

## **Launching of Para Legal Training and Legal Aid Activities**

(at Rajiv Gandhi National Institute of Youth Development (RGNIYD),  
Sriperumbudur, Tamil Nadu –April 25, 2010)

Address by Hon'ble Mr. K.G. Balakrishnan, Chief Justice of India

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Dr. M. Veerappa Moily (Union Minister for Law and Justice)

Justice P. Sathasivam,

Chief Justice H.L. Gokhale,

Esteemed colleagues from the High Court of Madras,

Mr. P. Michael Vetha Siromony (Director, RGNIYD)

Prof. V.N. Rajasekharan Pillai (Vice-Chancellor, IGNOU)

Prof. S. Sivakumar (Professor, ILI)

And Ladies and Gentlemen,

This is indeed a red-letter day since it marks the launch of a very ambitious programme to train young people as 'paralegals', who can then work to expand the reach of legal aid activities. In this regard, I would like to extend my best wishes and firm support to the Rajiv Gandhi National Institute of Youth Development which has taken the initiative to commence such a training programme.

Even though the Legal Services Authorities at the National, State and District levels are a relatively recent creation in our legal system, efforts to provide legal aid can indeed be traced back to the period of colonial rule. After the enactment of our Constitution, the justice-delivery system took on the mantle of promoting values such as 'equal protection before the law' and non-discrimination on grounds of identity or social status. It is of course a truism that we are still pursuing these objectives by way of sustained efforts to improve access to justice for the marginalized sections of society. We must constantly remind ourselves of the fact that a person's ability to access the judicial system is often seen as a function of social status and economic capacity. The failure to

change this social reality can have long term costs for the country. Hence, it is the 'equality of opportunity' in the sense of improving access to independent and expeditious justice-delivery which should be the guiding principle.

The beginnings of the modern legal aid movement in India can be traced to the 1950s when efforts were made to ensure legal representation for indigent persons who were accused in criminal cases. These initiatives were led by State governments and were mostly dependent on the participation of practicing lawyers. However, the real impetus came with the publication of the 'National Juridicare Report' in 1978 which made several recommendations to give meaning to the constitutional command of ensuring legal aid for needy persons, as per Article 39A which had been inserted in 1976. This was followed by the establishment of the Committee for the Implementation of Legal Aid Schemes (CILAS) under the leadership of Justice P.N. Bhagwati. It was in pursuance of this body's recommendations that the concept of establishing Legal Services Authorities at the various levels found its way into legislation.

However, experiments with 'Lok Adalats' had already begun a few years before the enactment of the Legal Services Authorities Act. The first prominent Lok Adalats had been conducted in Gujarat in the early 1980's and they were supervised by sitting judges as well as practitioners. With the establishment and growth of the Legal Services Authorities, the volume of cases being heard by Lok Adalats has been progressively increasing. For many categories of disputes, Lok Adalats provide a far more accessible forum where the interests of both parties can be accounted for instead of the 'winner takes all' orientation of civil litigation. Subsequent to the amendment of the Code of Civil Procedure (CPC) in 2002, Lok Adalats are also serving as one form of Court-

Annexed ADR methods. In recent years, Lok Adalats are often the forum for hearing disputes related to matrimonial matters, petty property disputes, accident compensation claims and deficiencies in public services among others. While the consolidation of the Lok Adalat system does hold out the promise of inexpensive and informal dispute-resolution, some doubts continue to linger in respect of their functioning.

It is quite evident that the Legal Services Authorities need institutional support as well as trained manpower to expand their reach. While budgetary allocations are always an important consideration, the most important requirement is that of attracting an adequate number of personnel who will be motivated enough to administer Lok Adalats, to provide legal advice and to conduct legal literacy programmes. The experience of the last few years has made it clear that relying on sitting and retired judges as well as practitioners by itself is not enough to expand the reach of the legal services movement. What is needed is a mass mobilization of individuals who may not have legal education, but the inclination as well as capability to serve as paralegals. We must recognise the fact that access to legal education is limited to a certain segment of the population and even amongst the pool of legal aid lawyers and law students, not everyone will be motivated enough to offer their services on a voluntary basis. After all legal aid programmes must respond to local needs which are best articulated by persons belonging to the very same communities. In this respect, a decision was taken to establish a committee which will oversee the training of paralegals and the delivery of legal aid services, with a special emphasis on improving legal literacy through grassroots activities. Justice P. Sathasivam has taken on the leadership of this Committee and their proposals and actions will be keenly examined by all those who care about improving access to justice in our society.

At the same time, we must also remember that the overall objective of providing legal aid is not only that of ensuring access to remedies but also to prevent disputes in the future. One strategy for preventing disputes is to improve awareness about legal rights and remedies, so that individuals can safeguard their interests in the course of their routine lives. In this context, the NALSA as well as some of the State Authorities have launched programmes to spread awareness about the content of legislations such as the Mahatma Gandhi National Rural Employment Guarantee Act, the Maintenance and Welfare of Senior Citizens Act, the Unorganised Workers Social Security Act and the Protection of Women Against Domestic Violence Act among others. This educative dimension of the legal aid movement can deliver results only if there is meaningful collaboration between the Legal Services Authorities and local self-government institutions as well as Non-Governmental Organisations (NGO's) working in the rural areas.

The Legal Aid movement is indeed at the crossroads today. The agenda for improving access to justice is an important part of social policy. At one level, social distinctions based on caste, class, gender and ethnicity impede the ability of citizens to approach the judicial system. At the same time, the limited reach of the judicial system further creates the conditions for more inequality since the oppressed sections are unable to seek redress for their injuries and grievances. It is in recognition of these persistent problems that we must chart out our steps for strengthening the legal aid movement. I hope that the initiatives taken to train young persons as 'paralegals' will prove to be successful and also serve as a model which can be replicated all over the country. All stakeholders in the legal system should wholeheartedly support the deepening of the reach of legal aid services.

\*\*\*Thank You! \*\*\*