

**Legal empowerment of the marginalised: Strategic interventions
by Legal Services Authorities in India**

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Abstract:- *The saga of legal aid movement in India is a journey from the traditional approach of providing access to lawyers, spreading legal awareness and implementing indigenous method of ADR Mechanism to legal empowerment of people and the communities at the grassroots, and facilitating actualization of their entitlements in consonance with the true spirit of the Constitutional vision of justice. The colossal network of Legal Services Authorities touching every state and district of India has succeeded in reaching out to the vulnerable and disadvantaged sections of the society through its innovative legal services programmes and collaborative approach. Realizing that despite various welfare legislations and government schemes, the poor, weak and vulnerable were still deprived of their rights, National Legal Services Authority developed the framework and methodologies for identifying such deprivations and acting as a bridge between the needy and the benefit providers. This paper reflects how the preventive and strategic programmes and other outreach activities of Legal Services Authorities have brought meaningful, appreciable and visible changes in the lives of people, thereby promoting an inclusive legal system and consequently, an inclusive society across the country in line with SDG 16.3. People are being enabled to avail their entitlements at the local level without taking recourse to litigation. In the process, communities are getting familiarized with the governance structure and with their right to free legal aid and assistance. Legal empowerment has started taking place which will promote inclusiveness and strengthen Rule of Law.*

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In the month of April 2016, a mentally ill lady was found wandering in the town of Chaibasa, Jharkhand³. Due to poverty, her family members could not take her to a hospital which was located in a city, quite far away from Chaibasa and consequently abandoned her. A Community Para Legal Volunteer(PLV)⁴, Ms Basanti Gope of District Legal Services Authority noticed the wandering mentally ill lady. The PLV coordinated with the local government authorities, arranged for a vehicle and treatment of the lady at RINPAS, Ranchi , a hospital in the city. After her treatment, she was reunited with her family members and she started working as a maid. Ms Basanti Gope⁵, PLV facilitated treatment of many such mentally ill persons wandering in the forest areas of Chaibasa. Community Para legal Volunteers across the country reach out to the needy and bridge the gap between them and benefit providers.

In another instance, District Legal Services Authority, Mewat , a district in the State of Haryana, found in its survey that many children in the age group of 6-14 years were drop outs from schools and many of them had not gone to school at all, despite the Right of Children to Free and Compulsory Education Act, 2009, which mandates free and compulsory elementary education to such children. The families of such children were mostly illiterate and unaware of the rights bestowed by the welfare legislation. District Legal Services Authority Mewat through its Para Legal Volunteers and Panel Lawyers and in close coordination with Department of Education identified and got admitted around 126 children in the age group of 6-14 in the school in the year 2016 and around 1400 children in the years 2017 and 2018. Every year such campaigns are carried out in various parts of the country by Legal Services Authorities in India.

In the month of August 2018, severe floods affected Kerala, a State of India. About one sixth population of Kerala got affected by floods⁶. Legal Services Authorities in the State of Kerala not only helped in rescuing people

³ Jharkhand is a state in eastern India, carved out of the southern part of Bihar on 15 November 2000

⁴ In 2009 National Legal Services Authority (NALSA) brought out Para-Legal Volunteers Scheme. Para Legal Volunteers are selected from various walks of life, primarily from weaker and Marginalised sections of society.

⁵ Basnati Gope was adjudged National Best PLV in 2017 for her pioneering work of reaching out to vulnerable and marginalised people.

⁶www.news18.com(news dated August 14,2018) last accessed on 1/5/2019

but also in their rehabilitation. Many people who had lost their identity cards and other important documents in floods were helped by legal aid functionaries in getting copies of such documents issued by concerned departments. Apart from that, legal aid functionaries helped victims in accessing compensation and other due benefits from the authorities. There are numerous instances where Legal Services Authorities have rendered services to mitigate suffering of victims of Disaster, man made or natural.

These instances are illustrative of the expanded vision of Access to Justice being applied by Legal Services Authorities in India. This is more so required in India as majority of the intended beneficiaries of welfare legislations and welfare programmes are neither aware of the benefits and protections given by law and welfare schemes nor do they know how to access them. For instance, despite the passing of various Central Government laws such as Building and Other Construction Workers(Regulation of Employment and Conditions of Service) Act of 1996 (BOCW) and the BOCW Welfare Cess Act of 1996, providing welfare measures for construction workers, the benefits did not percolate to the beneficiaries. Most states did not even constitute welfare boards until as late as 2011, so the cess collected was not disbursed. Around Rs 38,685.23 crore (\$5.6 billion) was collected since 1996 as welfare cess. However, only Rs 9,967.61 crore (\$1.4 billion) or 25.8% has actually been spent, according to the 38th report of the Standing Committee on Labour, presented in Parliament in July 2018⁷. This lack of transfer of benefits to intended beneficiaries, amongst other factors, was due to lack of awareness amongst them.

For every deprivation, a poor cannot afford to resort to litigation.

The Supreme Court of India observed in *Sukhdas*⁸ case as:

“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

⁷ www.indiaspend.com (news dated April 20,2019) last accessed on 2/5/2019

⁸ Suk Das vs. Union Territory of Arunachal Pradesh AIR 1986 SC 991.

people do not know what are their rights and entitlements under the law. It is this absence of legal awareness which is responsible for the deception, exploitation and deprivation of rights and benefits from which the poor suffer in this land”.

It is a challenging task for the poor, who are generally illiterate or semi illiterate, to navigate the procedure to avail government benefits or rights under welfare laws. They lack knowledge about the procedural formalities for availing welfare schemes and programmes. It is a challenge for them to seek administrative remedies, and they give up on availing the schemes.⁹ 70 % of the population lives in 6,49,481 villages in India ¹⁰. 364 million people continue to experience acute deprivations¹¹. The study, published in the ‘Future Development blog of Brookings mentioned that 73 million people in India are living in extreme poverty. ¹² In such a scenario, an expanded conception of Legal Services is needed to build the capacities of poor so that they understand their entitlements and use law to promote and secure their welfare. This will enhance accountability of the State also.

Constitutional vision and legal frame work.

A broad concept of justice is embedded in the Constitution of India. The Preamble to the Constitution itself mentions “ *We, the people of India, having solemnly resolved to constitute India into a sovereign, socialist and democratic Republic and to secure to all its citizens-Justice: social economic and political...*”. The Fundamental Rights¹³ bestowed by the Constitution of India and as interpreted by the Supreme Court of India¹⁴ embraces the wide concept of justice. Article 21, the Fundamental Right to Life, has been given a very wide and creative interpretation by the Supreme Court of India so as to include right to health, right to livelihood, right to clean environment, right

⁹ <http://bengaluru.citizenmatters.in> (news dated October 19,2016) last accessed on 1/5/2019

¹⁰ 2011 census of India

¹¹ www.in.undp.org (Last accessed on 2/5/2019)

¹² www.timesofindia.indiatimes.com news(news dated June 27,2018) last accessed on 2/5/2019

¹³ Chapter 3 of the Constitution of India contains Fundamental Rights.

¹⁴ In *Anita Kushwaha Vs. Pushap Sudan* Transfer petition (c) No. 1343 of 2008 decided on 19.07.2016 Supreme Court held Access to Justice as Fundamental Right as guaranteed to citizen by Article 14 and 21.

to shelter etc. In **Francis Coralie v Union Territory of Delhi**¹⁵, the Supreme Court observed as follows :

“ The right to live includes the right to live with human dignity and all that goes along with it, viz., the bare necessities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading writing and expressing oneself in diverse forms, freely moving about the mixing and mingling with fellow human beings and must include the right to basic necessities of life and also the right to carry on functions and activities as constitute the bare minimum expression of human self”.

Article 38¹⁶ of the Constitution of India provides that the State shall secure a social order in which social, economic and political justice shall inform all the institutions of national life. Article 39 provides guidelines and directive for the State to ensure for its people, adequate means of livelihood, fair distribution of wealth, equal pay for equal work and protection of children and labour. Article 39 reflects the objective of building a welfare society¹⁷. Article 39A¹⁸ was inserted in the Constitution of India w.e.f. 03.01.1977. It contains a directive to the State to secure that the operation of legal aid system promotes justice and that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

In pursuance of Article 39 A of the Constitution, the Parliament enacted Legal Services Authorities Act, 1987. It came into force on 09.11.1995. This Act provides for the constitution of legal services institutions at the centre, state district and taluka¹⁹ levels for providing legal services to weaker and marginalized sections of society.

¹⁵ 1981 AIR 746, 1981 SCR (2) 516

¹⁶ Directive Principles of State Policy detailed in Article 37 to 51 are considered Fundamental in the governance of the country. It is considered as duty of the State to apply these principles in governance and while making laws. Although they are not enforceable.

¹⁷ V.N. Shukla's Constitution of India, Eastern Book Company, 9th edition, page no. 302.

¹⁸ Ins. by the Constitution (42nd Amendment) Act, 1976, S.8(w.e.f. 3-1-1977).

¹⁹ Taluka is an administrative unit typically comprising a number of villages.

Under the Legal Services Authorities Act, 1987, National Legal Services Authority²⁰ is the apex body constituted to lay down policies and principles for making legal services available and to frame most effective and economical schemes for legal services and for implementing and monitoring legal aid programmes in the country. The Act also provides for constitution of Supreme Court Legal Services Committee²¹ for providing legal aid in matters coming before the Supreme Court and High Court Legal Services Committee²² to provide legal aid to the eligible persons in legal matters coming before the High Courts. State Legal Services Authorities²³, District Legal Services Authorities²⁴ and Taluk Legal Services Committees²⁵ have also been constituted under the said Act. NALSA receives grant-in-aid from Central Government for implementing legal aid schemes and programmes. The Grants are further disbursed by NALSA to the State Legal Services Authorities and Supreme Court Legal Services Committee.

A unique feature of the Legal Services Authorities Act, 1987 in India is that the primary responsibility of providing legal services is bestowed upon the judiciary. About 700 Judicial Officers are engaged in legal services activities and programmes in various legal services institutions²⁶ throughout the country. Apart from this, a large workforce of 63,759 lawyers²⁷ and 68,219 Para Legal Volunteers have been empanelled by the Legal Services Institutions in the country.

The framework of Legal Services Authorities Act, 1987 spells out the concept of access to justice in its widest sense. An inclusive definition of the term “ Legal Service”²⁸ is provided in the LSA Act, 1987. The term “Legal Services” has been defined to include the rendering of any service in the conduct of any case or other legal proceeding before any Court or other

²⁰ Section 3 of Legal Services Authorities Act, 1987, provides for the constitution of NALSA

²¹ Section 3 A of Legal Services Authorities Act, 1987, provides for the constitution of SCLSC

²² Section 8A of Legal Services Authorities Act, 1987, provides for the constitution of HCLSC

²³ Section 6 of Legal Services Authorities Act, 1987, provides for the constitution of SLSA

²⁴ Section 9 of Legal Services Authorities Act, 1987, provides for the constitution of DLSA

²⁵ Section 11A of Legal Services Authorities Act, 1987, provides for the constitution of TLSC

²⁶ At present, apart from NALSA and Supreme Court Legal Services Committee, there are 36 State Legal Services Authorities, 36 High Court Legal Services Committee, 664 District Legal Services Authorities and 2254 Taluka Legal Services Committees.

²⁷ National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010 provides for selectin of legal practitioners as panel lawyers.

²⁸ Section 2(c) of LSA Act, 1987

authority or Tribunal and the giving of advice on any legal matter. The functions²⁹ of National Legal Services Authority include taking necessary steps by way of social justice litigation³⁰ with regard to consumer protection, environmental protection or any other matter of special concern to the weaker sections of the society and for this purpose, imparting training to social workers in legal skills; organizing legal aid camps³¹, especially in rural areas, slums or labour colonies with the dual purpose of educating the weaker sections of the society as to their rights; settlement of disputes through *Lok Adalats*³²; to take appropriate measures for spreading legal literacy and legal awareness³³ amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures. The Act also envisages undertaking of preventive and strategic legal aid programmes³⁴.

The entire scheme of LSA Act, 1987 reflects in a telling manner that legal services are not confined to providing of a lawyer to the categories of persons mentioned in Section 12³⁵ of the Act. It extends to reaching out to weaker and marginalized sections of society and ensuring that they get aware of their rights and benefits under laws and administrative programmes, and become capable of promoting and securing their welfare.

From Legal Aid to Legal Empowerment: Reaching out to the marginalized

²⁹ Section 4(a) to 4(n) of LSA Act, 1987 mentions the functions of Central Authority i.e. NALSA

³⁰ Section 4(c) of LSA Act, 1987

³¹ Section 4 (e) of LSA Act, 1987

³² *Lok Adalat* is indigenous alternative dispute redressal mechanisms, it is a forum where disputes/cases pending in the court of law or at pre-litigation stage are settled/ compromised amicably.

³³ Section 4(l) of LSA Act, 1987

³⁴ Section 7(2) (d) of LSA Act, 1987

³⁵ Under Section 12 women, child, person in custody, person with disability, victim of mass disaster, an industrial workmen, victim of human trafficking, member of Scheduled Caste and Scheduled Tribe and having a annual income as prescribed by Central and State Government are entitled to free legal services.

Before the enforcement of Legal Services Authorities Act, a Committee for implementing legal aid schemes (CILAS) worked as a centralized body since 1980 for implementing legal aid across the country. This Committee focused primarily on two things i.e. (i) providing of lawyers to poor and weaker sections of society, who could not afford private lawyers; (ii) using Lok Adalats as an ADR mechanism for settlement of disputes, primarily pending cases. CILAS was not having an effective pan India structural framework to effectively deliver legal aid. Legal awareness programmes and campaigns were also almost negligible. The application of lok Adalat as ADR mechanism was also limited, and moreover, lok Adalat was not statutorily recognized till the enforcement of LSA Act, 1987. The working of CILAS reflects that it could not reach out to weaker and marginalized sections of society. It could not implement the concept of access to justice in its widest sense, and practically confined it to access to courts only. This was primarily because of the absence of effective network across the country and lack of human resources at every level to implement legal aid programmes.

With the enforcement of LSA Act, 1987 on 09.11.1995, a network of Legal Services Authorities Act started coming into existence at various levels from national to taluka³⁶ level. However, till 2010, outreach legal services for reaching out to weaker and marginalized sections remained quite limited due to insufficient infrastructure and manpower.

Outreach through Legal Services Clinics

In the year 2011, National Legal Services Authority (Legal Services Clinics) Regulations, 2011 was promulgated. It provided for the establishment of legal services clinics in villages³⁷, apart from community centres, protection homes, etc. The NALSA (Legal Services Clinics) Regulations, 2011 provides that the legal services rendered at legal services clinics shall be wide ranging in nature³⁸. It provides that the clinics shall work like a single-window facility³⁹

³⁶ Supra 19

³⁷ Regulation 3 (a) of NALSA (legal services clinics) Regulations, 2011

³⁸ Regulation 9(1) of NALSA (legal services clinics) Regulations, 2011

³⁹ Regulation 9(2) of NALSA (legal services clinics) Regulations, 2011

for helping the disadvantaged people to solve their problem whenever needed. It also provides that apart from legal advice, other services like preparing applications for job card, identity card, required for connecting to the government schemes and other tasks like helping common people who need help from the Government officials, public authorities, institutions be also rendered⁴⁰. Thus, the Regulation, 2011 gives an expanded meaning to access to justice and recognizes the need to give justice at the local level by acting as a bridge between the needy and the benefit providers. At present, around 23793 Legal Services Clinics including 15289 village clinics are operational. In villages, a Legal Services Clinic on an average serves a cluster of around five villages. In India, there are 649,481 villages⁴¹. This means that Legal Services Clinics are covering at the most around 10% of the villages. Any person who wants to give applications/representations to the Government Departments or wants to get connected to any administrative programme of the Government is provided help in the legal services clinic by way of drafting his applications or filing up the requisite forms. PLVs also help people in depositing the forms/ documents with the government departments and taking follow up action. Legal assistance and advice is also given in the clinics. In 2018-19, around 1,425,459 persons were benefitted in all Legal Services Clinics out of which around 657999 were benefitted in village legal services clinics. Legal Services Clinics in villages are one of the important ways of reaching out to weaker and marginalized sections including those living in far-flung areas. The greatest challenge is to increase the coverage of the clinics gradually. However, that would require enhancement in the budgetary grant as the running cost would scale up⁴². The utility of these legal services clinics can be increased by inviting the officials of the governments departments to these clinics occasionally keeping in view the local needs. This aspect is being promoted by NALSA in the consultations being held with the legal aid functionaries at the District level.

⁴⁰ Regulation 9(3) of NALSA (legal services clinics) Regulations, 2011

⁴¹ Census 2011 India

⁴² On an average, Rs 6000/- per month is the expenditure for legal services clinics which mostly consist of payment of honorarium to Panel Lawyers and PLVs

Preventive and Strategic Intervention Programmes:-

The trajectory of the initiatives taken by NALSA reflects that after 2015, the scope of outreach activities expanded considerably resulting in reaching out to a very large number of people. The Schemes framed by NALSA reflect about the approach of providing justice at the local level by not confining it to the court based justice. NALSA has formulated the following schemes.

- Schemes for Legal Services to Disaster Victims through Legal Services Authorities,
- NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015
- NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015
- NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015
- NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015
- NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015
- NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015
- NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace), Scheme, 2015
- NALSA (Legal Services to Senior Citizens) Scheme, 2016,
- NALSA (Legal Services to Victims of acid attacks) Scheme, 2016.

These schemes are in fact preventive and strategic programmes, primarily focusing on identifying vulnerable and weaker sections of society and their

socio-legal issues , and accordingly taking steps and acting as a bridge between the needy and benefit providers. This recognizes the fact that in the broad conception of access to justice, resort to litigation is not the first step, and justice can be ensured at the local level in the simplest manner to weaker and marginalized sections of society. The activities envisaged under the various schemes consist of spreading awareness about the legal and administrative scenario related to the subject of the scheme, assisting the subjects in actualization of their rights and entitlements and in the entire process, empowering them to understand and navigate government departments and the legal system to promote their welfare.

Legal Awareness

Legal Services Institutions disseminate knowledge about people's rights by conducting Public Seminars, Road Shows, Street Plays, Door to Door Campaigns, distributing IEC materials, use of Special Mobile Vans and through Print and Electronic Media including National Radios, Community Radio, Television, Local Cable TV etc. In the year, 2018, around 176,076 legal awareness camps were held across the country. In these camps, awareness was spread about rights of women, children, senior citizens, poor and other weaker sections of society.

Legal Empowerment Camp: Addressing disconnect and promoting inclusiveness

NALSA has devised various methodologies which go beyond mere awareness and focus on empowering the weaker and marginalized sections of society and actualization of their rights by connecting them to their entitlements under the laws and welfare schemes. These include legal empowerment camps, legal services clinics and campaigns. Legal Empowerment camp is one of the innovative approaches devised with a view to have sustained and targeted approach for reaching out to vulnerable and weaker sections of society including those living in remote and far flung areas. The framework of organizing a legal empowerment camp was devised

in the year 2017 by NALSA⁴³. This approach reflects a paradigm shift from a traditional approach of merely creating awareness amongst the masses. It focusses on identifying persons in need of legal aid, making them aware of their rights under the laws and welfare schemes, helping them connect with those entitlements and , involving them in the entire process so as to make them understand the government structure and the means to get their grievances redressed, thus, building their capacities. Legal empowerment camp involves three stages i.e. (i) Pre-camp activities, (ii) During camp and (iii) Post-camp activities.

At the Pre-camp stage , Para Legal Volunteers, Panel Lawyers of the Legal Services Institutions work with officials from the government departments and NGO's to identify the poor, vulnerable and weaker persons who are entitled to benefits under the law and schemes but are not able to avail them . In a collaborative approach, teams consisting of PLVs, Panel lawyers, members from civil society and government departments assist the identified persons in completing formalities for getting benefits under the law and welfare schemes. An effort is also made to get the applications collected during the pre-camp activity stage processed, so that benefits could be delivered at the time of camp i.e. second stage. At the second stage i.e. during the camp, various government departments and District Legal Services Authorities put their stalls at a designated place. They display various welfare schemes and programs meant for weaker sections of society. An effort is made to deliver benefits to identified beneficiaries at the camp itself. Many other people who are not identified but come to attend camp also inquire from various government departments etc. about the schemes and processes . Forms etc. are filled up at the spot and follow up is taken after camp during post camp activity stage. This unique strategy for reaching out to the government welfare measures. It has made people aware about the functioning of Legal Services Authorities and also of the various government departments. People are becoming aware of the various entitlements and the procedural formalities required to avail benefits under welfare schemes. In

⁴³ First camp on the basis of NALSA's Legal Empowerment Module was organised on December,2017 at Dibrugarh, Assam.

the year 2018, 1521 legal empowerment camps were held across the country. Around 4,546,966 persons benefitted from the said camps.

The effectiveness of reaching out to people by this methodology can be illustrated by taking an example of such a camp organized at Jamshedpur, Jharkhand. The legal empowerment camp was held on 30th January, 2018, by Jharkhand State Legal Services Authority on the theme ' Legal Empowerment of the Workers under Unorganized Sector. Para Legal Volunteers, Panel Lawyers closely coordinated with the officials of Labour Department in an extensive pre-camp activity in identifying the labourers who were not connected till that time with the welfare schemes of the labour department. In the process, labourers were also made aware about the welfare schemes meant for them and the formalities for getting them connected to the schemes were also completed at pre-camp stage. Labourers got to know about the concerned authorities and about their entitlements and processes to navigate the system. The Legal Empowerment camp benefitted around 343,677 people at Jamshedpur, Jharkhand.

In some of the camps, the Legal Services Authorities coordinated with NGOs providing prosthetic limbs. People with disabilities were identified, and NGOs and government departments provided Artificial limbs, calipers etc. to disabled persons.

Some of the States such as Karnataka have adopted a micro version of the said camp. Keeping in view, the local needs of an area, they identify needy people and engage three-four relevant government departments and NGOs to facilitate actualization of their rights.

This methodology is giving effect to the coordination envisaged between legal services authorities, government agencies and NGOs⁴⁴ in Legal Services Authorities Act, 1987. This methodology has also enhanced the visibility of Legal Services Authorities, making people aware about the functions carried out by Legal Services Authorities. The application of this

⁴⁴ Sections 5,8 and 11 of LSA Act, 1987 mandate coordination of the legal services authorities with governmental, non-governmental agencies, universities and others engaged in the work of promoting the cause of legal services to the poor.

model of legal empowerment camp has translated into action, the broad concept of Access to Justice in an effective and meaningful manner as people are getting the benefits which are due to them. They are also getting confidence to approach government departments. The gap between them and administrative agencies is decreasing.

Reaching out with a targeted approach through campaigns

NALSA keeps on devising legal services campaigns which are generally implemented on pan India basis with specific objectives. This medium of outreach has delivered visible and appreciable results at the grass-roots. In 2017, a campaign “Connecting to Serve” was carried out across the country from 09.11.2017 to 18.11.2017 with the objective to make the vulnerable and marginalized sections of the society aware about the existence of legal services institutions and availability of free legal services and to identify people who were in need of legal assistance but had not taken recourse to justice delivery system on account of economic or other disability. The results of the said campaign reflected that around 4,843,807 people were informed about the availability of free legal aid and about 441,617 people were identified for free legal aid. In the year 2018, the said campaign was repeated and about 3,968,380 persons were informed about the availability of free legal services. 66,010 villages were covered and 391,222 persons were identified as in need of free legal services.

Another Pan India campaign, “A Campaign for enhancing legal services to women inmates and their accompanying children” in prisons launched in the month of May, 2018, is another instance of implementing the broad concept of access to justice. In the 10 days campaign, one-to-one interaction was carried out with 14,788 i.e. 91% of women inmates by the teams constituted by the Legal Services Authorities . Apart from catering to their legal needs, health rights of women inmates and children living with them were also promoted and secured under the campaign. Apart from organizing 2088 camps, 987 medical camps were held in jails in collaboration with the health departments. 2522 women inmates were identified as suffering from ailments, and accordingly, their treatment was

facilitated . Pregnant women inmates were made aware of their rights⁴⁵. Apart from this, for rehabilitating the women inmates about 5089 inmates were connected to vocational skills/educational courses .

The State Legal Services Authorities also devise and carry out various campaigns to cover the weaker and marginalized sections in their States. For instance, to ensure that children aged between 6-14 years get the benefits given to them under the Right to Education Act, Rajasthan State Legal Services Authority carried out a campaign titled “Bring Dropouts Back to Schools (BDBS)” Campaign”. Under the said campaign, 216,178 houses were visited by the Para Legal Volunteers which resulted in identifying 42,848 children who were school dropouts. Legal Services Authorities in coordination with Department of Education is making an effort to get admitted the said students in schools.

For slum dwellers of District Gurugram, District Legal Services Authority (DLSA) Gurugram launched the campaign “ Seclusion to Inclusion”. Due to the efforts of District Legal Services Authority, few moving toilets were stationed in the slums, regular health camps were organized on second and last Thursday of every month in Slums. Eighteen students were mainstreamed from slums to Government Primary and Middle School, Sikandarpur. Five disabled persons were identified and their disability certificates were prepared. Six women were connected to the *Agrasar Silaai Kendra*⁴⁶ to help them learn their skill for livelihood.

Public Interest Litigation :- A tool for redressing the violation of legal rights of poor and vulnerable

The Legal Services Authorities file Public Interest Litigations⁴⁷ to address violation of legal rights affecting large number of people. This tool

⁴⁵ The rights of pregnant women inmates and their children aged less than 6 years living with them were recognized and detailed by the Supreme Court of India in R.D. Upadhyay Vs. State of Andhra Pradesh and others

⁴⁶ A centre for vocational training.

⁴⁷ The development of public interest litigation took place in 1970's and 1980's through a number of decisions of Supreme Court of India. The traditional rule of locus standi was liberalized.

is utilized for promotion and securing the constitutional legal rights of large number of people, who are poor, vulnerable and in a socially, economically disadvantaged position.

NALSA filed the public interest litigation in the Supreme Court of India for protecting and promoting the legal rights of transgenders in India. The Writ Petition⁴⁸ was instituted to recognize and grant transgenders a legal status as a third gender and to recognise their rights under Articles 14, 15, 16 and 21 of the Constitution of India and also to pass direction to the Union of India and State Governments to grant equal protection and rights to Transgenders as available to males and females of this country. The Supreme Court delivered the judgment in the said writ petition on 15.4.2014. The Court directed that transgenders be treated as third gender for the purpose of safeguarding their rights under Part 3 of the Constitution of India and the laws made by the parliament and the legislature. The right of the transgender to decide their self-identified gender was also upheld. The Centre and the State governments were directed to promote health and other rights of transgenders.

The State Legal Services Authorities also filed public interest litigations to address the violation of constitutional or legal rights of large number of persons. For instance, Karnataka State Legal Services Authority, filed a writ petition⁴⁹ seeking a writ of mandamus to implement the provisions of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2006 and consequential reliefs. Recently, Karnataka State Legal Services Authority has filed a Public Interest Litigation to tackle the problem of transport of labourers, women and children in goods carriers. Consequently, the State functionaries has have taken steps such as providing of transport vehicles, and stopping the use of goods carriers for carrying people.

⁴⁸ NALSA vs Union of India and Others (Writ Petition No. 400 of 2012 with Writ Petition No. 604 of 2013)

⁴⁹ Karnataka State Legal Services Authority vs Secretary to Government Department of Labour Vikas & Others Writ Petition no. 21855 of 2012(L-Res-PIL)

Settling disputes at Pre-Litigation Stage:

Legal Services Authorities are managing and implementing Lok Adalats across the country. Lok Adalat is a form of Alternative Dispute Resolution where apart from the disputes pending in the courts, the disputes at pre-litigation stage⁵⁰ are also settled. NALSA organises four -five National Lok Adalats in a year on a pan India basis. Thousands of cases are settled in such Lok Adalats. Parties do not have to expend any money for settlement of dispute in the Lok Adalat. Honorarium to the Lok Adalat members is paid by the Legal Services Authorities. The State Legal Services Authorities, apart from holding National Lok Adalats, organize Lok Adalats within their States⁵¹. Due to inexpensive justice and with the advantage of not going through procedural framework/formalities, Lok Adalats have emerged as a powerful tool where weaker and marginalised sections of society bring their disputes. Thus, it complements the legal empowerment and acts as a catalyst encouraging people to seek remedy for redressal of their grievances relating to breach of their rights. 3,878,999 number of cases were disposed of at pre-litigative stage in the year 2018.

Lok Adalat passes award on the basis of settlement reached out between both the parties. This method although settles disputes at pre-litigative stage has the limitation of not being able to entertain the disputes in which both the parties do not agree. To remove the said limitation, Chapter VI-A was added in the Legal Services Authorities Act, 1987 in the year 2002 establishing Permanent Lok Adalat (PLA (PUS) for disputes relating to (Public Utility Services) such as electricity, water, insurance etc. This unique and innovative approach is a blend of amicable settlement and adjudication. Disputes relating to public utility services such as electricity, insurance, education etc. can be brought in the Permanent Lok Adalats (PUS) by either of the parties. Matter can be instituted by just filling of an application. An effort is made for conciliation between both the parties. If conciliation does not settle the matter, Permanent Lok Adalat decide it on the basis of documents

⁵⁰ Section 19 (5) clause II of Legal Services Authorities Act, 1987

⁵¹ Section 19 (1) of Legal Services Authorities Act 1987 empowers State Legal Services Authorities to organise Lok Adalats.

furnished by both the parties. The procedural laws as applicable in civil courts are not required to be followed by PLA(PUS). No court fees is required for instituting a matter in a Permanent Lok Adalat(PUS). This has encouraged people belonging to disadvantaged sections of society to seek justice for denial of their rights. Around 104,150 cases were disposed of in Permanent Lok Adalats(PUS) in the year 2018.

Challenges:

India with its population of 1.3 billion spread over a land area of 3.287 million square kilometre is a society with vast social and economic diversities. While a large chunk of the area is densely populated, there are places where population is thinly distributed over difficult terrain. For the people who are marginalised due to poverty, illiteracy, societal prejudices, physical immobility and being in other undeserved circumstances and therefore, cannot reach courts of justice, it is of utmost importance that justice reaches out to them, which is a huge challenge.

Devising effective outreach programmes and the selection of suitable methodologies requires quality inputs regarding the legal needs and socio-legal problems faced by people. Legal needs surveys by trained personnel before devising and implementing the project is quite essential for clearly specifying the deliverables of outreach legal services programmes and for planning effective strategies. The workforce of the Legal Services Authorities needs more training in techniques and skills to carry out the legal need surveys in a structured, coherent and scientific manner so as to give meaningful inputs for devising outreach programmes. Capacity building of workforce which primarily consists of Para Legal Volunteers and Panel Lawyers needs to be strengthened. In this regard, it is vital to give training to legal aid functionaries in managerial and analytics aspect of legal services programmes.

Coordination with government departments is sine qua non for effective and meaningful outreach programmes. Legal Services Authorities Act, 1987 envisages coordination with government agencies, NGOs etc. At the grassroots it's a challenge to maintain the perception that Legal Services

functionaries are only acting as a bridge between the needy and the benefit providers. To mobilize the government functionaries for outreach programmes, coordinated plans and strategies need to be worked out by Legal Services Authorities working at the district level and the district government administration so that the efforts of both the bodies supplement each other.

Monitoring of the outreach programmes for better results is quite important. At present, the monitoring mechanism are in place mainly with regard to court based legal services. Similarly, the monitoring mechanism with regard to outreach programmes need to be strengthened for effective implementation of such programmes. Impact of outreach programmes is essential to be captured not only for restructuring the programmes but also for assessing the relevance of such programmes for particular areas. A sustained approach is requisite in outreach programmes to bring visible and meaningful changes with regard to the identified problems and for building the capacities.

Conclusion

Legal Services Authorities have been implementing diverse ways of reaching out to the vulnerable and marginalised sections of society with a view to provide legal services beyond legal aid and access to courts. Over the years, the broader concept of access to justice has taken roots in India. Apart from educating poor and vulnerable population about their rights, the range of activities of legal services authorities in India has increased to act as effective bridge between the needy and benefit providers. In the process, capacities of people are being increased to empower them to understand the processes to seek legal and administrative remedies. The selection of Para Legal Volunteers from the vulnerable and marginalised communities have also helped in understanding the socio-legal problems with better perspective and involving the communities to promote their welfare. The pan India strong network of Legal Services Institutions has helped to reach out to those communities even who are living in far flung remote areas. Settlement of disputes through Lok Adalats (ADR mechanism) at pre-litigation level is also

encouraging people to protect their rights. These all efforts are enhancing inclusiveness, removing barriers to access to justice and thereby acting as a catalyst to achieve the Sustainable Development Goal(SDG) 16.3.

To capture the impact of various methodologies vis-à-vis legal empowerment amongst poor vulnerable and marginalised sections of society in the intervention areas, it is pertinent to develop monitoring and evaluation frameworks.

To tackle the challenges of geographical barriers and reaching out to maximum numbers of people, technology solutions may provide the roadmap. Legal Services Authorities need to work on embracing technological advancements.

At the ground level, enhanced level of engagement with local level officials and NGOs need to be explored and adopted to effectively engage the local communities, and for working systematically and persistently to enhance their understanding of rights and governance structure and their confidence to seek remedies.