

**STRENGTHENING ACCESS TO
JUSTICE AT GRASSROOT
LEVEL : INFORMAL MODE
AND ACCESS TO JUSTICE**

- Lok Adalats
- Legal Awareness
- Legal Aid Clinics
- Legal Literacy Club
- Front Office
- Para Legal Volunteers'
- Victim Compensation

Lok Adalats :

P.T. Thomas v. Thomas Job, (2005) 6 SCC 478

19. Benefits under Lok Adalat

- 1. There is no court fee and if court fee is already paid the amount will be refunded if the dispute is settled at Lok Adalat according to the rules.
- 2. The basic features of Lok Adalat are the procedural flexibility and speedy trial of the disputes. There is no strict application of procedural laws like the Civil Procedure Code and the Evidence Act while assessing the claim by Lok Adalat.
- 3. The parties to the dispute can directly interact with the judge through their counsel which is not possible in regular courts of law.
- 4. The award by the Lok Adalat is binding on the parties and it has the status of a decree of a civil court and it is non-appealable, which does not cause the delay in the settlement of disputes finally.
- In view of above facilities provided by “the Act” Lok Adalats are boon to the litigating public that they can get their disputes settled fast and free of cost amicably.
- **23.**Though the award of a Lok Adalat is not a result of a contest on merits just as a regular suit by a court in a regular trial is, however, it is as equal and on a par with a decree on compromise and will have the same binding effect and be conclusive. Just as the decree passed on compromise cannot be challenged in a regular appeal, the award of the Lok Adalat, being akin to the same, cannot be challenged by any of the regular remedies available under law, including by invoking Article 226 of the Constitution and challenging the correctness of the award, on any ground. Judicial review cannot be invoked in such awards, especially on the grounds as were raised in the revision petition.
- **24.** The award of Lok Adalat is final and permanent which is equivalent to a decree executable, and the same is an ending to the litigation among parties.

Legal Awareness

- NALSA along with other Legal Services Institutions undertakes various awareness activities in order to make people aware of their rights and about the role, activities and functioning of the legal services institutions. A variety of tools are used in order to achieve this objective like conducting seminars, lectures; distribution of pamphlets; participation in Doordarshan programmes, broadcasting jingles, live phone-in programmes etc; floating mobile multi-utility vans for spreading awareness through public interactions; street plays; short documentaries; cultural programmes by school children on legal issues; various competitions like painting, essay writing, debates and declamation etc. on legal issues. Specific issues are taken up for legal literacy programmes varying from place to place depending upon the needs of a locality and its people. Internship programmes are organised for law students to promote the role and importance of legal services activities. Legal Aid Clinics are also being run in law colleges to further the attainment of objectives of Legal Services. Various legal literacy programmes are organized at school and college levels.

Legal Aid Clinic

- Legal Aid Clinics is a platform for providing legal services to the poor, marginalised and weaker sections of the society as categorised in Section 12 the Legal Services Authorities Act 1987 (Central Act), especially to the people living in far away places including the places with geographical barriers, away from the seats of justice and the offices of the legal services institutions [‘legal services institutions’ means the Taluk/Sub-divisional/Mandal Legal Services Committees, District Legal Services Authorities, High Court Legal Services Committees, State Legal Services Authorities and Supreme Court Legal Services Committee established under the Legal Services Authorities Act, 1987] upto gram panchayat level.
- The aim is to provide inexpensive local machinery for rendering legal services of basic nature like legal advice, drafting of petitions, notices, replies, applications and other documents of legal importance and also for resolving the disputes of the local people by making the parties to see reason and thereby preventing the disputes reaching courts.
- Besides legal advice, other services like preparing applications for job card under the MGNREGA Scheme, liaison with the government offices and public authorities and helping the common people who come to the clinic for solving their problems with the officials, authorities and other institutions also shall form part of the legal services in 4 the legal aid clinic (the list given is only indicative, not exhaustive). Legal aid clinic shall work like a single-window facility for helping the disadvantaged people to solve their problems where the operation of law comes into picture.

Legal Aid Clinics

- Administrative Control over the Legal Aid Clinics :
 - The District Legal Services Authority shall have supervisory and advisory powers on all legal aid clinics functioning within the district. The State Legal Services Authority shall have the power to issue guidelines on the working of the legal aid clinics.
- Maintenance of Records and Registers :
 - Lawyers and para-legal volunteers rendering service in the legal aid clinics shall record their attendance in the register maintained in the legal aid clinic. There shall be a register in every legal aid clinic for recording the name and address of the seekers of legal services, name of the lawyer who render services in the legal aid clinic, nature of the service rendered, remarks of the lawyer and signatures of seekers of legal aid and the lawyers. The records of the Legal Aid Clinics shall be under the custody of the Secretary of the Taluk Legal Services Committee/District Legal Services Authority having territorial jurisdiction.
- Every legal aid clinic shall have one or more para-legal volunteers available during the working hours of the legal aid clinics and a lawyer will visit the clinic as directed by DLSA in whose jurisdiction it functions.

Legal Services Clinics

- **Free Legal Aid is provided** to those weaker sections of the society who fall within the purview of Section 12 of the Legal Services Authority Act, 1987.
 - Free legal aid is the provision of free legal services in civil and criminal matters for those poor and marginalized people who cannot afford the services of a lawyer for the conduct of a case or a legal proceeding in any Court, Tribunal or Authority.
Provision of free legal aid may include:
 - Representation by an Advocate in legal proceedings.
 - Payment of process fees, expenses of witnesses and all other charges payable or incurred in connection with any legal proceedings in appropriate cases;
 - Preparation of pleadings, memo of appeal, paper book including printing and translation of documents in legal proceedings;
 - Drafting of legal documents, special leave petition etc.
 - Supply of certified copies of judgments, orders, notes of evidence and other documents in legal proceedings.

Legal Literacy Club

- As students are considered the future leaders so they would be the best medium to communicate between those in need and the State Legal Services Authority (in short SLSA). They would be helpful in dissemination of information about legal aid programmes , creating legal awareness among the masses, and to make use of their potential and spirit for the cause of disadvantaged and marginalized sections of the society while encouraging them to empathize and identify the problems of the people and make justice accessible to all. The present Scheme of "Students Legal Literacy Clubs" is formed with an idea to spread knowledge of the legal rights and duties and to give legal suggestions to the poor and needy for their various problems and for providing Legal Literacy and legal services programmes without causing any detriment to their study curriculum.

Front Office

- Legal Services Authorities are providing free and competent legal services to weaker and marginalised sections of society. Front office is one of the units of the entire framework to render such services.
- Regulation 4 of the National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 provides that all Legal Services Institutions shall have a Front Office. In the Front office are deputed Retainer Lawyer, Para Legal Volunteers (PLVs) and Panel Advocates. Moreover, persons with the qualification of Masters Degree in Social Work or Diploma or Masters Degree in psychiatric or psychology may also be called to the Front Office as and when necessary.
- It is imperative to make Front Office efficient and effective so that quality and meaningful legal services are rendered to the visitors/legal aid seekers.

Functions of Front Office

- (i) Providing Legal advice;
- (ii) Drafting applications, petitions, replies etc.;
- (iii) Attending legal aid helpline number
- (iv) Receiving and maintaining record with regard to legal aid applications;
- (v) Uploading legal aid applications on Web Portal of NALSA;
- (vi) Maintaining up- to- date data of court based matters and maintaining data in prescribed formats.
- (vii) Updating Legal Aid Beneficiary about particulars of a Panel Lawyer marked for his matter and also updating him regularly about the status of his case.

Para Legal Volunteers'

- The Para-Legal Volunteers (PLVs) are expected to act as intermediaries bridging the gap between the common people and the Legal Services Institutions to remove impediments in access to justice. Ultimately, the process aims at Legal Services Institutions reaching out to the people at their doorsteps rather than people approaching such Legal Services Institutions.
- The PLVs have to be trained in the basics of different Laws which would be applicable at the grassroot level with reference to their day-to-day life, the subtle nuances employed in the working of a judicial system, and the functioning of various other stakeholders like the Police, officials from Social Welfare Department, Woman and Child Welfare Department and other departments dealing with different beneficial schemes of Central and State Governments including the protection officers involved with Domestic Violence and Juvenile Justice Acts.

- PLVs are not only expected to impart awareness on laws and the legal system, but they must also be trained to counsel and amicably settle simple disputes between the parties at the source itself; which could save the trouble of the affected travelling all the way to the Legal Services Authority/ADR Centres. If the dispute is of such a nature, which cannot be resolved at the source with the assistance of PLVs, they could bring such parties to the ADR Centres, where, with the assistance of the Secretary in charge either it could be referred to Lok Adalat or Mediation Centre or Legal assistance could be provided for adjudication in a court of law; depending upon the nature of problem.

Groups from whom PLVs can be selected

- Teachers (including retired teachers)
- Retired Government servants and senior citizens.
- M.S.W students and teachers.
- Anganwadi Workers.
- Doctors/Physicians.
- Students & Law Students (till they enroll as lawyers).
- Members of non-political, service oriented NGOs and Clubs.
- Members of Women Neighbourhood Groups, Maithri Sanghams and other
- Self Help Groups including of marginalized/vulnerable groups.
- Educated prisoners with good behaviour, serving long term sentences in prisons.
- Any other person whom the District Legal Services Authority or Taluk
- Legal Services Committee deems fit to be identified as PLVs.

VICTIM COMPENSATION

Victim of Crime :

- Any person, group, or entity who have suffered harm, injury or loss due to illegal activities of others. The harm may be economical, mental, or physical.
- Thus any person who has suffered harm because of violation of criminal law is a victim.
- A person will be considered as a victim even when the offender is not identified or prosecuted. Term victim also includes individuals who have suffered harm as a result of assisting victims in distress or to prevent victimization.
- Not only the person who suffered loss or injury are the victim, but in some cases, the near and dear of victims (family members) are also the victims.

Laws governing compensation of victims of crime in India

- The provisions relating to compensation to victims of crime are contained in sections 357, 357(1), 357 (2), 357 (3), 357A, 358, 359 and 250 of the Code of Criminal Procedure, 1973.
- Constitution of India also provides for certain safeguards to the victim of crime. Article 14 and 21 of the Constitution supports the argument.

VICTIM COMPENSATION SCHEME

- In 2009, the central government gave directions to every state to prepare a scheme which has to be in agreement with the centre's scheme for victim compensation. The primary purpose of the scheme is to provide funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation.
- It is the court which orders that the victim who suffered loss needs to get compensated. Under the scheme, whenever a recommendation is made by the Court for compensation, the District Legal Service Authority or the State Legal Service Authority, as the case may be, decides the quantum of compensation to be awarded

Providing of Compensation

- The State or the District Legal Services Authority shall, after due enquiry-award adequate compensation by completing the inquiry within two months.
- Also, it is the duty of the State or the district legal service authority to provide an immediate first-aid facility or medical benefits to the victim free of cost on the certificate of the police.

Treatment of victim of crime

- All hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims of any offence covered under the following of the Indian Penal Code,
 - 376 (Rape)
 - 376A (intercourse by a man with his wife during separation)
 - 376 B (intercourse by a public servant with a woman in his custody), 376 C (Intercourse by superintendent of jail or a remand home), 376 D (intercourse by any member of the staff of a hospital with any woman in that hospital) of the Indian Penal Code.
 - 376 C (Intercourse by superintendent of jail or a remand home),
 - 376 D (intercourse by any member of the staff of a hospital with any woman in that hospital) of the Indian Penal Code

Method of disbursement of compensation

- The amount of compensation so awarded shall be disbursed by the respective Legal Service Authority by depositing the same in a Nationalized Bank in the joint or single name of the victim/dependent(s).
- Out of the amount so deposited, 75% (seventy-five percent) of the same shall be put in a fixed deposit for a minimum period of three years.
- The remaining 25% (twenty-five percent) shall be available for utilization and initial expenses by the victim/dependent(s), as the case may be.
- In the case of a minor, 80% of the amount of compensation so awarded, shall be deposited in the fixed deposit account and shall be drawn only on attainment of the age of majority, but not before three years of the deposit

Assistance provided included rights of children of inmates specially educational rights; facilitating the spouses of the inmates to live dignified life; securing respect and care to the parents, most of whom are senior citizens.

DLSAs have been able to connect the families of the jail inmates to the concerned departments and assisted in obtaining Ration Card. Health Insurance Card etc. Some DLSAs have even raised fund and donated necessary utensils and books for the jail inmates.

Jai Hind

