

## Legal Needs in Rural India: Challenges & Response of Legal Aid Authorities

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### *Abstract*

*Rural India, which accounts for approximately 68% of the population, is geographically and culturally diverse, with a limited presence of justice institutions and lawyers. Unmet legal needs plague the rural population in India, which relies primarily on informal modes of resolution. This paper discusses the legal needs and problem-solving behaviour of people who reside in such areas. It identifies barriers to accessing justice faced by the rural population, particularly those living in geographically isolated areas. It further highlights why people in rural areas prefer informal mechanisms vis-à-vis formal mechanisms for resolving their legal issues.*

*The paper also delves into the response of legal aid authorities to enhance access to justice for the rural population. The outreach strategies being used by legal aid authorities for reaching out to the rural population and the methodologies for early intervention in legal issues have been examined. The existing framework for the delivery of legal services in rural areas has been discussed.*

### PART 1

#### INTRODUCTION

1.1 Rural India is a remarkable tapestry of diversity, home to over 833 million people<sup>2</sup>, constituting approximately 68% of the country's population. There are approximately 649,481<sup>3</sup> villages in India. This vast rural landscape encompasses a multitude of religions, castes, and ethnicities, fostering a rich cultural mosaic that reflects the vibrant fabric of the nation. The literacy rate in rural India as per Census 2011 was 69.29%. The 2011 census showed increase in literacy rate in rural areas (14%) compared to urban areas (5%)<sup>4</sup>. Agriculture, with its allied sectors, is the largest source of livelihoods in rural India<sup>5</sup>. 70 percent of its rural households still depend primarily on agriculture for their livelihood, with 82 percent of farmers being small and marginal<sup>6</sup>. Rural India showcases a diverse geography, encompassing hilly areas with remote villages, coastal regions with fishing communities, and expansive plains housing most of

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<sup>2</sup> Census 2011, [www.censusindia.gov.in](http://www.censusindia.gov.in)

<sup>3</sup> Ibid

<sup>4</sup> [www.mospi.gov.in](http://www.mospi.gov.in)

<sup>5</sup> During 2004-05 and 2011-12, about 34 million farmers moved out of agriculture as per National Sample Survey Office data. Reported in <https://www.downtoearth.org.in/>.

<sup>6</sup> [www.fao.org/india](http://www.fao.org/india)

the rural population<sup>7</sup>. Additionally, desert areas are home to many isolated villages. Scheduled Tribes (STs) in India<sup>8</sup>, recognized as indigenous peoples, constitute approximately 8.6% of the country's population<sup>9</sup>, with a significant majority residing in rural areas. Scheduled Tribes (STs) in India possess their own traditional methods of dispute resolution, especially prominent in the Northeast region<sup>10</sup>. The 2011 census showed increase of literacy rate by 26.39% in rural areas for scheduled tribes<sup>11</sup>. In India, the scheduled castes make up 16.6% of the population, with a count of 201.3 million according to the 2011 census<sup>12</sup>. They are predominantly concentrated in rural areas and encompass diverse cultures and languages. The poverty rate and illiteracy rate amongst scheduled castes is higher than the general population. The 2011 census showed increase of literacy rate by 23% in rural areas for scheduled castes<sup>13</sup>.

1.2 Legal problems in rural India are diverse and influenced by the economic and social conditions prevailing in different communities. The socio-economic disparities give rise to specific legal issues that vary across various sectors. Disadvantaged and marginalized sections face challenges related to poverty<sup>14</sup>, discrimination, and the denial of rights and benefits. In the agricultural sector, disputes concerning land ownership, tenancy rights, agricultural loans<sup>15</sup>, and agrarian crises are common. Traditional occupations, such as artisans and craftspeople, encounter legal problems related to intellectual property rights infringement and contractual disputes. Caste-based discrimination remains a significant concern. Women in rural areas face distinct legal challenges, including domestic violence, gender discrimination, and the denial of property rights. Tribal and indigenous communities confront issues surrounding land

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<sup>7</sup> The Indo-Gangetic Plain, which is located in the northern part of India, is home to the largest number of villages in the country. The plain is a fertile region with a long history of agriculture. The Deccan Plateau, which is located in the southern part of the country, is also home to a significant number of villages.

<sup>8</sup> India is home to around 533 tribal communities, the largest in the world. Despite urbanization and livelihood challenges, they strive to preserve their traditions and ancestral wisdom. ([www.bbc.com/storyworks/travel/india](http://www.bbc.com/storyworks/travel/india))

<sup>9</sup> Supra 2

<sup>10</sup> The Sixth Schedule of the Constitution of India recognizes and acknowledges the unique social and cultural traditions of the tribal communities residing in Assam, Meghalaya, Tripura, and Mizoram. Article 371(A) of the Indian Constitution grants special provisions for the state of Nagaland, acknowledging and safeguarding the traditional customs and practices of the Naga tribes, including their traditional modes of dispute resolution. The Fifth Schedule of the Constitution of India provides for special provisions for the administration and control of Scheduled Areas, with the aim of protecting the interests of Scheduled Tribes.

<sup>11</sup> Supra 4

<sup>12</sup> Supra 2

<sup>13</sup> Supra 4

<sup>14</sup> Due to insufficient income and limited local employment opportunities, impoverished tribal households in remote villages often find themselves trapped in a cycle of debt. (Mishra, J., & Sahoo, L. (2020). *Endangered Livelihoods: Seasonal Adivasi Labour Migration in the Dangs of Gujarat*. In *Strategies for Human Development and People's Participation in Rural India* (p. 167). Primus Books.

<sup>15</sup> Despite the high interest rates, farmers in Punjab and Haryana depend on Arhtiyas (middlemen) for their growing expenses, ranging from daily needs and health emergencies to weddings and sending their children abroad for education. ([www.moneycontrol.com](http://www.moneycontrol.com)) reported on April 27, 2023

rights, displacement, cultural preservation, and the protection of their rights<sup>16</sup>. Legal problems in rural India also vary significantly based on the geographical diversity of different regions. Coastal areas, in particular, face unique legal concerns that are distinct from those in hilly or desert regions. Fishing rights are a primary issue in coastal regions, as fishing communities rely on the ocean for their livelihoods. Disputes can arise over fishing territories, access to fishing resources, and conflicts between traditional fishing practices and modern regulations. These specific problems are not prevalent in hilly or desert areas, where legal issues are more likely to revolve around land disputes and water access.

1.3 Access to justice in rural India is impeded by barriers such as geographical distance<sup>17</sup>, low legal awareness and literacy<sup>18</sup>, financial constraints, social and cultural barriers and language and complex procedural laws. As early as 1973, it was recognized and emphasized in the report<sup>19</sup> of the commission led by Justice V.R. Krishan Iyer that the concept of legal aid in India needed to be expanded beyond mere legal representation. The report highlighted the importance of incorporating legal awareness, promoting simplified resolution mechanisms, establishing autonomous bodies at National, State and District level for providing legal aid, engaging bar councils, and setting up legal aid clinics. Subsequently, the National Juridicare Report in 1977<sup>20</sup>, by the commission headed by Justice P.N. Bhagwati, recommended a comprehensive legal aid approach, taking into account the socio-economic landscape of the country.

1.4 India requires a broadened approach of legal aid to address access to justice challenges posed by lack of awareness of legal rights, vast geography, demographic diversity, poverty, and procedural complexities in the conventional judicial system. The Legal Services Authorities Act 1987, encompassing this broad vision of legal aid, was enacted by the Parliament of India to fulfil the Constitutional vision of Access to Justice outlined in Article 39A of the Constitution. The Act mandated the establishment of Legal Services Institutions at various levels, from the national level down to the taluka (sub-

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<sup>16</sup> Singh, Y. P., & Panda, S. (Eds.). (2021). *Tribal Justice*. EBC.

<sup>17</sup> 15.6% of all litigants travel between 50 km and 300 km to reach the courts for hearings. (Access to Justice Survey 2015-2016 available at <http://www.dakshindia.org/>)

<sup>18</sup> In *Suk Das & Anr vs Union Territory Of Arunachal* 1986 AIR 991, the Hon'ble Supreme Court observed that "Now it is common knowledge that about 70% of the people living in rural areas are illiterate and even more than that percentage of the people are not aware of the rights conferred upon them by law. Even literate people do not know what their rights and entitlements under the law are."

<sup>19</sup> *Processual Justice to the people*, Universal Law Publishing Co. New Delhi. (report was submitted in 1973)

<sup>20</sup> Report on "National Juridicare Equal justice – Social Justice was submitted on August 31, 1977"

district) level. It also outlined the functions of State Legal Services Authorities. However, the Act did not come into force immediately in 1987; it was enforced on November 9, 1995. The Legal Services Authorities in India include the National Legal Services Authority (NALSA)<sup>21</sup>, Supreme Court Legal Services Committee (SCLSC), 37 State Legal Services Authorities (SLSAs), 39 High Court Legal Services Committees (HCLSCs), 703 District Legal Services Authorities (DLSAs), and 2,341 Taluk Legal Services Committees (TLSCs)<sup>22</sup>. These legislatively autonomous entities work together to provide legal aid and promote access to justice at different levels of the judicial system. The Legal Services Authorities conduct a range of activities<sup>23</sup> to provide legal aid and empower marginalized individuals<sup>24</sup>. They offer legal aid and advice through lawyer representation in courts, as well as through basic units like Front Offices and Legal Services Clinics. These services cover civil and criminal matters and extend to non-legal issues by assisting with applications and forms. The Authorities also engage in outreach programs, including legal awareness initiatives, empowerment camps, campaigns, and student legal literacy clubs. They implement alternative dispute resolution mechanisms such as Lok Adalat<sup>25</sup> and Mediation<sup>26</sup> to facilitate amicable settlements. Additionally, the authorities administer Victim Compensation Schemes to provide compensation<sup>27</sup> to crime victims in alignment with amendments made to the Criminal Procedure Code in 2009. Legal Aid Authorities are established in almost every district of the country, ensuring widespread coverage and accessibility to legal aid services.

1.5 Despite the prevalence of traditional dispute resolution practices among certain scheduled tribal communities, particularly in the north-eastern regions, the state judicial system extends its presence across the country, including these areas, and legal services Authorities assist members of these communities in accessing justice institutions and connecting them to their entitlements.

1.6 This paper examines the legal issues faced by rural communities, including the lack of awareness regarding their legal entitlements and their approaches to resolving

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<sup>21</sup> NALSA is apex legal Services Authority, and its functions include monitoring legal aid work across the country.

<sup>22</sup> [www.nalsa.gov.in](http://www.nalsa.gov.in)

<sup>23</sup> See sections 4,7,10 and 11B of the Legal Services Authority Act, 1987

<sup>24</sup> Section 12 of Legal Services Authorities specify categories of persons entitled to free legal aid.

<sup>25</sup> Chapters VI & VIA , Legal Services Authorities Act 1987

<sup>26</sup> There are a total of 415 Alternative Dispute Resolution (ADR) centers, along with 596 dedicated Mediation Centers under the control of Legal Services Authorities

<sup>27</sup> State governments are typically the providers of the compensation fund

these issues. It explores the role of Legal Services Authorities in enhancing access to justice for rural populations and discusses the future steps needed to strengthen access to justice initiatives and strategies implemented by the Legal Services Authorities.

## PART II

### LEGAL ISSUES AND PROBLEM RESOLUTION IN RURAL INDIA

2.1 The legal challenges in rural India can be broadly looked into from five aspects. Firstly, there are interpersonal conflicts that arise within families and among villagers, which may be civil or criminal. Secondly, the presence of customary practices deeply rooted in the community which often contradicts the law of the land. Thirdly, lack of awareness among rural residents regarding their entitled benefits and rights. Fourthly, is criminal prosecution faced by rural people under penal laws in formal courts. Lastly, conflicts between communities/individuals and the State. The aforementioned order will be followed in presenting the overview of these legal problems faced by rural people.

2.2 In rural India, being primarily agrarian, land-related problems are a significant issue. Land disputes, land ownership conflicts, and issues related to tenancy and land rights are prevalent in rural areas. These problems can arise due to unclear land titles<sup>28</sup>, encroachment, illegal land transfers, and disputes over inheritance or land acquisition. Civil disputes relating to land often escalate into criminal acts. For example, according to National Crime Records Bureau (NCRB), 954 of the 3,403 murders reported to police in Bihar<sup>29</sup> during 2014 were related to property disputes<sup>30</sup>. From a total of 1,081 murders over disputes that took place in Bihar in 2021, 635 of them were over land, constituting 59 per cent of the total dispute-related killings<sup>31</sup>. A World Bank study from 2007 states that some estimates suggest that land-related disputes account for two-thirds of all pending court cases in the country<sup>32</sup>. Apart this, Water and irrigation disputes are

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<sup>28</sup> While the Digital India Land Records Modernization Program dashboard shows that land records in 90.1% of villages have been computerized, many records haven't been properly updated. (<https://economictimes.indiatimes.com/>)

<sup>29</sup> One of the States of India

<sup>30</sup> <https://timesofindia.indiatimes.com/>(reported on August 21,2015)

<sup>31</sup> <https://www.deccanherald.com> (reported on Sept 1, 2022)

<sup>32</sup> World Bank. 2007. India: Land Policies for Growth and Poverty Reduction. © New Delhi: Oxford University Press.

common among villagers in India due to water scarcity<sup>33</sup>, unequal access, and disagreements over irrigation systems.

2.3 According to the National Family Health Survey (NFHS) 5, domestic violence is a more pervasive issue in rural India, with 31.6% of women having experienced physical or sexual abuse by their partners or spouses, compared to 24% of women in urban areas<sup>34</sup>. This heightened incidence in rural areas is attributable to a number of factors. Deeply ingrained patriarchal norms prevalent in rural communities often uphold male superiority, leading to a culture where men may feel an entitlement to exert control or even abuse their wives. The gap in education levels also plays a role. Women in rural regions typically have less access to education, rendering them less aware of their rights and more vulnerable to abusive situations. Additionally, the limited economic opportunities in rural areas cause women to be financially dependent on their spouses, which further increases their vulnerability to domestic abuse. The ICRW<sup>35</sup> study on domestic violence in India found that women predominantly sought help from their natal family, considering it helpful in 91% of cases. Seeking help from institutions like women's organizations, police, healthcare centers, mental health centers, or local officials was rare among the women surveyed. This indicates a preference for resolving the issue within the family or through community support rather than immediately resorting to formal justice systems or institutions.

2.4 In short, Legal disputes between individuals in rural India, often span a vast array of situations, with some of the most frequently occurring disputes rooted in land and property disagreements. These might involve quarrels over land ownership, inheritance rights, boundary disputes between neighbors, or contentious issues between landlords and tenants. Additionally, family and domestic disputes frequently emerge, encompassing matters related to marriage, divorce, child custody, alimony, and domestic violence. These disputes often revolve around gender-based violence or discord between spouses or family members. Labor disputes, often seen between individual workers in the informal sector or in the context of contracted or seasonal work, are also common. Contractual disagreements, arising from personal agreements related to loans may also

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<sup>33</sup> In drought-hit Tamil Nadu village, Dispute over wells (<https://indianexpress.com/article> reported on August 11, 2017)

<sup>34</sup> <https://www.womensweb.in/>(reported on May 27,2022)

<sup>35</sup> The International Center for Research on Women (ICRW) conducted a three-year research program on domestic violence in India, in collaboration with various Indian academic and activist organizations. Summary available at <https://www.icrw.org/>

precipitate legal action. Personal injury disputes, where harm has been caused by one individual to another, either intentionally or due to negligence, often lead to legal contention.

2.5 In rural communities, village elders often form traditional forums to settle various disputes, leveraging their deep understanding of local customs and relationships to seek amicable solutions<sup>36</sup>. They address a wide range of issues, from land disputes involving boundary conflicts, inheritance, and land use, to disagreements over shared water resources like wells, ponds, and irrigation systems. Family disputes, encompassing matters of marriage, and inheritance, given their knowledge of familial ties and local customs. Community disputes, involving conflicts between different groups or factions within the village, and labor disputes, typically related to wage issues and working conditions, are also addressed at the local level. In the tribal communities of north-eastern India<sup>37</sup>, where traditional resolution mechanisms are still prevalent and customary laws are applied, such disputes find their resolutions through a range of indigenous forums through application of customary rules and practices<sup>38</sup>. The North-eastern Social Research Centre (NESRC) study, conducted in 2005<sup>39</sup> shows that tribal societies in the region generally prefer to resolve their disputes internally, governed by customary laws and practices. These practices include negotiation, intervention by elders for simpler disputes, and the involvement of clan or village councils for more complicated issues. Customary law systems aim to restore communal harmony and repair relationships rather than punishing offenders, a distinctly restorative approach. The researchers found that out of 1680 respondents a strong majority (76.0%) of the respondents from 14 tribes believed their communities should be governed by customary law, and this was for various reasons, such as preserving culture and fostering unity. Some tribes showed stronger support for customary laws than others. However, a minority (17.9%) of respondents felt their communities should not be governed by

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<sup>36</sup> In north-eastern India's tribal communities, traditional forums apply customary rules and practices to resolve disputes involving boundaries, inheritance, and other land-related issues. These forums often comprise village councils, also known as "Durbar" or "Dorbar", where community elders and leaders deliberate to reach consensus. The village chiefs, referred to as "Gaon Baoras", play a substantial role in these decision-making processes.

<sup>37</sup> There are eight states in the north-eastern region of India: Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, and Tripura. The tribal population in these states is estimated to be around 27.7% of the total population. According to the 2011 Census data, among the North-Eastern states in India, Mizoram has the highest proportion of Scheduled Tribe (ST) population at 94.4%. Following Mizoram are Nagaland and Meghalaya with 86.5% and 86.1% ST population, respectively. The rest of the states have lesser proportions. Some of the tribal groups in the region are the Nagas, the Mizos, the Meiteis, the Khasis, and the Garos.

<sup>38</sup> Legal Pluralism and Indian Democracy, 2018, Routledge

<sup>39</sup> Melvil, and R.P Athparia. "The Resilience of Tribal Conflict Resolution Systems in Northeast India: A Panoramic View." Legal Pluralism and Indian Democracy, 2018, pp. 126-147, Routledge.

customary law, citing reasons like its lack of gender sensitivity, being outdated, and dominated by older people. These forums also handle minor criminal offenses, such as petty theft and minor assault, typically prescribing remedies like restitution or community service.

2.6 In some communities, like the Sumi tribe<sup>40</sup>, disputes within families are typically resolved by the head of the family, while inter-family conflicts necessitate more formalized methods, often involving the village council<sup>41</sup>. While modern institutions like police and courts are present and available, the preference for traditional methods remains due to their efficiency and cost-effectiveness. However, the societies are not against resorting to modern legal institutions if needed, recognizing that maintaining a balance between tradition and modernity is key to their survival and prosperity. There are instances where individuals turn to the court when they perceive traditional conflict resolution mechanisms as harsh or unjust. For instance, in the case of *Shri Thwen Marngar & Anr. Vs. The Marwir Village Dorbar & Ors.*, heard in the High Court of Meghalaya in WP(C) No. 13 of 2021., the court observed that a resolution passed by the Marwir Village Dorbar, which prohibited two senior citizens from using a village road for transporting their produce, violated their fundamental rights. The court further characterized the resolution as manifestly illegal, discriminatory, and punitive in nature.

2.7 Numerous scholars contend that legal pluralism in the North- East region represents a preference for customary law and its institutions over state law and its courts. This preference stems from the perceived advantages of customary law, such as its expediency, cost-effectiveness, and ability to yield enduring outcomes<sup>42</sup>. Some scholars contend that the North- east region has experienced notable transformations that have greatly impacted the traditional customary rules. The widespread adoption of non-indigenous organized religions has gradually eroded the authority of these customs, while the influence of television, the internet, and films has further undermined traditional norms<sup>43</sup>.

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<sup>40</sup> Sumi tribe is in Nagaland.

<sup>41</sup> Herali Achumi and Alphonsus D' Souza, "Traditional methods of conflict resolution of the Sumi Tribe". *Legal Pluralism and Indian Democracy*, 2018, p 176, Routledge

<sup>42</sup> Ranga Ranjan Das, "Legal pluralism and alternative dispute redressal systems in the Northeast". *Legal Pluralism and Indian Democracy*, 2018, p 116, Routledge

<sup>43</sup> Nandita Haskar, "Conflict resolution systems in tribal societies of Northeast India" *Legal Pluralism and Indian Democracy*, 2018, p 116, Routledge



2.8 In recent times, numerous new informal mechanisms of resolving disputes have emerged in other parts of India to address women's issues, and one such example is the *Nari Adalats*<sup>44</sup>. These unique platforms serve as informal courts where women take the reins and actively participate in resolving disputes related to women's rights. Nari Adalats have gained popularity in various regions<sup>45</sup>, providing a space for women to voice their concerns and seek justice within their communities. Through a participatory approach, they facilitate discussions, negotiations, and resolutions, promoting a sense of empowerment and autonomy for women facing diverse challenges. Nari Adalat handles disputes relating to matrimonial dispute, violence against women, or any other violations of rights of women. In many cases they also facilitate access to courts and police. They have been emerging as forum for seeking justice and empowering women in rural communities<sup>46</sup>.

2.9 Certain other traditional and alternative forums are also functional which not only solve family/land disputes between villagers but also try to resolve village problems such as those relating to public services. One such forum in Bihar is *Gram Katchahri*<sup>47</sup>. It is a traditional forum that has been officially recognized by law. It is recognised under the Panchayat Raj Act of 2006 in Bihar, India. The Gram Katchahri serves as a forum aimed at resolving disputes at the grassroots level. It follows a unique and innovative approach to dispute resolution. The Gram Katchahri is headed by a Sarpanch, who serves as the head of the village court. Additionally, it comprises four Panches, who are members elected by the villagers of a *Panchayat*<sup>48</sup>. To ensure the effective functioning of the forum and the proper understanding and implementation of its rules and powers, a law graduate and volunteers provide support. Gram Katchahris in Bihar organize

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<sup>44</sup> Nari= Women , Adalat = Court. The inaugural Nari Adalat began in September 1995, beneath a neem tree near the Taluk Panchayat Bhawan in Vadodara. (<https://www.pradan.net/>). Adalat consists of Women who may not be entirely literate and are often from economically backward homes. Many of these women work as midday meal cooks, daily wagers and in other similar, low-paying jobs.

<sup>45</sup> As of April 2014, Nari Adalats were functioning in 11 states and working in 126 districts covering nearly 42,000 villages. (reported in <https://www.newslandry.com/07 Mar, 2017>)

<sup>46</sup> The Government of India is implementing 'Mission Shakti', an integrated women empowerment programme. One of the components included in Mission Shakti is 'Nari Adalat'.

<sup>47</sup> The Gram Katchahri is an institution that combines traditional dispute resolution practices with legal recognition. It is a reflection of the villagers' needs and aspirations. This forum holds significance in the context of the Gram Panchayat, which is the oldest system of local government in India. The Gram Katchahri complements the Gram Panchayat by providing a dedicated platform for the settlement of disputes within the village itself. The introduction of the Gram Katchahri was a progressive step, and it has been recognized and legitimized through various statutes, including the Panchayat Raj Act of 1947, the Bihar Panchayat Raj Act of 1993, and the Bihar Panchayat Raj Act of 2006. These legislative measures have solidified the status of the Gram Katchahri as an important local institution for dispute resolution.

<sup>48</sup> A panchayat is a local self-government body in India. It is a council of elected representatives from the local population. The 73rd Amendment to the Indian Constitution gave panchayats a constitutional status.

meetings based on the need and number of registered cases. When a case is filed, the Gram Katchahri sends notices to both parties involved in the dispute. Family disputes are typically resolved within a single hearing, while issues related to public services may require multiple hearings. This system emphasizes the need for resolving village problems within the village itself. At the village level, vigilance committees monitor the delivery of various public services, including the public distribution system and mid-day meals for school children. If any violations are detected, the vigilance committees report them to the Gram Katchahri. Initially, the Gram Katchahri issues warning letters to the service providers involved. If the default persists, a hearing is conducted involving both the service provider and the beneficiary. Many cases are resolved internally within the Gram Katchahri.

2.10 Now, the second form of legal problems. Several legal issues prevalent in rural India stem from entrenched social customs. Despite mitigation efforts, these practices persist and impact numerous population segments. Legal problems arising out of such social customs are normally dealt in the formal justice systems. Some of such issues like Caste-related issues remain prevalent in rural India, despite legal and societal advancements to challenge caste-based discrimination. The caste system, a hierarchical social stratification system is embedded in many rural areas and significantly influences social relations and economic opportunities. In 2021, a total of 50,900 cases were reported for crimes committed against Scheduled Castes (SCs), indicating a slight increase of 1.2% compared to the previous year's count of 50,291 cases<sup>49</sup>. These figures highlight the persistent challenges and vulnerabilities faced by the Scheduled Caste communities including caste-based discrimination, untouchability practices, violence, land and property disputes, and social exclusion<sup>50</sup>. Caste-related disputes in Indian villages are often more complex to resolve through traditional local mechanisms such as Panchayats. This complexity may be due to inherent biases and prejudices, as these bodies are typically dominated by individuals from higher castes. Furthermore, many caste-related issues like discrimination, violence, or atrocities against Scheduled Castes and Tribes fall under specific laws such as the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989, mandating their resolution through the formal judicial system.

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<sup>49</sup> <https://ncrb.gov.in/sites>

<sup>50</sup> Shah, G., Mander, H., Thorat, S., Deshpande, S., & Baviskar, A. (2006). *Untouchability in Rural India*. SAGE Publishing India. (The study reflects that untouchability persists in about 80% of rural Indian villages, according to a survey of 565 villages in 11 states. The study reveals limited job opportunities for Dalits, discrimination against Dalit women, and violence from upper-caste communities in response to Dalit empowerment efforts).

2.11 Witch hunting remains a significant issue in rural areas, characterized by the persecution and violence against individuals, primarily women, who are accused of practicing witchcraft. Witch hunting continues to persist in several Indian states, particularly in Indigenous tribal areas located in the central and eastern parts of the country. While many states have enacted laws to combat this practice, some, such as Assam, have even strengthened penalties by introducing provisions for life imprisonment. Disturbingly, between 2010 and 2021, over 1,500 individuals lost their lives in India due to accusations of witchcraft, as reported by the National Crime Records Bureau<sup>51</sup>. The majority of victims are women. Superstitions and sometimes disputes over land and property often serve as a common precursor to witch hunts<sup>52</sup>.

2.12 Another issue in rural areas is that of Child marriages. According to the National Family Health Survey (NFHS) 5, which was conducted in 2019-2020, the percentage of girls aged 15-19 years who were married before the age of 18 was 23.3% in India. This is a significant decrease from the NFHS 4, which was conducted in 2015-2016, when the percentage of girls who were married before the age of 18 was 27.2%. Child marriage problem is much bigger in rural India where the percentage was 27%, whereas in urban areas underage marriage accounted for 14.7% of marriages<sup>53</sup>. This prevalence is driven by poverty, social norms, and a lack of education. Families living in poverty often marry off their daughters early to lessen their financial burden, while traditional social norms can pressure families to arrange early marriages. Moreover, a lack of education for girls contributes to the issue as it limits their awareness of their rights and the harmful effects of child marriage. Child marriage has a devastating effect on the health and overall development and legal rights of the girl child<sup>54</sup>.

2.13 There exists another dimension where individuals in rural communities may lack awareness of their legal entitlements, or even if they have some understanding, they do not know how to navigate the system to actualize their rights. The lack of awareness about various laws and welfare programs hampers individuals from claiming their rightful entitlements. Traditional dispute resolution bodies, while effective in handling local conflicts, often lack the expertise to facilitate access to entitlements under welfare

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<sup>51</sup> <https://www.nytimes.com/>

<sup>52</sup> Witch Hunts Today: Abuse of Women, Superstition and Murder Collide in India([www.scientificamerican.com](http://www.scientificamerican.com))

<sup>53</sup> <https://timesofindia.indiatimes.com>(reported on November 25,2021)

<sup>54</sup> Sagade, Jaya. Child Marriage in India: Socio-legal and Human Rights Dimensions. 2nd ed., revised, Oxford University Press, 2011.

laws. For instance, A survey by the District Legal Services Authority (DLSA), Mewat<sup>55</sup>, in partnership with an NGO, discovered that laborers in 30 villages weren't aware of nearly twenty-three welfare schemes formed under The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. Despite considerable efforts to connect people with welfare schemes, there are still challenges in ensuring access for individuals without proper documentation. Seasonal workers from rural areas who migrate in search of employment often miss out on welfare benefits that are limited to state residents. Although laws provide protections, there is a lack of awareness among people regarding their rights and available support systems.

2.14 Another aspect of legal problems faced by rural people consist of criminal prosecutions, when rural individuals commit acts punishable under national or state laws, the formal justice system is set in motion. For instance, crimes against children, as mandated by laws like Protection of Children from Sexual Offences Act, 2012 (POCSO), must be reported to the authorities, and trials for such offenses are conducted within the state justice system. Therefore, in cases involving legal violations, the state machinery is activated, and traditional forums have limited influence or involvement.

2.15 Fifthly, in rural communities, particularly among tribal populations, legal issues can surface due to displacement caused by development projects. These projects often entail large-scale infrastructure development, such as dams, highways, mines, or industrial complexes, that require substantial areas of land<sup>56</sup>. Given that many of these communities are traditionally dependent on their ancestral land for livelihood and sustenance, displacement often lead to significant disruption and distress. navigating the legal and administrative systems for fair compensation and rehabilitation can be challenging for these communities. Many tribal people might not be aware of their legal rights or might lack the resources and knowledge to assert them. This can lead to inadequate compensation or resettlement plans, further exacerbating the hardships faced due to displacement. Tribal communities residing in close proximity to forests have traditionally relied on forest resources for their livelihoods. However, the implementation

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<sup>55</sup> Annual report Mewat 2016

<sup>56</sup> Singh, Y. P., & Panda, S. (Eds.). (2021). Tribal Justice. EBC

of various legislations such as the Wildlife Act and Forest Act<sup>57</sup> had resulted in their displacement and created new challenges for them. The traditional systems of conflict resolution cannot address disputes between individuals and the state. Activities such as collecting forest produce or engaging in traditional hunting practices are now restricted, regulated, or prohibited. This lack of awareness puts tribal individuals at risk of inadvertently violating the law and facing legal consequences. Another pressing problem for these communities is the absence of recorded land titles. The traditional systems of land ownership and land use practiced by tribal communities are not recognized or documented in the same manner as modern land ownership systems. As a result, tribal people often face challenges in asserting their land rights and obtaining legal recognition for their ancestral territories. The combination of displacement, restrictions on customary activities, and the absence of recorded land titles creates a multitude of problems for tribal communities. Their traditional livelihoods are disrupted, and they face difficulties in adapting to alternative means of sustenance. This situation not only threatens their cultural heritage and way of life but also has broader implications for their economic well-being, social cohesion, and overall well-being.

2.16 **Survey:** A preliminary survey was conducted<sup>58</sup> in the month of May 2023 to explore the legal needs, problem-solving behaviours, and barriers faced by individuals residing in the rural areas of Jharkhand while accessing justice. Jharkhand was selected due to its predominantly rural and tribal demographics. This preliminary survey incorporated respondents from all districts of Jharkhand to ensure regional inclusivity. Despite the limitations of inconsistent response rates and incomplete reporting, the data gathered offers an initial understanding of the broader rural legal landscape in India. The insights and experience drawn from this preliminary study can play a vital role in shaping a more comprehensive survey aimed at covering all states and providing a more robust analysis of access to justice in rural India. Outlined below are the key highlights derived from the survey results:

#### **A. Demographic Profile of the Respondents:**

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<sup>57</sup> The Forest Rights Act of 2006 aims to address this historical injustice and secure tribal rights. However, challenges remain in implementing and realizing these rights effectively. Many tribal communities continue to struggle to assert their rights and face obstacles in obtaining legal recognition of their ancestral lands.

<sup>58</sup> The preliminary survey for this study was undertaken by the author, who wishes to express sincere appreciation to the Jharkhand State Legal Services Authority for their indispensable help in data collection. Moreover, the author's gratitude extends to Mr. Ajay and Mr Randeep Datta for their vital assistance in compilation and analysis of the collected data.

- Age: The respondents were primarily of working age (25-54 years, 74.2%), indicating that the survey broadly captures the perspectives of the economically active population.
- Gender: The survey had a fair representation of both genders, with a slightly higher representation of females (56.2%) than males (43.8%).
- Education: More than half of the respondents had education up to the primary or secondary level (55.4%). However, a concerning number of respondents had no formal education (16.8%).
- Marital Status and Land Ownership: The majority of respondents were married (74.6%), and a significant proportion of respondents owned land (71.8%).

#### **B. Legal Issues and Problems:**

- Legal disputes were common, with 81.3% of respondents faced legal issues.
- The majority of the legal disputes pertained to land and property-related issues (45.4 % of those having legal issues), with land disputes with neighbors or villagers being the most common type (16.4% of those having legal issues).
- Other types of legal issues included agricultural and environmental issues (13.8 of those having legal issues), family and personal issues (17.1% of those having legal issues), housing and infrastructure issues (5.9% of those having legal issues), criminal charges and human rights violations (8.6% of those having legal issues), labor and employment issues (3.3% of those having legal issues), and disputes related to government schemes and public services (2.4% of those having legal issues).

#### **C. Legal Advice and Representation:**

- The majority of the respondents sought legal advice or assistance (77.6%). However, there's a significant proportion who did not seek any legal advice or assistance (22.4%).
- The majority of the respondents who sought legal aid received it from legal aid authorities (69.5%).
- Respondents generally rated the quality of legal aid as excellent (45.8%) or good (31.4%).

#### **D. Dispute Resolution and Preferences:**

- Respondents utilized various dispute resolution methods, with formal adjudication (19.7 %) and self-resolution methods (20.4%) being the most common.
- Traditional community-based resolution methods were preferred by 11.8% of respondents, mainly due to their expediency and cost-effectiveness.
- The majority of the respondents were satisfied with the dispute resolution outcome (85%).

#### **E. Barriers to Accessing Justice:**

Financial constraints (29.6%) and lack of legal awareness among the rural population (40.1%) reported as main barriers to accessing justice.

#### **F. Legal Aid Services and Outreach:**

- Two-thirds of respondents (66.9%) reported accessing free legal aid services.
- Most respondents were aware of legal aid clinics and outreach programs (88.3%) and had attended legal awareness programs (89.1%).

#### **G. Trust in Justice Institutions:**

- Respondents had the highest trust in courts (86.1% gave a rating of 4 or 5), followed by legal aid authorities (83.1% gave a rating of 4 or 5) and traditional dispute resolution methods/panchayats (56.4% gave a rating of 4 or 5).
- The trust in police (41.1% gave a rating of 4 or 5) and non-governmental organizations providing legal aid services (43% gave a rating of 4 or 5) was comparatively lower.

Preliminary survey on "Legal Needs and Access to Justice in Rural India," focusing on Jharkhand, offers valuable insights into the predominant legal issues faced by rural inhabitants and their struggle to access justice. While the findings are based on a limited sample and only provide a snapshot of the situation in Jharkhand, they are nonetheless crucial in identifying key areas of concern. They may pave the way for a more comprehensive, nationwide research study to understand better the myriad legal needs and access to justice issues across India's rural landscape.

### **PART III**

#### **RESPONSES OF LEGAL SERVICES AUTHORITIES**

The Legal Services Authorities adopt a comprehensive and multidimensional approach to address the diverse legal challenges faced by rural populations. With a focus on ensuring access to justice, the system encompasses various strategies to manage legal issues at the pre-litigation level. Through initiatives such as Lok Adalats, Legal Services Clinics, legal representation before courts, assistance at early-stage criminal justice, and outreach programs, the Legal Services Authorities aim to bridge the justice gap and empower rural communities in all aspects of their legal needs. The approach and interventions of these Authorities can be outlined as follows:

**3.1 Means test not applicable:** Women, Children, persons in custody, persons with disabilities, victims of disaster, victims of trafficking, Scheduled Caste and Scheduled Tribes, and industrial workmen, are eligible for free legal aid irrespective of

their income<sup>59</sup>. This ensures that maximum people from rural India access legal aid services.

**3.2 Strategic and preventive interventions:** NALSA has devised schemes as strategic and preventive measures to address the legal needs of marginalized and vulnerable groups, including tribal communities, victims of trafficking, and individuals in poverty. These schemes provide targeted legal assistance and support, aiming to empower these groups and ensure equal access to justice. For example, NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015<sup>60</sup> focuses on empowering tribal communities through legal awareness and education, bridging the communication gap with the help of trained Para Legal Volunteers (PLVs) from their own communities. Additionally, it ensures effective representation of tribal people during legal proceedings through exclusive panels of lawyers. On a similar note, the NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015<sup>61</sup> seeks to enhance access to justice for the socially and economically disadvantaged by ensuring they have access to poverty alleviation schemes. Under this scheme, Legal Services Authorities spread legal awareness, identify and disseminate information about relevant schemes, and provide legal assistance to beneficiaries. The NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015<sup>62</sup> provides for comprehensive legal services and support to victims of trafficking and commercial sexual exploitation. It provides for coordinated efforts across different stakeholders such as legal services authorities, NGOs, community organizations, and government departments for a holistic response to the issue. The scheme aims to protect the rights and dignity of victims, prevent re-trafficking, and empower them.

The importance of interventions at the individual level in providing access to justice and legal services in rural areas cannot be overstated. Para-legal volunteers (PLVs), District Legal Services Authorities (DLSAs), and campaigns by the National Legal Services Authority (NALSA) and State Legal Services Authorities (SLSAs) have been instrumental in addressing the legal needs of rural communities at the individual level. Here are some noteworthy instances of interventions at the individual level by PLVs: Mr. Dehri at Jharkhand noticed that many senior citizens, differently-abled individuals,

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<sup>59</sup> Section 12, Legal Services Authorities Act, 1987

<sup>60</sup> Available at [www.nalsa.gov.in](http://www.nalsa.gov.in)

<sup>61</sup> Ibid

<sup>62</sup> id



and widows were unaware of their eligibility for pensions and benefits. Mr. Dehri collected more than 5,000 application forms from villagers, assisted in filling them out, and facilitated the provision of benefits to hundreds of individuals<sup>63</sup>. Another PLV in Orissa Mr. Mahanty came across the case of Jhituku Poroja, a physically handicapped individual living with three similarly disabled children. He assisted them in obtaining Physically Handicapped Certificates and accessing benefits under various social security schemes. He also facilitated their admission into government boarding schools for education. In another case, Mr. Mahanty assisted a tribal woman responsible for four grandchildren in obtaining a ration card under the Food Security Scheme. He facilitated the admission of the children into a government school for education<sup>64</sup>. These examples demonstrate the profound impact of individual-level interventions in providing legal assistance, improving access to essential services, and addressing the specific needs of vulnerable individuals and communities through non-litigative methods. District Legal Services Authorities also intervene, making difference to the lives of people. For example, The District Legal Services Authority (DLSA) Tawang<sup>65</sup> intervened in addressing the needs of senior citizens in the Lumla sub-division in Arunachal Pradesh. It was a case concerning 176 senior citizens. Their applications for old age pension had been denied by the concerned department due to absence of Aadhar<sup>66</sup> cards and State Bank of India (SBI) bank accounts, both crucial for Direct Benefit Transfer (DBT). Upon receipt of information, the Secretary of DLSA Tawang held a discussion with the Child Development Project Officer (CDPO) of Lumla and approached the issue of Aadhar card enrolment with the District Statistics Officer (DSO) of Tawang. Convinced by the urgency and significance of the issue, the DSO agreed to arrange door-to-door visits for the enrolment of these 176 senior citizens. A diligent team was formed, consisting of officials from DSO (Stat) Tawang, six Para Legal Volunteers, and one panel advocate. Under the consistent supervision and persistent efforts of the DLSA Tawang Secretary, Aadhar cards for all the 176 senior citizens were prepared. The team's efforts didn't stop there. DLSA Tawang then took the initiative to open SBI bank accounts for these individuals at the Lumla Branch. Following this, the Aadhar card enrolment numbers and the bank passbook numbers

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<sup>63</sup> Compilation PLVs 2018 (NALSA) at [www.nalsa.gov.in](http://www.nalsa.gov.in).

<sup>64</sup> Ibid

<sup>65</sup> Twang is in the State of Arunachal Pradesh(India)

<sup>66</sup> Aadhaar is a 12-digit unique identity number issued by the Unique Identification Authority of India (UIDAI), a government agency. This number is linked to the resident's basic demographic and biometric information, such as a photograph, fingerprints, and iris scans, which are stored in a centralized database.

were provided to the concerned department of Lumla sub-division to enable deposit of the old age pension benefits for these individuals. Finally, after a series of coordinated actions, the rights of senior citizens were realized.

The Legal Services Authorities are often pivotal at the community level, actively stepping in to prevent prospective legal issues from escalating. They take a hands-on approach, resolving current problems such as facilitating access to entitlements. They adopt simple, non-litigious methods, including form filling, public education, and close collaboration with government departments, or tracking progress with them. This proactive involvement often eliminates the need for court intervention, making justice more accessible and less daunting for the common person. For instance, In Haryana district of Mahendragarh (Narnaul), District Legal Services Authority played a key role in tackling child marriage through the project “*Bal Vivah-Ek Abhishap.*” Following the NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015, core teams were formed to focus on areas needing heightened awareness against child marriage. Village-level Anti-Child Marriage Committees were established, and numerous awareness activities were implemented, including a 'Signature Campaign' and youth-targeted events. As a result of these strategic interventions, 12 child marriages were prevented, demonstrating the power of community-level legal initiatives in addressing critical social issues<sup>67</sup>. In another example, The Tirunelveli District Legal Services Authority (DLSA) in Tamil Nadu has been instrumental in advancing the rights of unorganised workers. Using the NALSA (Legal Services to the Workers in the Unorganised Sector) Scheme, 2015, Tirunelveli DLSA collaborated with local labour and social security officials to organize 48 legal empowerment camps for unorganised workers. They conducted awareness initiatives and facilitated on-spot registration and renewal of memberships for various welfare boards. These efforts resulted in 23,695 unorganised workers gaining benefits, including new registrations, renewals, and settled claim petitions amounting to Rs. 57,767,150. The success of these interventions underscores the crucial role of local legal services authorities in protecting the rights of unorganised workers<sup>68</sup>.

Legal Services Authorities employ strategic and preventive schemes to intervene at both the individual and community levels, aiming to resolve and prevent legal issues from escalating. These interventions range from spreading awareness about legal rights,

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<sup>67</sup> Annual report of DLSA Narnoul, 2017

<sup>68</sup> Report of Tamil Nadu State Legal Services Authority 2017

enabling access to legal resources, to assisting with practical aspects of legal procedures. Their proactive actions tackle immediate personal legal issues while also addressing broader community-wide issues.

**3.3 Simplified ways of resolving disputes:** One of the key strategies is to use simplified mechanisms for resolving disputes in rural areas. In this regard Lok Adalat, an indigenously developed ADR mechanism is deployed by Legal Services Authorities in which millions of cases are resolved at pre-litigation level as well as pending cases in courts. Lok Adalats, have proven to be highly effective and suitable for dispute resolution in rural India, primarily due to their accessibility, simplicity, cost-effectiveness, and speedy resolution. Often held in rural areas, Lok Adalats eliminate geographic and financial barriers for rural communities seeking justice. The proceedings, conducted in local languages and less formal than conventional court systems, are more comprehensible for individuals unfamiliar with intricate legal terms and procedures.

The crux of the Lok Adalat system lies in its promotion of compromise and negotiation between disputing parties, leading to amicable settlements, a key feature preserving relationships and harmony in closely-knit rural communities. The core principles of Lok Adalats—participatory justice, cost-effectiveness, simplicity, and accessibility—echo India's traditional mechanisms of dispute resolution, which hinge on community participation, mediation, compromise, oral proceedings, informality, and restorative justice. Over the years, both the National Lok Adalat<sup>69</sup> and State Lok Adalat<sup>70</sup> have played a significant role in settling cases and providing alternate dispute resolution. The National Lok Adalat, an alternative dispute resolution mechanism in India, has seen significant increases in the number of both pre-litigation and pending cases settled over recent years. In 2020, a total of 25,48,368 cases were settled, including 12,64,935 pre-litigation and 12,83,433 pending cases. This number escalated in 2021, reaching 1,27,88,037 total cases settled, with 72,06,294 in the pre-litigation phase and 55,81,743 pending. A further upsurge was observed in 2022 with a total of 4,19,26,010 cases settled, encompassing 3,10,15,215 pre-litigation and 1,09,10,795 pending cases.

Similarly, the State Lok Adalat also witnessed changes in case settlements over time. During the fiscal year 2019-20, the total number of cases settled was 545,751,

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<sup>69</sup> National Lok Adalats are conducted nationwide on a quarterly basis, typically on fixed dates.

<sup>70</sup> The scheduling and frequency of State Lok Adalats are determined by the respective State Legal Services Authorities

involving 79,493 pre-litigation and 466,258 pending cases. The next year, 2020-21, this increased to 744,073 total cases settled, with 142,549 pre-litigation and 601,524 pending. In 2021-22, the total dipped to 532,529, comprising 114,278 pre-litigation and 418,251 pending cases. However, the fiscal year 2022-23 saw an upswing, with 851,309 total cases settled, including 94,939 pre-litigation and 756,370 pending cases. These figures demonstrate the significant impact of Lok Adalats in providing effective dispute resolution.

**3.4 Reaching out to rural population:** Legal Services Authorities employ a variety of strategies to extend their reach to the rural populace. These methods are designed to ensure that individuals in remote areas have access to the justice system and necessary legal aid. Some of such outreach strategies include.

(a) Conducting Legal Literacy programmes: Legal Services Authorities (LSAs) are conducting community-specific legal literacy workshops in rural areas. These workshops educate communities about various laws and rights pertinent to different demographic groups like children, laborers, disaster victims, and the Scheduled Castes and Tribes. LSAs are ensuring that the language used in these workshops is vernacular and relatable to the rural audience.

(b) Organizing Legal Empowerment Camps<sup>71</sup>: LSAs are organizing Legal Empowerment Camps to connect marginalized sections of rural society with their lawful entitlements. These camps operate in three stages: identifying beneficiaries, conducting the actual camp where benefits are delivered, and following up to ensure proper implementation of benefits.

(c) Establishing Legal Services Clinics: LSAs have set up Legal Services Clinics in accessible locations like colleges, community centers, and villages. These clinics offer free legal advice, aid in drafting legal representations, and facilitate dispute resolution at a local level, thereby overcoming geographical, social, and other barriers to legal services in rural India.

(d) Launching Targeted Legal Campaigns: LSAs are implementing focused legal campaigns to cater to specific needs of identified rural populations or regions. These campaigns consist of spreading legal awareness, identifying the legal needs

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<sup>71</sup> First such camp was organized at Dibrugarh, Assam in December 2017(Nalsa's newsletter July to December 2017 available at [www.nalsa.gov.in](http://www.nalsa.gov.in))

of the target population, and providing necessary legal aid and assistance. Two such pan India campaigns focusing on reaching out to villages are:

**Campaign 1: Empowerment of Citizens through Legal Awareness and Outreach 2022<sup>72</sup>**

The Empowerment of Citizens through Legal Awareness and Outreach 2022 campaign was conducted over a period of two weeks, from October 31st to November 13th, 2022. It aimed to empower individuals in villages through legal awareness and assistance. The campaign successfully organized 151,100 camps in villages, which attracted a substantial number of participants, totalling 38,723,058 individuals.

During the camps, 1,021,533 people received essential legal assistance, benefitting from the program. Additionally, 36,505 camps were held in other areas, with 6,506,440 attendees and 268,762 individuals receiving legal assistance.

Apart from the camps, the campaign also prioritized court-based services. A total of 7,073 individuals were provided with panel lawyers to address their legal needs. Furthermore, 64,077 people received advice or counseling, and 21,993 individuals benefited from other services offered during the campaign.

**Campaign 2: Pan India Legal Awareness and Outreach Campaign 2021<sup>73</sup>**

The Pan India Legal Awareness and Outreach Campaign 2021 aimed to extend legal awareness, guidance, and services to villages across the country. The campaign spanned from October 2nd to November 14th, 2021, and was divided into four phases, each with its specific duration.

During the campaign, a comprehensive coverage of 640,727 villages was achieved. Notably, 341,545 villages were visited three times or more, ensuring repeated engagement and support.

Overall, these campaigns were dedicated to reaching out to villages, providing legal awareness, guidance, and services to empower the citizens

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<sup>72</sup> Available at [www.nalsa.gov.in](http://www.nalsa.gov.in)

<sup>73</sup> Available at [www.nalsa.gov.in](http://www.nalsa.gov.in)

residing in these areas. Through the concerted efforts of these campaigns, millions of individuals in villages were able to access valuable legal support and assistance.

(e) **Forming Legal Literacy Clubs in Educational Institutions:** Legal Services Authorities (LSAs) are actively setting up Legal Literacy Clubs in schools and colleges throughout rural India. These clubs aim to enhance legal literacy and awareness among students through interactive activities and competitions. Recognizing that parents in these areas may have limited literacy, the focus is on equipping students with essential legal knowledge and empowering them to be agents of change in their communities.

**3.5 Engagement of PLVs from rural and tribal communities:** Legal Services Authorities actively engage Para Legal Volunteers (PLVs) from rural and tribal communities, a strategy that bears multiple benefits. By involving members from these communities, Legal Services Authorities acquire an intimate understanding of the unique issues and challenges faced by them. The PLVs, with their shared cultural background and experiences, possess the ability to identify and comprehend problems specific to their communities, a feat often difficult for outsiders. This engagement of PLVs from within the community also acts as a bridge between Legal Services Authorities and rural or tribal communities. Owing to their existing relationships and trust within their communities, PLVs can effectively communicate the services offered by Legal Services Authorities and connect these authorities with people who might otherwise be hesitant or unable to seek legal aid. Additionally, the role of PLVs is not limited to bridging gaps. They also receive training to provide essential legal services, including helping individuals understand their rights, assisting in accessing government schemes, and providing support during legal procedures. With their knowledge of local languages and customs, PLVs make legal services more accessible and understandable, thereby promoting legal empowerment within their communities.

**3.6 Legal assistance & Representation in courts:** Legal aid authorities are providing legal representation through lawyers across different courts<sup>74</sup>, including judicial courts, tribunals, and authorities exercising judicial or quasi-judicial functions.

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<sup>74</sup> Section 2(aaa), Legal Services Authorities Act, 1987

This comprehensive provision of legal aid ensures that individuals have access to competent legal representation in a wide range of legal proceedings. Additionally, legal aid authorities extend their representation services to *Gram Nyayalayas*<sup>75</sup>, local village courts operating in rural India. By offering legal representation in *Gram Nyayalayas*, legal aid authorities contribute to bridging the justice gap and ensuring equal access to justice for individuals in rural communities.

**3.7 Targeting Rural Areas via Tele-law:** With the objective to extend the boundaries of legal assistance to the most remote parts of the country, the Department of Justice, as part of the Ministry of Law and Justice, has launched the Tele-Law initiative. This revolutionary program employs technology to bridge the gap between villagers requiring legal counsel and professional lawyers. In the span from April 2017 to April 2023, the program saw a total of 3,960,136 cases registered, out of which 3,813,139 have been provided with the necessary legal advice. This has been possible through the network of 100,000 Common Service Centres (CSCs), which have been set up even in the most isolated rural areas. Providing accessible legal aid is achieved through video conferencing facilities at these CSCs. The scheme has managed to reach diverse segments of society, with case registration and advisories for different categories: General (GEN) category (Registered: 848,013, Advised: 812,263), Other Backward Class (OBC) (Registered: 1,158,168, Advised: 1,110,950), Scheduled Caste (SC) (Registered: 1,267,322, Advised: 1,224,375), and Scheduled Tribe (ST) (Registered: 686,633, Advised: 665,551). Furthermore, the program has not just catered to men (Registered: 2,621,858, Advised: 2,522,389) but also women (Registered: 1,338,278, Advised: 1,290,750), emphasizing the inclusive nature of the initiative<sup>76</sup>. An important facet of this initiative is the involvement of Legal Services Authorities, which provides panel lawyers in many states for the successful implementation of this scheme. The core aim of the Tele-Law initiative is to make legal services accessible, especially for those residing in rural and remote areas, reinforcing its commitment to ensuring universal access to justice.

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<sup>75</sup> The Gram Nyayalayas Act, effective from October 2nd, 2009, applies nationwide, except in Nagaland, Arunachal Pradesh, Sikkim, and specified tribal areas in Assam, Meghalaya, Tripura, and Mizoram. Gram Nyayalayas handle specified criminal cases, civil suits, claims, and disputes, following a summary procedure for criminal trials. (<https://dashboard.doj.gov.in/>)

<sup>76</sup> <https://doj.gov.in/tele-law>

**3.8 Use of public interest litigation (PIL):** Legal Services Authorities proactively utilize public interest litigations (PIL) to address issues that impact various segments of society, including those residing in rural areas. By engaging in PIL cases, they work towards resolving systemic concerns and advocating for the rights of marginalized communities, focusing on addressing the unique challenges faced by rural populations. This approach ensures that legal remedies and interventions are extended to those living in rural areas. For example, In the Supreme Court of India, a significant Public Interest Litigation (Writ Petition No. 400/2012) was filed by NALSA (National Legal Services Authority) with the aim of safeguarding the rights of the transgender community. The landmark judgment in the case of NALSA vs. Union of India (2014) 5 SCC 438 acknowledged and recognized the identity of transgender individuals as the third gender. Furthermore, the judgment also provided essential guidelines to the government regarding the protection and empowerment of the transgender community.

## PART IV

### FORGING THE WAY AHEAD

Legal Services Authorities are actively involved in a variety of initiatives aimed at addressing justice issues and fulfilling the legal needs of individuals residing in rural areas of India. These authorities are implementing strategic programs specifically tailored to cater to the distinctive needs of rural populations. By providing a comprehensive spectrum of legal aid services, including outreach strategies and proficient management of disputes at the pre-litigation level, these authorities are actively transforming the landscape of justice in rural India. However, there is still room for further improvement and enhancement of the legal aid initiatives in rural India. Before discussing these suggestions, it is essential to analyse the current limitations of the legal aid landscape in rural areas.

**4.1 Current State of Legal Aid Infrastructure:** The landscape of legal aid infrastructure in rural India presents a complex picture. Of the 593,615<sup>77</sup> inhabited villages, there are 4,125<sup>78</sup> legal services clinics, approximating to one legal clinic for every 144 villages. This indicates a substantial deficiency in the immediate, physical

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<sup>77</sup> Census 2011, [www.censusindia.gov.in](http://www.censusindia.gov.in)

<sup>78</sup> [www.nalsa.gov.in](http://www.nalsa.gov.in)



access to legal aid services. Notably, the system boasts 2,341<sup>79</sup> Taluka Legal Services Committees (TLSCs), primarily located in rural areas, facilitating localized administration of legal services. Furthermore, there are 49,126<sup>80</sup> panel lawyers, yielding a ratio of one lawyer for roughly every 12 villages. This ratio points towards a shortfall of professional legal expertise at the village level. Paralegal Volunteers (PLVs), serving as essential foot soldiers of grassroots legal aid, number 42,446, denoting a distribution of approximately one PLV for every 14 villages, thereby suggesting the thinly spread nature of these critical resources. The extreme paucity of legal aid vehicles constitutes the most striking challenge within this framework. Currently, only 78 legal aid vehicles are available to service over half a million villages. This translates into an astonishingly high ratio of one vehicle for every 7,609 villages, clearly highlighting a tremendous logistical barrier that impedes the mobility and outreach capacity of legal aid services across India's vast rural landscape. Vehicles can help in serving as mobile legal Services Clinics, and in reaching remote areas.

## 4.2 Enhancing Legal Aid Initiatives in Rural India: Proposed Measures

**4.2.1 Harnessing the Potential of Digital Tools and Platforms:** The current limitations in the legal aid infrastructure in rural India can be plugged by leveraging technology to enhance the reach to rural areas. In such a scenario the application of digital tools in enhancing the reach of legal services could be multi-pronged and holds immense potential for delivering legal services in rural areas. India will have approximately 1 billion smartphone users<sup>81</sup> by 2026, with significant adoption coming from rural areas. The Indian government's digital initiatives, including Pradhan Mantri Gramin Digital Saksharta Abhiyan<sup>82</sup> and BharatNet<sup>83</sup> have collectively enhanced digital literacy and digital infrastructure in rural areas.

Moreover, as of March 23, 2023, there are 4,09,949<sup>84</sup> functional Common Service Centres (CSCs) in rural India. These CSCs provide a wide range of services to rural citizens, including access to government-to-citizen (G2C) services, e-learning, e-

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<sup>79</sup> Ibid

<sup>80</sup> Legal professionals primarily reside in urban areas, but the Legal Services Authorities can deploy them to offer legal services in villages.

<sup>81</sup> Reported in [www.indiatimes.com](http://www.indiatimes.com) on Feb.26,2022

<sup>82</sup> Pradhan Mantri Gramin Digital Saksharta Abhiyaan is the scheme to make six crore persons in rural areas, across States/UTs, digitally literate ([www.pmgdisha.in](http://www.pmgdisha.in))

<sup>83</sup> BharatNet, launched by the Indian government under the Digital India program, aims to provide affordable, high-speed internet to rural areas through optical fibre, marking it as the world's largest rural broadband project. ([bbln.nic.in](http://bbln.nic.in))

<sup>84</sup> <https://csc.gov.in>

commerce, and financial services<sup>85</sup>. The CSCs have been instrumental in bridging the digital divide in rural India and providing access to essential services to millions of people. Tele-law<sup>86</sup> is using the common service centres (CSCs) in India to provide legal advice to the marginalized communities. Tele-law uses the video conferencing facilities available at the CSCs to connect citizens with lawyers. This allows citizens to access legal advice and assistance from lawyers, even if they live in remote areas. PLVs can connect needy through common services centres to the lawyers of legal aid authorities, and if the requirement is to file petition then such cases can be forwarded to the Front offices alongwith the documents and information for further processing. Similarly, Collaboration between Legal Services Authorities and E-sewa Kendras<sup>87</sup> will enhance the accessibility to legal services. E-sewa Kendras, with their digital infrastructure and trained staff, can facilitate online legal service delivery, including electronic petition filing.

Leveraging digital infrastructure can vastly improve access to legal services in rural India through three main avenues. Firstly, it will enable remote legal consultations through video conferencing or chat platforms, connecting individuals in rural areas with legal experts regardless of geographical location. Secondly, digital platforms can enhance legal awareness by hosting webinars or workshops that educate on relevant legal topics, thus empowering rural communities. Thirdly, digital tools can streamline tasks, allowing individuals to file complaints, apply for legal aid, and track their cases online, simplifying the process and making legal services more user-friendly.

The legal aid digital tools can be integrated with existing popular platforms. For instance, legal services could be provided as an add-on with e-governance apps, agricultural information apps<sup>88</sup>, or mobile banking apps that rural users might already be familiar with. Digital platforms must be designed to offer content in local languages and dialects. This can make legal information and services accessible to a wider section of the population.

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<sup>85</sup> Ibid

<sup>86</sup> <https://doj.gov.in/tele-law>

<sup>87</sup> E-Sewa Kendras are one-stop centers for litigants and lawyers to access information and services related to the court system in India. They were established by the eCommittee of the Supreme Court of India in order to improve access to justice for all citizens

<sup>88</sup> Kisan Suvidha is a user-friendly app providing farmers with weather updates, market prices, and farming knowledge. Its multilingual support increases its reach. Other helpful farming apps include Pusa Krishi and 'Kheti-Badi'.

**4.2.2 Strategic Expansion of Legal Clinics:** The Legal service clinics<sup>89</sup> should be increased and placed strategically in areas with higher legal needs<sup>90</sup>. Data from legal needs surveys and local demographics can be used to identify these areas. Prioritizing these locations will ensure that the limited resources have the maximum impact<sup>91</sup>. To ensure that everyone, especially marginalized groups such as women, schedule castes, and tribal communities, have access to justice, specialized legal services clinics may be established. This could take the form of women-only legal aid clinics, mobile legal services for remote tribes and marginalised groups.

**4.2.3 Specialized Training for Panel Lawyers and Para Legal Volunteers:** Specialized training focusing on prevalent legal issues in rural areas can enhance their ability to assist the local population. At present there no specialized training module to train panel lawyers and PLVs in rendering services in rural area<sup>92</sup>. These modules should be designed with an emphasis on the specificities of rural socio-economic structures, cultural nuances, and prevalent legal issues. This specialized training could include learning to navigate the rural socio-economic landscape, developing effective communication strategies adapted to rural sensitivities, and acquiring practical skills to handle common legal challenges in rural settings.

**4.2.4 Overcoming Operational Challenges in Legal Aid Helplines:** Legal aid helplines act as significant conduits to legal services, particularly for individuals situated in remote or rural areas. Regrettably, these vital links often grapple with operational difficulties that can include inconsistent connectivity and intervals of inactivity, thereby reducing their reliability in areas where they are most needed. The fragile state of these helplines can often be traced back to a host of underlying issues such as inadequate infrastructural backing, a shortage of staff, or insufficient training of helpline personnel. Addressing these challenges is paramount in bolstering the accessibility and efficacy of legal aid services.

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<sup>89</sup> In the past two years, the count of Legal Services Clinics has dropped without introducing any alternative to carry out their functions. As of March 2023, the number of Legal Services Clinics has decreased to around 11,000.

<sup>90</sup> To evaluate higher legal needs, one must conduct surveys, collaborate with legal professionals and local organizations, and facilitate community engagement through focus groups.

<sup>91</sup> The National Legal Services Authority (Legal Services Clinics) Regulations, 2011 provides that the District Legal Services Authority, depending on the available financial resources, shall establish legal services clinics in all villages, or for a cluster of villages, considering the size of such villages.

<sup>92</sup> The three training modules, released on March 21, 2015, April 9, 2016, and December 13, 2018, respectively (available at <https://nalsa.gov.in/training-modules>), do not include any specific chapters dedicated to providing legal services in rural areas.

**4.2.5 Revitalizing the Paralegal Volunteers (PLV) Scheme** : The Paralegal Volunteer (PLV) scheme is an essential part of the legal aid landscape, particularly given that PLVs come from the communities they serve, offering invaluable understanding of local customs and traditions and facilitating understanding of legal issues being face by their Communities. However, even though there are approximately 42,446 PLVs, their deployment to legal services work has recently declined. This suggests a need to invigorate the PLV scheme, which could involve expanding their training, ensuring their equitable distribution across various communities, and enhancing their support structures. Strengthening this scheme would allow for more effective utilization of their local knowledge, thereby addressing the distinct legal needs of different communities more efficiently.

**4.2.6 Expanding Lok Adalats to Remote Regions** : Taking Lok Adalats to rural areas in a more simplified manner will be a highly effective approach for settling disputes at the pre-litigation stage, and hence catering to the legal issues of rural population. This method is particularly suitable for rural communities due to several reasons. One of the key advantages of Lok Adalats is their informal and conciliatory nature. They encourage parties to engage in dialogue, find common ground, and reach mutually acceptable settlements. This approach aligns with the traditional mechanisms of dispute resolution prevalent in rural communities, where compromise and maintaining harmony are highly valued. In addition to the judicial officer, respected members of the community can be included on the Lok Adalat bench<sup>93</sup>. Their involvement will foster familiarity and trust, ensuring a more relatable and community-centric process. Moreover, experts in specific fields can be included in the bench to contribute their knowledge and insights to resolve disputes effectively. Furthermore, Lok Adalats are cost-free for the parties involved, removing financial barriers and ensuring that justice is accessible to all, especially the economically disadvantaged rural population. To reach remote areas, mobile legal aid vehicles can be utilized to hold Lok Adalats. These vehicles may serve as mobile Lok Adalats, bringing justice closer to communities that are geographically isolated. This

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<sup>93</sup> The composition of Lok Adalats at the district level, as per the National Legal Services Authority (Lok Adalat) Regulations, 2009, includes a bench comprising a sitting or retired judicial officer and one or two individuals. These individuals consist of a legal professional and a socially active person with a reputable background in the upliftment of marginalized communities, such as Scheduled Castes, Scheduled Tribes, women, children, rural and urban labor. Alternatively, this role can be fulfilled by a person engaged in para-legal activities, preferably a woman. This composition ensures a holistic approach to dispute resolution, combining legal expertise with the invaluable perspective of a dedicated social worker.

innovative approach will ensure that even individuals in the most remote areas can benefit from the dispute resolution services offered by Lok Adalats.

**4.2.7 Leveraging Legal Empowerment Camps for Rural Populations:** A strategic approach needs to be adopted to leverage legal empowerment camps for the rural population. This approach may entail organizing a combination of larger-scale camps and micro-form camps. By conducting around 500 camps per year and following a prescribed methodology<sup>94</sup>, a significant portion of the rural population can be reached, and their legal needs can be effectively addressed. The key to maximizing the impact of these camps lies in the identification and prioritization of areas with marginalized communities and limited access to legal aid services. Collaborating with local government authorities, NGOs, and community leaders further will further enhance the effectiveness of the camps by leveraging local knowledge and support. Careful selection of venues, such as community centers and schools, will ensure accessibility for the target population. Including micro-form legal empowerment camps specifically tailored for smaller, localized rural communities will enhance the effectiveness of the initiatives.

#### **4.2.8 Further Research and Data Utilization:**

In order to tailor legal services that effectively meet the diverse needs of rural inhabitants, it's critical to conduct further, more specific research and effectively utilize existing data sources. To fully understand the diverse legal needs of various rural demographics, focused research is crucial. Studies should delve into the unique challenges of groups like pastoralists, tribal communities, artisans, small-scale farmers, rural women and migrant workers. For instance, Tribal communities residing in forested areas might require legal assistance pertaining to forest rights, conservation laws, tribal rights, cultural heritage protection, and displacement issues related to mining or other development projects. Artisans, such as weavers and potters, might need guidance on intellectual property rights related to traditional knowledge and designs, labour laws, and market access regulations. Women in rural areas might need legal support with respect to family laws, domestic violence laws, inheritance rights, land ownership, and social welfare benefits. Individuals or communities involved in pastoral farming in high-altitude or arid regions might

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<sup>94</sup> The Legal Services Camp Module ([www.nalsa.gov.in](http://www.nalsa.gov.in)) outlines three distinct stages for legal services camps.

require legal support regarding livestock regulations, land use rights for grazing, and issues relating to water access and usage rights. This research can be conducted through various methods including but not limited to: reviewing case studies, conducting surveys, interviews, and focus group discussions.

Parallely, there's a wealth of data that can be utilized to augment these research findings. Data available from government departments such as Niti Ayog<sup>95</sup>, Agriculture, Fisheries, Rural Development, Land Records, Women and Child Development, and Labour can provide invaluable insights into the regulatory landscapes faced by rural communities. Existing research studies<sup>96</sup> on indigenous conflict resolution mechanism, rural livelihoods, societal structures, and legal needs can also be used to supplement this knowledge. Furthermore, data on case law<sup>97</sup>, legal precedents, and policy impacts can be harnessed to comprehend current legal environment, providing a basis for future policy planning and execution. In short, comprehensive research combined with strategic utilization of existing data is essential to fully understand the specific legal needs of rural communities. An evidence-based approach is crucial to ensure legal aid programs align with the needs of beneficiaries, preventing resource wastage. Due to the diverse nature of India, this sort of research is required as legal needs can significantly differ across regions.

**4.2.9 Unlocking Collaboration Potential:** Despite legislative mandates encouraging coordination between Government agencies, NGOs, and Universities<sup>98</sup>, a formal policy brief outlining the framework for such collaboration is currently lacking. This deficiency results in few instances of collaborations and those that do exist typically operate in an ad hoc manner. This gap underscores the urgent need for a comprehensive policy framework. Enhanced cooperation with law colleges, civil societies, and government agencies could significantly broaden outreach. NGOs, already deeply rooted in grassroots initiatives, present a robust network that could be leveraged via Para Legal Volunteers to reach a broader populace, particularly in rural

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<sup>95</sup> NITI Aayog, a policy think tank of the Government of India, maintains a vast repository of data on various aspects of the country. This includes economics, demographics, health, education, infrastructure, and environment. The data is accessible through the NITI Aayog website, serving as a valuable resource for researchers, policymakers, and the public to understand the state of the Indian economy and society.

<sup>96</sup> Law Research Institute, Gauhati High Court over the years has conducted a series of studies on the customary laws of a large number of tribal communities with a focus on their land holding systems and their indigenous conflict resolution mechanisms. (The Law Research Institute, Gauhati High Court ([ghonline.gov.in](http://ghonline.gov.in)))

<sup>97</sup> The National Judicial Data Grid, available at <https://njdg.ecourts.gov.in>, provides real-time access to data on cases pending or disposed of in courts throughout India

<sup>98</sup> Sections 5,8 and 11 Legal Services Authorities Act, 1987

communities. Similarly, the existing networks of Asha Workers and Anganwadi workers<sup>99</sup> could serve as a crucial bridge to connect the needy with Legal Services Authorities. Potential areas of collaboration between Legal Services Authorities and law colleges may include conducting legal needs surveys, research to inform policy development, organizing legal empowerment camps, initiating door-to-door campaigns, and implementing targeted legal services projects for specific local areas. Another essential aspect of this collaboration could involve creating and distributing reader-friendly booklets and pamphlets that simplify legal information on various laws, contributing significantly to public awareness.

In conclusion, it is crucial for legal services authorities to comprehend the legal issues and challenges faced by rural India and adapt their approach accordingly. Understanding the diversity of the rural landscape is key in effectively addressing these issues. A strategic plan of action is necessary, encompassing preventive interventions, simplified dispute resolution mechanisms, and progressive capacity-building initiatives for the rural population. Empowering individuals with knowledge of their rights and the ability to navigate the legal system can have profound effects. The interventions of legal services authorities have demonstrated the significance of simple yet impactful solutions in advancing access to justice and promoting the realization of rights for rural communities.

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<sup>99</sup> In India, there are about 0.1 million ASHA workers, 1.3 million Anganwadi workers and another 1.2 million Anganwadi helpers, of them women. (<https://indianexpress.com/> reported on May 31, 2023)