

## **ROLE PLAYED BY THE LEGAL PROFESSION, LEGAL EDUCATION AND SOCIAL WORKER IN FREE LEGAL AID**

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### **Abstract:**

As an official of the court, the Advocate needs with help poor people and denied by complying to Rules of expert lead. Social responsibility of the promoter to deal with about access is the need of hour. The idea of lawful help is inadequate without legitimate proficiency. This article connects with the pretended Advocates, colleges, willful Organizations and Para lawful for the advancement of legitimate education which are indispensable piece of legal aid programs.

**Keywords:** Legal professional, legal education, social worker, legal aid, justice.

### **1. Introduction**

The historical backdrop of our own freedom development, if fairly composed, will commit a bigger number of pages to legal counselors than to the votaries of some other business. It is all around acknowledged recommendation that the Profession of Law is a respectable calling and the individuals from the Legal Profession involve an extremely high status . Individuals of India view legal advisors as watchmen of their opportunity and their freedoms. The legitimate calling needs to campaign against shamefulness and abuse and simultaneously help with advancing changes and improvement in the law, to help poor people and the denied. The obligation is weighty, on the grounds that attorneys need to contribute not exclusively to their handbag (obviously they need to for their endurance) however more so to the joy of the humanity and 'the others' in the country. One job of the legal counselor in a customary regulation framework is to be an equilibrium wheel, a harmonizer, and a reconciler. He should be more than basically a talented lawful repairman. From a bigger perspective he should likewise be a legitimate designer, specialist, and manufacturer and, every once in a while, a creator too<sup>1</sup>.

### **2. Objectives:**

- To find out the Role of Legal Profession, Legal Education and Social Worker in Free Legal Aid.

### **3. Research Methodology:**

The paper is based on primary data collected from Books & Articles and secondary data collected from internet, newspapers, magazines and journals.

### **4. The Advocates Act: Provisions relating to legal aid**

The Bar Council of India Constituted<sup>2</sup> a committee for organizing legal aid which provides as follows: A Bar Council may constitute one or more legal aid committees, each of which shall consist of such number of members, not exceeding nine but not less than five, as may be prescribed. The qualifications, the method of selection and the term of office of the members of a legal aid committee shall be such as may be prescribed.

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<sup>1</sup> C. Rama Rao, & Vijaya Lakshmi Tayaru, Y. Nnageswarw Rao: Professional Ethics & Advocacy, Gayatri Books, Vizag, p. 68.

<sup>2</sup> Section 9A of the Advocates Act, 1961

The provision of legal aid was considered jointly by lawyers in Third **All India Lawyers Conference (1962)** and they recommended as follows:<sup>3</sup>

- An indigent accused should be represented by counsel at Government expenses in all cases including proceedings under Section 488 of the Criminal Procedure Code and Jail appeals.
- No Court fee, authentication of copying fee or any other fee be levied upon an accused.
- The expression 'Pauper' used in Order XXXIII of the C.P.C. should be replaced by the expression "poor person" or "assisted person".
- The explanation to Rule 1, Order XXXIII of the Code of Civil Procedure should be amended so as to entitle a person who has no property worth Rs. 100 to sue as pauper.
- Order XXXIII of the Code of Civil Procedure should be amended so as to enable a person not only to sue as pauper but to defend suit or proceedings as a pauper.
- Order XXXIII of the Code of Civil Procedure should be further amended so that an assisted person is exempted not only from the payment of court fee but also from the payments of process fee, witnesses diet money and traveling allowance, fee for obtaining copies of judgments. Order or documents.
- Rules of Supreme Court and High Courts should be amended so as to provide counsel to poor person in these courts and other subordinate courts at Government expense.
- Various Bar Associations in the country should organize legal aid committee forthwith at the Tehsil, Taluka, District, High Court and Supreme Courts levels to provide free legal aid to poor persons.
- Bar Association of India should formulate the manner in which both free and partial legal aid may be provided by various Bar Associations.

The problem of implementation of Legal Aid Scheme was again considered by the members of Legal Profession in Maharashtra Lawyer's Conference (1975) which was attended by a galaxy of people not only from the State of Maharashtra but from all over India. In the Conference Late Prime Minister Mrs. Indira Gandhi also sent a message, which emphasized the need for legal aid to the poor.

#### **5. The Bar Council of India Trust**

The Bar Council of India constituted in 1974<sup>4</sup> The Bar Council of India Trust. One of the objectives of the Trust is to arrange for legal aid to the poor litigants and to establish, maintain and run legal aid societies at various places where free legal aid may be available to such persons. The Trust is managed by a board of Five Trustees who are members of the B.C.I.

#### **6. Bar Council of India Legal Aid Rules, 1983**

The biggest contribution of the Bar in Legal Aid Movement is, Bar Council of India Legal Aid Rules, 1983 framed to give effective support to legal aid scheme sponsored by Central Government. Under these rules a committee, known as Legal Aid Committee has been constituted consisting of 9 members. The Chairman of the Bar Council is *ex-officio* Chairman and the Secretary of the Bar Council of India is the Secretary of the said Committee. The term of the office members is of two years. The functions of the Legal Aid Committee are:<sup>5</sup>

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<sup>3</sup> All India Lawyers Conference (1962)

<sup>4</sup> N. R. Madhava Menon :Bar Council & Management of Legal profession ,I.B.R.VOL 22(2&3)1995 P.153

<sup>5</sup> Rule 4, of the Bar Council of India Legal Aid Rules, 1983 To arrange Legal Aid Workshops for lawyers and to arrange training programme for lawyers, Para-legal workers and law students, periodically. To prepare Legal Aid Literature. To arrange for the protection of indigents in all cases of aggression. To accelerate Public Interest Litigation. To take appropriate effective measures to locate and assist bonded labourers. To arrange for prosecution or defence to safeguard the interest of women. To take all steps to make the legal aid to poor masses meaningful.

The Advocates, as a class and senior Advocates in particular have a solemn duty to ensure justice to all citizens and particularly to poor and marginalized sections of the society and they should rise up to meet the challenge effectively and successfully for the implementation of Legal Services Authorities Act, 1987.

A lawyer, who is providing legal aid to the poor within the framework of the legal aid scheme of the state, has certain duties to perform. In the traditional sense, a lawyer is required to pay attention on the basis of fee which he receives from him. The relationship between a lawyer and the legally aided person will not change merely because he is contesting his case on the state resources. Advocate assigned in a legal aid matter has an obligation to submit report from time to time to the legal aid committee on the progress and disposal of the case. A lawyer cannot give up the case without any special reason and also without the permission of the legal aid committees, once he accepts it. Under our legal system, lawyers guard the gates to the temple of justice, hence, the success of legal aid scheme depends on the role of the legal profession. The legal profession owes certain moral and social obligation to members of our society.

Lawyers have a great responsibility in the contemporary situation to provide legal aid to the poor<sup>6</sup>. Pathak C.J. of Supreme Court observes that "both Judges and Lawyers should heed the growing disenchantment with the justice delivery."<sup>7</sup>

#### **7. Legal Practitioners (Regulation and Maintenance of Standards in Profession, Protecting the Interest of Clients and Promoting the Rule of Law) Bill, 2010**

The Object of the Bill is for the establishment of the Legal Services Board and in respect of its functions; to make provision for, and in connection with, the regulation of persons who carry out the activities of legal practitioners; to make provisions for the establishment of an ombudsman for complaints against the professionals and for a scheme to consider and determine complaints against the legal practitioners; to make provision in respect of providing legal services free of charge and for connected purposes. Be it enacted by the Parliament in the 60 year of the Republic of India.

#### **8. Legal Aid to the Financially Weaker Consumers<sup>8</sup>**

Every Legal Practitioner shall be duty bound to give free legal services to the financially weaker consumers/clients who fall just above the income levels prescribed under Section 12(h) of the Legal Services Authorities Act, 1987.

#### **Social Accountability of an Advocate**

"A true lawyer is one who places truth and services in the first place and the emoluments of the profession in the next place only".

The accountability of the legal profession is complex and varied.<sup>9</sup> It transcends and extends beyond the responsibility to the client and the court. **Krishna Iyer** as a young lawyer had been involved in rendering free

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<sup>6</sup> P.P. Rao :Ethics and discipline in the Legal Profession, IBR, Vol.22 (2&3): 1995, p. 248.

<sup>7</sup> Chief Justice Arthur T. Vanderbilt, stated that a lawyer has five functions. "Counselling, advocacy, improving his profession, the courts and the law, leadership in molding public opinion and the useful fish holding of public office."

<sup>8</sup> Sec 27. Legal Practitioners (Regulation and Maintenance of Standards in Profession, Protecting the Interest of Clients and Promoting the Rule of Law) Bill, 2010 Free Legal Services to the Financially Weaker Consumers / Clients.

<sup>9</sup> Mahatma Gandhi stated "I realised that the true function of a lawyer was to unite parties given as under. The lesson was so indelibly burnt into me that the large part of my time during twenty years of my practice as a lawyer was occupied in bringing about private compromises of hundred of cases. I lost nothing thereby, not even money, certainly not my soul."

legal services as an individual as far back as 1940s itself.<sup>10</sup> Those lawyers who closely watched him also came forward to join him and provide free legal aid. when he assumed the ministerial portfolio of law he chattered ways and means for the poor and weak and obtain legal assistance. Members of the profession have set even higher standards for themselves.

Sri C.R. Das, for example, stoutly defended many patriots in many famous cases without thought of any monetary recompense. Another leading luminary, Sri K.N. Katju, defended the accused in the Meerut Conspiracy case despite political and philosophical difference with them, without charging any fees. Sri Katju was to latter become the Law Minister of Free India. Again, when the I.N.A. prisoners were indicted in the Red Fort Trail, Pandit Jawaharlal Nehru himself donned the black robes and led the team of lawyers defending the prisoners.

### **Lawyers Wings of Social Services<sup>11</sup>**

Professionals alone can render expert assistance in the field of law. But between the lawyer and the justice, consumer is a long distance this distance can be bridged by the social service organisations and lawyers wings of social welfare society.

### **9. Public Interest Lawyering : Advocates: PIL Cases:**

In present days, lawyers are providing free legal aid to indigent persons by way of Public Interest Lawyering. The lawyers are more concerned to maintain the rule of law than to protect the interest of their clients. The Public spirited Lawyers through PIL protected the Liberty of under trial prisoners, speedy trail, environment, forest, prevented water pollution, tanners industrial pollution, banning of injurious and harmful drugs.

An advocate and a social activist Kapila Hingorani filed a First PIL petition in the SC.on behalf of the under trial prisoners who were languishing in different jails of Bihar for years<sup>12</sup>. Accepting the petition, the court ordered the release of those under-trial prisoners who were kept imprisoned in Jail without trial for years as it is violative of the right to life and liberty guarantee by Article 21 of the Constitution of India.

In 1980, Dr. Upendra Baxi<sup>13</sup> and another law Professor of Delhi University, initiated a Writ Petition before the Supreme Court by sending letter seeking enforcement of constitutional rights of the inmates in Agra Protection Home for Women who were living inhuman condition of detention, on the ground of violation of Article 21 of the constitution. The Supreme Court treating the said letter as writ petition has issued proper and effective direction to the state of U.P and the concerned authorities to make measures to improve living conditions to inmates in the Protective Homes.

Shri M.C. Mehta, a leading Advocate of the Supreme Court and a noted environmentalist has played a pioneering role in developing environmental consciousness in India through PIL petitions filed before the Apex Court for resolving the environmental problems. Taking note of the increasing environmental degradation, the Supreme Court shifted the traditional requirement of individuals locus -standi to the community oriented public interest litigation. Judiciary has played an important role in the protection and improvement of environment. In the first MC Mehta case<sup>14</sup>, the supreme court had to deal specifically to impact of activities concerning manufacturing of hazaradous products in a factory. The activities were a threat to the workers in the factory, as well as members of the general public living outside. M.C. Mehta an Advocate, an Environmentalist, filed petition under Art.21 and 32 brought to the notice of the Supreme Court as to leakage of Oleum gas from Shriram Food Fertilizers Corporation, New Delhi, in which one person died on the spot and effected the health

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<sup>10</sup> S. T. Vanamamalai : Accountability of Legal Profession, I.L.W, part 5, 1988, p.17.

<sup>11</sup> V.R. Krishna Iyer :Profession for the people: A Third world perspective, IBR Vol XXII 2 & 3) 1995 p. 161.

<sup>12</sup> Hussainara Khatoon Vs. State of Bihar , AIR 1979 SC 1360

<sup>13</sup> Dr. Upendra Baxi v State of UP – (1981) 3 scale 1136

<sup>14</sup> M. C. Mehta v. Union of Indi AIR 1987 SC 985

of several others because of the leakage of the toxic gas. He approached the Court to close and relocate the Shriram Caustic Chlorine and Sulphuric Plant.

The Court was manifestly referring to the concept of right to life in Art 21 and the process of vindication of that right in Art 32. The Supreme Court directed the company manufacturing hazardous and lethal chemicals and gases posing danger to health and life of workmen to people living in its neighbourhood to take necessary safety measures before opening the plant.

Accepting the Writ Petition of an advocate, a social worker through a PIL the Supreme Court ordered the closure of tanneries at Jajmau place near Kanpur polluting Ganga ,directed the Kanpur Nagar Mahabalika to get the dairies shifted to a place outside the city and arrange for removal of wastes and also directed Mahabalika to submit proposals for effective prevention and control of the water pollution within 6 months to the Board constituted under the Water Act.<sup>15</sup>

In *Vincent Panikurlangara v. Union of India*<sup>16</sup> the petitioner, an advocate and General Secretary of Public Law Service Society, Cochin, filed a petition under Art.32 asking for directions for maintenance of approved standards of drugs and banning of injurious and harmful drugs. It was held that the public interest writ was maintainable as the issues raised by the petitioner were of vital importance, i.e. the maintenance and improvement of public health to prohibit manufacture and trade of sub standard drugs.

“A healthy body is the very foundation for all human activities and in welfare state it is the obligation of the state to ensure the creation and the sustaining of conditions congenial to good health.”

In a recent ruling of Supreme Court on “ Growth of Slums” in Delhi through Public Interest Litigation initiated by lawyers Mr. B.L. Wadhwa & Mr. Almitra Patel Court held that large area of public land is covered by the people living in slum area. Departments despite being giving a dig on the slum clearance, it has been found that more and more slums are coming into existence. Instead of “Slum Clearance”, there is “Slum Creation” in Delhi. As slums tended to increase; the Court directed the departments to take appropriate action to check the growth of slums and to create an environment worth for living.

## **10. Legal Aid and Legal Education**

The study relates to the Role of Bar Council as to Changes in the law syllabi, introducing practical training component in the law school curriculum, which for the most part grew out of the clinical education movement, Academicians responsibility to create awareness and Legal Aid Clinics in Law Colleges.

Before Independence, Law courses were started in the Hindu College, Calcutta, Elphinstone College, Bombay and at Madras, as early as 1855 .For almost a century from 1857 to 1957 a stereotyped system of teaching compulsory subjects under a straight lecture method and the two year course continued. The need for upgrading legal education has been felt for long. Numerous committees were set up periodically to consider and propose reforms in legal education. The University Education Commission, was set up in 1948-49, in the year 1949 the Bombay Legal Education Committee, Calcutta University Commission of 1917-1919, was set up to promote legal education. The All India Bar Committee made certain recommendations in 1951. In 1954, XIVth Report the Law Commission (Setalvad Commission) of India discussed the status of legal education and recognized the need for reform in the system of legal education. It depicted a very dismal picture of legal education. It was only from 1958 that many universities switched over to three year law degree courses.

## **11. Role of Bar Council of India to promote Legal Education**

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<sup>15</sup> MC Mehta V Union of India 1987 4SCC 463

<sup>16</sup> Vincent Panikurlangara v. Union of India (1987) 2 SCC 165

The Constitution of India basically laid down the duty of imparting education on the States by putting the matter pertaining to education in List II of the Seventh Schedule. But it now forms part of giving concurrent legislative powers to the Union and the States.<sup>17</sup> Legal profession along with the medical and other professions also falls under List III. Empowered by the Constitution to legislate in respect of legal profession, Parliament enacted the Advocates Act, 1961, which brought uniformity in the system of legal practitioners in the form of Advocates and provided for setting up of the Bar Council of India and State Bar Councils in the States. Under the Act, the Bar Council of India is the supreme regulatory body to regulate the legal profession in India and also to ensure the compliance of the laws and maintenance of professional standards by the legal profession in the country.

The Bar Council of India has power<sup>18</sup> to fix a minimum academic standard as a pre-condition for commencement of a studies in law. The Act thus confers on the Bar Council power to prescribe standards of legal education and recognition of law degrees for enrolment of persons as Advocates. However, for promoting legal education and for laying down standards of legal education, the Universities and State Bar Councils must be effectively consulted. Sec.7 of sub-sec (1) clause [(ia) to conduct seminars and organize talks on legal topics by eminent jurists and publish journals and papers of legal interest;(ib) to organise legal aid to the poor in the prescribed manner;(ic) to recognise on a reciprocal basis foreign qualifications in law obtained outside India for the purpose of admission as an advocate under this Act;

The Bar Council of India may constitute one or more funds<sup>19</sup> in the prescribed manner for the purpose of Sec 7 of sub-sec (2)clause(b) giving legal aid or advice in accordance with the rules made in this behalf: Sec 7 of sub-sec (2)clause (c) establishing law libraries<sup>20</sup>. Sec10(2) (b)The Bar Council of India shall constitute the following Standing Committees, namely:—(b) a legal education committee consisting of ten members, of whom five shall be persons elected by the Council from amongst its members and five shall be persons co-opted by the Council who are not members thereof.

To promote Legal Education ,the State Bar Councils are empowered under Sec 6 sub-sec(1)clause[(ee) to conduct seminars and organize talks on legal topics by eminent jurists and publish journals and paper of legal interest<sup>21</sup>; Sec 6 sub sec (1)clause (gg) to visit and inspect Universities in accordance with the directions given under clause (i) of sub-section (1) of section 7, sec 6 sub-sec (2)clause(b) giving legal aid or advice in accordance with the rules made in this behalf; sec 6 sub sec (2)clause (c) establishing law libraries<sup>22</sup>.

Sec 49(d) empowers Bar Council to make rules prescribing, among other things, the standards of legal education to be observed by Universities in India and the inspection of Universities for that purpose.” The Act also envisages the setting up of a Legal Education Committee comprising jurists, lawyers, teachers and so on to advise the Council on policies relating to legal education. The legal education committee conducts periodical inspections of law colleges and lays down standards of legal education that the universities are obliged to carry out.

## **12. The All India Bar Examination**

A resolution was adopted by the Bar Council of India<sup>23</sup> on 10 April 2010 to conduct an All India Bar Examination, the passing of which will entitle an advocate to practice law in India. No advocate enrolled under section 24 of the Advocates Act, 1961 shall be entitled to practice under Chapter IV of the Advocates Act, 1961,

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<sup>17</sup> List III, (Entry 26)of the Constitution of India.

<sup>18</sup> Sec.7 of sub-sec (1)clause (h) of the Advocates Act, 1961

<sup>19</sup> Sec 7 of sub-sec (2)

<sup>20</sup> Satya Brata: Sinha Legal education. Indian Bar Review. Vol.29, No.02, April-June, 2002.p.7

<sup>21</sup> Katju, Markandey: Legal Education. Supreme Court Cases,Vol.03, No., 2005.p.1 Inserted by Act 60 of 1973 w.e.f. 31.01.1974

<sup>22</sup> A K Avasthi,: Legal education - Role of bar council of India : Judicial intervention suggestions. Indian Bar Review. Vol.29, No.03&04, July-Dec 2002. p. 9-30.

<sup>23</sup> <http://bar council india org Rules of Legal Education 2008, BCI Sec 34.>

unless such advocates successfully passes the All India Bar Examination conducted by the Bar Council of India. The Bar Examination shall be mandatory for all law students graduating from academic year 2009-2010 onwards and enrolled as advocates.

### **13. National Knowledge Commission and Legal Education in India:**

The National Knowledge Commission (NKC)<sup>24</sup>, appointed by the Government of India while deliberating on issues related to knowledge concepts, recognized legal education as an important constitute of professional education.

Taking up regulatory reforms including the constitution of a new Standing Committee for Legal Education consisting eminent lawyers, members of the Bar Council of India, judges, academics, representatives from trade, commerce and industry, economist, social workers, students and others to amen at revamping legal education to meet the needs and challenges of all sections of society

“The Bar Council of India (BCI) has been opposing the Higher Education Research (HER) Bill, which is aimed at regulating legal education, saying it is an attempt to take away their powers and hand them over to nominees of the HRD ministry,” said by the chairmen of Bar Council of India. By way of the proposed bill, the government is trying to take away the BCI’s power and trying to replace the BCI’s legal education committee with a National Accreditation Regulatory Authority which will decide whether or not to grant approval to educational institutions. It called for Advocates Strike on July 11 and 12, 2012.<sup>25</sup>

### **14. Role of Universities**

One of the most striking features of the Indian scene is the massive ignorance of the people of their Constitutional and other legal rights, ignorance of the what law, it is Signal to all wise men to focus their attention and gird up their lions in the sacred mission of guarantying in practice justice to all and universal legal literacy.

The Bar Council of India established the National Law School of India University in Bangalore. These law universities were meant to offer a multi-disciplinary and integrated approach to legal education. It was therefore for the first time that a law degree other than LL.B. or B.L. was granted in India. National Law School offered a five years law course upon the successful completion of which an integrated degree with the title of “B.A., LL.B. (Honours)” would be granted.

Thereafter other law universities were set up, all offering five years integrated law degree with different nomenclature.

The Indian law institute which has been established at New Delhi on 27th December, 1956 is an International Center for advanced socio-legal research, with the view to primarily to promote legal research , education and training. It as an autonomous body registered under the Society Registration Act. The objectives of the Institution are<sup>26</sup>:

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<sup>24</sup> Dr.G.B Reddy: Regulatory Models in Legal Education: Issues and Challenges with Special Reference to India paper submitted in CLEA Biennial Conference 2011, January 29-30, 2011, Bengaluru, India. Quoted In its report submitted to the Prime Minister of India in November 2008, See <http://nationalknowledgecommission.wordpress.com/category/recommendations/legaleducation/> retrieved on 26 Dec.2010

<sup>25</sup> Lawyers urged to strike work on July 11, 12 [http://articles.timesofindia.indiatimes.com/2012-07-10/goa/32617752\\_1\\_sgaa-bci-legal-education](http://articles.timesofindia.indiatimes.com/2012-07-10/goa/32617752_1_sgaa-bci-legal-education)

<sup>26</sup> <http://www.ilidelhi.org> To promote the diffusion of the knowledge of law and its administration and principles on which they are based. To promote the improvement of legal education and to impart instructions in

The National Law University, Jodhpur<sup>27</sup> is one of the leading law schools of the country. It is the only University in India which engages in the finest experiment of converging legal knowledge with other disciplines like management, finance, economics and science. The main objectives are: To increase legal awareness in the community and further the cause of social justice by providing legal aid to the underprivileged sections of the society.

NALSAR University of Law 1998 under the National Academy of Legal Studies and Research University Act (Andhra Pradesh Act 34 of 1998) of the Andhra Pradesh State Legislature<sup>28</sup>. LEGAL ASSISTANCE PROGRAMME FOR LAND (LAPL) One day programme on 8th April, 2006 was organised for law students of DNR Law College, Bhimavaram on Land Issues. The programme was attended by 40 law students. One week training programme for 40 para-legals from Kadapa District was organised by NALSAR in collaboration with Society for Elimination of Rural Poverty (SERP), Hyderabad from May 3-9, 2006 at Shameerpet Campus.

The National Law Institute University (NLIU) has been established by Act No. 41 of 1997 of the Madhya Pradesh<sup>29</sup>. The Objectives of the University is to advance and disseminate learning and knowledge of law and legal processes and their role in national development.

National University of Study and Research in Law, Ranchi<sup>30</sup> has been established to further the cause of legal education.

## **15. Role of Para-Legal Services in Legal Education**

The main object of the Constitution is to ensure social, economic and legal justice to the citizens. The legal aid schemes, public interest litigation and para-legal services are being used as effective tools for ensuring justice to the people, particularly, the poor, helpless and marginalized sections of the society. para-legal services should be considered as an integral part of the legal aid programme and statutorily recognized.

The constitutional recognition to para legal services will provide them a binding force in-discharging the functions as follows:-providing legal aid and advice to victims or aggrieved persons; assisting the litigants to resolve their disputes through mutual settlement or compromise; helping the Legal Aid Authorities, Tribunal, Committees etc. in organizing Lok Adalats; assisting the poor, indigent and weaker sections of society in getting justice through public interest litigation; generating legal awareness among the public.

### **PROCEDURE RELATING TO TRAINING**

The Legal Services Authorities Act 1987, Rules and Regulations framed there under should be an integral part of the training programme. Para-Legal Volunteer's training programme is to be conducted under the supervision of the Chairman and Secretary of the TLSC, in consultation with the DLSA. As soon as the training is completed, the TLSC shall send a list of volunteers their names, address and contact details to the DLSA. A consolidated list of Para-Legal Volunteers in the district shall be prepared by the DLSA and submitted to the State Authority.

A review meeting of the Volunteers shall be conducted by the TLSC once in three months and a report shall be submitted to the DLSA within a week. A copy of the report shall be sent to the State Authority also. The TLSC may devise its own plan of action for utilization of the services of the Para-Legal Volunteers. The DLSA may allot a maximum of Rs.2000/- to the TLSC for each training session for providing refreshments to the trainees.

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law and allied fields. To cooperate with other societies, institutions and organisations, national and international in the pursuit of all or any of the above objects

<sup>27</sup> <http://www.nlujodhpur.ac.in/>

<sup>28</sup> <http://www.nalsar.ac.in/research.html>

<sup>29</sup> <http://www.nliu.com/new/>

<sup>30</sup> <http://nusrlranchi.com/>



The TLSC may utilize the services of serving/retired judicial officers, law teachers, lawyers, law students, revenue officials, officers of the social welfare department and the law graduates among the court staff as resource persons for the training programme.

### **Para-Legal Volunteers Scheme<sup>31</sup>**

#### **Duties of Trained Para-Legal Volunteers**

To educate people, especially those belonging to weaker sections of the society to enable them to be aware of the right to live with human dignity, to enjoy all the Constitutionally and statutorily guaranteed rights, performing the duties and discharging obligations as per law.

Reasonable expenses incurred by Para-Legal Volunteers e.g. Bus/Train fare, Postage, Telephone charges etc., may be reimbursed by the TLSC/DLSA/SLSA, on production of proof and receipts may be obtained. Travel expenses limited to the lowest class by road/rail/steamer of the legal aid beneficiaries brought by the Para- Legal Volunteers also may be reimbursed at the discretion of the Chairman.

The Para-Legal Volunteers (PLVs) to be identified by the District Legal Services Authorities (DLSAs) shall be 100. The number of PLVs to be identified by the Taluk Legal Services Committees (TLSCs) shall be 50.

#### **Monthly reports by Para-Legal Volunteers**

The PLVs shall submit monthly reports to the TLSCs and DLSAs as the case may be. The DLSAs shall collect reports from the TLSCs/Sub-Divisional Legal Services Committees and shall send such reports along with the reports of PLVs of DLSAs to the SLSAs. The SLSAs may fix a date in every month as the last date for submitting such reports.

### **16. Protection of the rights of arrested person**

Rural Litigation Entitlement Kendra V. State of U.P.<sup>32</sup> The Dehradun lime quarries case is a landmark case in involving in environmental and eco-imbalance problems in environmental law. The RLEK a voluntary organisation through letter to supreme court alleged about the haphazard and dangerous limestone quarrying practices in the Massorie Hill Range of Himalayas causing damage ecology due to transportation activity creating noise pollution, air pollution, vibration and spread of debris of mines. The court ordered the closure of certain lime stone quarries on the ground that there were serious deficiencies regarding safety and hazards in them. Supreme Court held in<sup>33</sup> the Public Interest Litigation filed by a human right activist fighting for general public interest that it is a paramount obligation of every member of medical profession to give medical aid to every injured citizen as soon as possible without waiting for any procedural formalities. Public Interest Litigation filed by registered voluntary organisation regarding economic degradation in coastal area. Supreme Court issued appropriate orders and directions for enforcing the laws to protect ecology.<sup>34</sup>

People's Union for Civil Liberties v Union of India<sup>35</sup> has ruled that fake encounter by the police is violative of Article 21 of the Constitution. Therefore, where it is proved that any person has been killed by the Police in fake encounter, the State may be directed to pay compensation and the State shall not be allowed raised the plea of sovereign immunity.

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<sup>31</sup> <http://nalsa.in> in Para Legal Volunteer Scheme To make people aware of the nature of their disputes/issues/problems and inform them that they can approach the TLSC/DLSA/HCLSC/SLSA/SCLSC and that they can resolve the dispute/issue/problems through these institutions.

<sup>32</sup> Rural Litigation Entitlement Kendra V. State of U.P.1986 Supp. SCC 517

<sup>33</sup> Parmanand Katara V. Union of India - AIR 1989, SC 2039

<sup>34</sup> Council For Environment Legal Action V. Union Of India - (1996)5 SCC281

<sup>35</sup> People's Union for Civil Liberties v Union of India AIR 1997 SC 1203

Indian Council for Environmental Action v Union of India<sup>36</sup> The supreme court gave directions for the prevention of industrial pollution. The higher judiciary has shown initiative in invoking the doctrine of Public Trust to impose penalties and set aside the benefits distributed by certain ministers to themselves or their favourites.

Bachpan Bachao Andolan v Union of India<sup>37</sup>

Recently, the Supreme Court in the case of Bachpan Bachao Andolan v Union of India took serious note of the plight of the children in Indian circuses in which most of the exploited children were girls. While disposing of the writ petition filed in public interest under Article 32 of the Constitution in the wake of serious violations and abuse of children physically, emotionally and sexually who are detained in circuses and under inhuman needs of food and water. This is writ petition filed following an incident where the petitioner rescued 18 girls from a circus upon a complaint made by a 12 year old girl who managed to escape from the circus premises. The most appalling aspect is that there is no direct legislation, which is vested with powers to deal with the problems of the children who are trafficked in to these circuses. The employment of the children in circus involves many legal complications it deprives children's right to education enshrined under Article 21 A of the Constitution of India and violation of statutory provisions of law like Employment and Children's Act, 1938, The Child Labour (Prohibition and Regulation) Act, 1986, the Prevention of Immoral Traffic Act, the Juvenile Justice (Care and Protection of Children) Act, 2000.

The Petitioner as filed the petition praying for issue of writ of mandamus or any other appropriate writ, order or direction, directing the respondents to frame appropriate guidelines for the persons engaged in circuses, to conduct raids in all the circuses by CBI to liberate the children and to check the gross violation of all fundamental rights of the children and to appoint Special Forces in the borders to ensure action and to check on the cross border trafficking.

The Hon'ble Supreme Court of India has banned Child Labour in Indian Circuses. In its landmark judgment the court has directed the Union Government to issue a suitable notification in this respect and has further asked to recover and rescue all the children from circuses.

People's Union for Civil Liberties (PUCL) v. Union of India<sup>38</sup> had issued orders dated November 28, 2001 that all the State Government and Union Territories should introduce mid-day meal scheme by providing every child in each Government and Government-aided school, prepared mid-day meal with a minimum of 300 calories and 8-12 grams of Protein for minimum 20 days in a month. However, in 2004 it was noticed that the States of U.P., Bihar, Jharkhand, Haryana and Assam had not implemented the mid-day meal scheme and the State of Orissa, West Bengal, Delhi, Chandigarh, Uttaranchal, Arunachal Pradesh and Himachal Pradesh had introduced it only partially. Therefore, the apex Court again had to issue order (2004)5 Scale 128 in this regard on April 20, 2004. The Court held that poverty and ill health constitute a threat to dignity and worth of the human person.

Rakesh Chandra v. State of Bihar<sup>39</sup> two public spirited citizens of Patna filed a PIL petition before the Supreme Court complaining gross mis-management in the Mental Hospital located near Ranchi. The Court appointed a Management Committee for removing the irregularities in the working of the mental hospital in order to improve its management.

## **17. Conclusion:**

It is indeed paradoxical that the legal system requires the services of professional lawyers for its effective use and at the same time keeps such services beyond the reach of the average man, it is necessary to wage a war on

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<sup>36</sup> Indian Council for Environmental Action v Union of India AIR 1999 SC 1502

<sup>37</sup> Bachpan Bachao Andolan v Union of India (SCJ 2011 p.532)

<sup>38</sup> People's Union for Civil Liberties (PUCL) v. Union of India 2001)7 SCALE 454

<sup>39</sup> Rakesh Chandra v. State of Bihar AIR 1990 SC 348

poverty through the effective and potential means of legal aid. It is certain that no scheme of legal aid can function effectively without the active assistance co-operation and dedication of the lawyers.

In Modern times, Legal Education besides professional education, must be socially engaged. This means that legal education programs must compulsorily expose students to the problems of poverty, social exclusion, social change and environmental degradation through clinical legal education. Modern clinical legal education introduced the new clinical teaching methodology through the establishment of legal aid clinics, in which law students provide various forms of legal aid services, i.e. legal advice. Permanent legal aid clinics attached to law colleges and law universities their institutions and the legal aid clinics so established will function with the coordination of State legal Services Authorities. Democracy can effectively flourish only when people know their rights and privileges and duties and responsibilities. Ignorance and illiteracy are a threat to the democratic system. It is the bounden duty of a welfare state to rid the people of the triple yoke of ignorance, tyranny and corruption, which always travel together. The informal dissemination of information about duties, rights and redressal can be achieved if we could also rope in the service of the voluntary organizations All they need is guidance, supervision and motivation.

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9. Sec 27. Legal Practitioners (Regulation and Maintenance of Standards in Profession,
10. Protecting the Interest of Clients and Promoting the Rule of Law) Bill, 2010 Free Legal Services to the Financially Weaker Consumers / Clients.
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28. Lawyers urged to strike work on July 11, 12 [http://articles.timesofindia.indiatimes.com/2012-07-10/goa/32617752\\_1\\_sgaa-bci-legal-education](http://articles.timesofindia.indiatimes.com/2012-07-10/goa/32617752_1_sgaa-bci-legal-education)
29. To promote the diffusion of the knowledge of law and its administration and principles on which they are based. To promote the improvement of legal education and to impart instructions in law and allied fields. To cooperate with other societies, institutions and organisations, national and international in the pursuit of all or any of the above objects
30. <http://www.nlujodhpur.ac.in/>
31. <http://www.nalsar.ac.in/research.html>
32. <http://www.nliu.com/new/>
33. <http://nusrlranchi.com/>
34. <http://nalsa.in> Para Legal Volunteer Scheme To make people aware of the nature of their disputes/issues/problems and inform them that they can approach the TLSC/DLSA/HCLSC/SLSA/SCLSC and that they can resolve the dispute/issue/problems through these institutions.
35. Rural Litigation Entitlement Kendra V. State of U.P.1986 Supp SCC 517
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