operation of all enlightened and conscious section of the society is most sought after. Members of the Bar and the Bench have been contributing handsomely to this task. "What is really needed is to enlist the support of more and more public-spirited social organisations, whenever, they have been organised and also encourage formation of such organisations in mofussil areas to serve the poor and uneducated section of our society."

Participation of the people, particularly of those for whose benefit the Legal Aid and Lok Adalat schemes have

1. CILAS, "From the Chairman", Legal aid Newsletter, May-August 1984, Vol.IV, Parts (1&2), New Delhi.
been introduced, is both a "desirable value and a functional necessity." Merely passing laws or formulating policies does not contribute to social justice. What is essential is decentralisation of power, freedom and accountability at the grass-root level. Voluntary, and non-political agencies involved in social work have to be increasingly associated with the government, if these schemes are to benefit the poor. The contributions made by the voluntary groups must be very substantial, particularly in the rural areas.

Reaching out to the innermost recesses of the neglected citizenry is a feat, that has to be achieved in order to attain the objective of providing social justice. But it is not possible on the part of the Legal Aid and Advice Board and the judges or for that matter the government officials entrusted with legal aid programmes, to travel through the whole countryside and bring the deprived masses into the sanctum of Lok Adalat. This may be due to paucity of time or lack of adequate man power. Thus voluntary associations of socially aware section of the society are to come forward to help the government agencies. It is with the help of the voluntary agencies that justice can be made to reach the innermost section of the society. Only voluntarism and organised, result-oriented voluntarism can make its tentacles reach the needy persons and

can balance the scales of justice. Otherwise all those high-sounded articles in the organisation, constitutional amendments and judicial mobilisation will be just an emotional eye-wash.

Apart from making effort to educate people and to inform people about the legal rights and privileges provided to them by the constitution, the voluntary organisations and social action groups can also co-sponsor the organisation of Lok Adalats. "In a recent judgement (W.P. No.463 of 1986 : Centre for Legal Research and another Vs. State of Kerala, dated 2.5.1986), the Supreme Court of India reiterated the absolute necessity for involvement of voluntary organisations in the legal aid delivery system."(4)

It has been unanimously agreed by the authorities of Legal Aid and Lok Adalat scheme and all those involved in this scheme that the best way to secure people's participation and involvement in the Legal Aid programme is to operate through voluntary organisations and social action groups. The Legal Aid and Lok Adalat scheme has to be supplemented by a massive people's movement. It is in this area that the voluntary associations can play a very important role. These organisations are working amongst the deprived and vulnerable sections and they are much more aware of the problems and difficulties

encountered by them. From their experience through their association with the people they can very well identify the unfulfilled legal needs of the people and the sources of exploitation and injustice. Their suggestions regarding the measures to be taken for the purpose of ending such exploitations and injustice would definitely be more practical if taken into account, because these suggestions are based on experience.

Therefore, the voluntary organisations and social action groups must be encouraged and supported by the government in operating the Legal Aid Programmes. It is now very much acknowledged throughout the country that the Legal Aid Programmes cannot afford to remain confined to the traditional or litigation oriented Legal Aid Programmes but it should adopt a more dynamic posture and should include many other strategic programmes like legal literacy, holding Legal Aid Camps and encouragement of Public Interest Litigation and holding Lok Adalats. "The assistance of voluntary agencies and social action groups must therefore be taken by the State for the purpose of operating the Legal Aid Programmes in their widest and most comprehensive sense and this is an obligation that directly flows from Article-39-A of the Constitution".(5).

While it is true that the role of voluntary organisations is absolutely essential to make people realize that the Legal

Aid and Lok Adalat scheme is "not charity but a social entitlement and those in need of legal assistance cannot be looked upon as mere beneficiaries of the scheme, but should be regarded as participants in it"\(^{(6)}\) yet at the same time, there is discontent in some quarters that the voluntary organisations may overplay their role. According to these quarters, the state should not be asked to encourage and support any and every voluntary organisation for operating the Legal Aid programme comprising Legal Aid camps and Lok Adalats. There is every chance that such encouragement or support may be abused. In this regard the judgement of the Supreme Court delivered by the then Chief Justice Mr. P.N.Bhagwati in the case of Centre for Legal Research and another (petitioners) Vs State of Kerala (respondent) is worth mentioning in which some guidelines have been drawn up regarding the extent and conditions of state support to the voluntary organisations and social action groups.

To quote Justice Bhagwati in the above mentioned case, "it is necessary to lay down norms, which should guide the state in lending its encouragement and support to voluntary organisations and social action groups in operating Legal Aid programmes and organising Legal Aid camps and Lok Adalats. These norms should provide sufficient guidance to the state in this brief and the state government should, in compliance with its

\(^{6}\) Ibid.
obligations under article 39-A of the constitution extend its cooperation and support to the following categories of voluntary organisations and social action groups in running Legal Aid programme and organising Lok Adalats:

1. Voluntary organisations and social action groups which are recognised by the Committee for Implementing Legal Aid Schemes (CILAS) set up by the government of India or whose programmes supported by way of grant or otherwise by the government of India or the State Government or the CILAS or the State Legal Aid and Advice Board.

2. Voluntary organisations and social action groups which organise Legal Aid camps or Lok Adalats or niti-melas in conjuction with or with the support of the Committee for Implementing Legal Aid Schemes (CILAS).

3. Voluntary organisations and social action groups which are recognised by the state government or State Legal Aid and Advice Board on an application being made in that behalf."(7)

It has also been provided that the state government has the right to furnish whatever factual information it requires from these voluntary organisations, but at the same time it

has been made clear that such organisations "shall not be under the control or direct supervision of the state government or the State Legal Aid and Advice Board and should be free from any government control." (8)

While on the one hand, voluntary, social action groups can make the path smooth for the government policies and schemes to be carried out, on the other hand, these can also act as watchdogs of people's interests. The abuse of legal processes of official and non-official power groups in the localities can be checked to a large extent if a continuing interest in local self-government can be maintained with the social action groups and public spirited citizens.

At present, quite a large number of voluntary organisations have been working in connection with Legal Aid programmes and Lok Adalat scheme. Some of these organisations are government aided, while some are operating on purely voluntary basis.

RURAL AND URBAN ENTITLEMENT CENTRES

These centres are basically supported by Legal Aid Boards and are involved in the activities of identifying bottlenecks in the delivery of government sponsored services for fulfilment of minimum needs of people in rural and urban areas. These also relate to the "supply of essential commodities health facilities,

8. Ibid.
primary education facilities, security from lawless elements in police and in community housing and distribution, public utilities etc." (9) These centres are in fact not totally new set ups but are conceived as "new activities supported by legal aid of the existing social work centres." (10)

(II) RURAL ENTITLEMENT AND LEGAL SUPPORT CENTRES (REALS)

These centres are being established with a view to giving legal aid financial assistance to the poor in a way "so that there should be social justice along with development." (11) These centres are basically sponsored by the Legal Aid and Advice Boards and have the primary task of "giving information to the public about their rights and awakening them to stop their exploitation." (12) In the recent times, REALS have emerged as the best medium to educate the people. These centres have been organising camps from time to time in which judges, social workers and lawyers gather to give necessary legal services to the people.

(III) LEGAL ENTITLEMENT CENTRES (LEC)

These centres are also established as a part of the move to provide legal aid to the poor from an entirely legal point of view. These LECs, besides settling the village level disputes

10. Ibid.
11. Ibid.
12. Ibid.
also organise legal aid camps, train the legal aid workers, and help to disseminate legal information to the public through some "traditional media like puppetry."(13) In most parts of the country LECs have been able to revive the credibility of the judiciary in the eyes of the poor "through words, through social action groups, and through concentrated efforts of a number of voluntary organisations."(14)

(IV) ENLARGEMENT OF LOCUS STANDI AND PUBLIC INTEREST LITIGATION

The traditional concept of 'Locus standi' requires the injured party himself to initiate legal action. But in a country like India with pervasive illiteracy and poverty, this in fact results in denial of justice. Therefore the concept is now enlarged so as to permit any person to initiate legal action for redressing grievances of the poor and the underprivileged who are otherwise unable to go to the court. These provisions generally known as public interest litigations, have enabled the social action groups to help the poor and needy persons in reaching the portals of justice and in getting their grievances heard.

(IV) LEGAL AID CENTRES MANNED BY COMPETENT PROFESSIONALS

These Legal Aid centres are generally supported by state funds and are working under the State and District Legal Aid Boards.

14. Ibid.
(VI) LEGAL LITERACY CELLS

The legal literacy cell schemes has been established under a tentative plan of CILAS with a motive to make the illiterate and ignorant masses aware of their legal rights and entitlements. A legal literacy cell generally consists of five or seven members nominated by the Chairman of CILAS. There are, amongst its members, experts in the field of law, teaching, training, communication and education. These persons include legal education, local resource personnel, state training teams, legal development administrators, students/NSS trainees, social action groups and labour/women organisation.

The main tasks of these cells have been:

(a) "To evolve a national strategy for promotion of legal literacy and to implement it through the state and district committees and other agencies.

(b) To collaborate with other mass communication and educational programmes to create legal awareness.

(c) To prepare the materials for use in the legal literacy programme.

(d) To study and improve the materials and methods used for legal literacy by research, seminars etc.
(e) To monitor and evaluate the legal literacy programme conducted in various states and to guide the agencies to make the programmes more effective."(15)

(VII) LAW COLLEGES
Since the inception of CILAS, efforts have been made to encourage a large number of law colleges in the country and to engage them in supporting activities for Legal Aid and Lok Adalat schemes. CILAS provides funds and expertise to these colleges for initiating Legal Aid clinics. These efforts are also supported by State Legal Aid and Advice Boards and "other organisations like University Grants Commissions and National Service Scheme."(16) "In some places this scheme has been integrated with the law curriculum and students are regulated by academic grades for their services."(17) Thus it has become an experiment that combines the growth of social relations, professional education for the law students with the idea of service to the community for rendering justice to the poor.

(VIII) STUDENT OR YOUTH ORGANISATIONS
The National Service Scheme (NSS), in the recent times has become an established programme of co-curricular activity in collegiate education throughout the country. Though the NSS programme is still voluntary in

17. Ibid.
character, yet a substantial portion of college students, both boys and girls take part in it every year through a variety of service-oriented programmes. This scheme also acts as an ideal medium through which the students can take part in the Legal Aid activities.

Another area of NSS Legal Aid programme has been "socio-legal research on poverty alleviation which generates necessary data to support social justice. This is essentially an academic activity which is of potential use for law reform improved administration and effective adjudication for better social justice delivery."(18)

Since inception CILAS has been working throughout the country implementing various Legal Aid programmes through voluntary activities. Voluntary agencies and social action groups have been in operation in almost all states supporting legal aid activities and acting as co-sponsorer of Lok Adalats. Voluntary social workers have been instrumental in persuading the rural people to settle their disputes through negotiating process of Lok Adalats and making people informed about the legal facilities. In Delhi, it is seen that the social workers and law students volunteer their services to the Lok Adalats in a

large scale. Similarly in all other states voluntary organisations have been a great mobilising factor of the success of Lok Adalats.

In Orissa, however, voluntariness is still in the budding stage and there have not been many voluntary organisations and voluntary social workers as compared to that of the other states. While in the states like Gujrat, where voluntariness has become a way of life, yet in Orissa, it is still in its infancy. This may be due to the low socio-economic status of the people of Orissa in general that has prevented the people from taking part in voluntariness on a honorary basis.

However, there are some voluntary organisations and social action groups working in the state.

Under the auspices of legal aid to the poor, a society has been registered under the Societies Registration Act. That is organising a number of programmes on legal literacy and legal aid. More than 300 persons have been trained as para-legal workers, and most of these workers are actively working for the welfare of the poor and ignorant masses in different backward areas of the state. In this effort, the committee works "in collaboration with REALS and OXFAM and other similar voluntary organisations."(19)

In Orissa, the Rural Entitlement Scheme was in fact started as early as in February 1983 in Balasore district. Earlier the COMMITTEE FOR LEGAL AID TO POOR (KALAP), Cuttack and other 8 social action groups and social organisations connected with OXFAM, Orissa had started some work in order to get rural entitlements regarding bonded labour, minimum wages, old age pensions and other issues. KALAP got itself registered in November, 1982. Shri Shyam Sundar Das (Advocate) convener of KALAP and Shri Aditya Patnaik, Secretary of Antodaya Chetna Mandal and others took part on behalf of Orissa, in the All India seminar held at Jamshedpur in December, 1982. The 1st legal literacy and training camp of Orissa was held at Balasore on 10th February 1983 that ended on 24th February, 1983. A meeting was held in April, 1983, in order to implement the programmes of the above committee in which some survey programmes were prepared regarding rural entitlements. More meetings in this connection were held on 17th and 22nd May 1983. A workshop was organised at Khariar Road from 28th - 30th May 1983, to implement the survey from and technicalities in which many participants of Balasore camp took part. A meeting was held for its preparation at peoples Institute for participating research in which the said institute assured to give full assistance. A constitution of REALS, Orissa, was prepared with the assistance of Justice Shri Prem Bhai. According to the constitution, these entitlement centres were registered. Earlier, KALAP (Cuttack) and Antodaya
Chetna Mandal (Banki and Mayurbhanj) had started their own programmes separately in connection with rural entitlement schemes in their respective areas, in which they have included the problems of abolition of bonded labour, old age pension, rehabilitation of Lodha Criminal Tribesmen, Salaudi dam and other problems.

Since 1983, quite a large number of legal literacy camps (87) legal training camps (475) etc. have been organised in the state and these are held mostly on behalf of the State Legal Aid and Advice Board.

Voluntary legal associations, that are interested to devote time to render free legal aid and advice and to solve disputes as judges through Lok Adalats have been promoted.

N.S.S units of different colleges of the state are also holding camps for undertaking various legal aid programmes. Law Colleges of different districts have also got legal aid and legal literacy clinics. Students with service attitude to society participate in these clinics. The legal aid clinics usually work in collaboration with the Orissa Legal Aid and Advice Board and the committee for implementing legal aid schemes, New Delhi.

Legal Aid literatures in Oriya languages are also published by the legal aid clinics for generating legal awareness among the ignorant and illiterate masses of Orissa with the
financial assistance available from the Orissa Legal Aid and Advice Board.

There have been many occasions for publicity of the legal aid schemes during the recent period. Films and documentaries are being made on the Lok Adalats and are shown through Television and cinema halls. Articles written on Lok Adalats by publicly aware citizens are published in local dailies that definitely go a long way to help the Lok Adalat scheme.

Para legal training camps (27) are also held in tribal districts of Phulbani, Keonjhar, Kalahandi and Koraput, "in which boys and girls belonging to under-privileged section of the drawn from different parts of the districts are imparted instructions on rudiments of law with particular emphasis in anti-exploitative laws and social legislations."(20)

The state government is also trying to stimulate voluntary social workers by extending its cooperation to voluntary action groups and acting as a catalyst to their various programmes. However, to initiate a strong movement of voluntariness in order to make Lok Adalats more credible, much depends on the mutual support that the government and social action groups give to each other and this itself is of much importance to the stability and performance of Lok Adalats in Orissa.

Thus the current task is to sustain a steady involvement of volunteers, to maintain an even tempo in the involvement of the field volunteers. And to achieve it, motivation has to be used as a tool. Motivations or incentives are all that are needed for a strong voluntariness in the field of Lok Adalat in Orissa.

Inspite of the inadequate voluntary support, the Lok Adalats of Orissa have got a tremendous popular support. In the next chapter, we will be examining the people's response to the Lok Adalat movement in Orissa which examining the popular response to the Lok Adalat scheme in Orissa, we shall take into account the response of both the enlightened (The judges, the lawyers and the social workers) and the mass (the beneficiaries).