Legal Aid Committee Policy and Guidelines

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**I) Policy Statement: -**

Inability to consult, engage or represented by a lawyer during any kind of legal proceedings in courts, government offices, authorities and departments etc. for defending or prosecuting a person's legal rights and obligations may amount to the same thing as being deprived of the security and equal protection of the laws. Each one should have an equal right to the most extensive system of basic liberties compatible with a similar system of liberties for all. One need not be a litigant in the court to seek aid by means of legal aid. Legal aid or help should be available to anybody on the road, workplace and even in his house.

Due to a multitude of factors such like illiteracy, destitution, absence of knowledge of rights and corruption heading the list, disadvantaged groups remain largely invisible to the formal legal system and therefore, continue to suffer the substantive inequalities that plague their lives.

The Indian Constitution has put in place a legal system which endeavours to protect the rights of everyone. However, one must realize that existence of rules and regulations and law is one thing and its implementation is another. Article 39A of the Constitution provides that the state shall secure that the operation of the legal system promotes justice on a basis of equal opportunity and shall, in particular, provide free legal aid by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. The Legal Services Authorities Act 1987 (hereinafter referred as ‘Legal Aid Act’), was enacted to effectuate the constitutional mandate enshrined under Articles 14 and 39A of the Constitution. The object is to provide ‘access to justice for all’ so that justice is not denied to citizens by reason of economic or other disabilities.

**II) Scope and Rationale: -**

In every society there is a wide gap between the people and the justice delivery system. The need of the hour is to attach importance on causes of the poor and down trodden. Legal Assistance is a necessary sine qua non for justice and where it is not provided injustice is likely to result. To achieve the constitutional goal of equal justice to all, a new directive, Article 39A has been inserted in 1976 to enjoin the state to provide free legal aid to the poor and to take other suitable steps to ensure equal justice to all. In 1987 to fulfill the constitutional obligation and to give a statutory base to legal aid programs, Legal Aid Act was enacted.

Under Legal Aid Act, free legal services are being provided which includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter. Court means a civil, criminal or revenue court. Legal services under the Act are effective only in limited jurisdiction and it is practically not available in revenue courts. In most of the cases studied for this report legal aid is provided and further all persons in villages are not aware of the provision of legal aid. In spite of statutory and constitutional provisions guaranteeing free legal services to the poor and needy, access to justice still remained as a dream for millions of Indians. The realization and enforcement of the right to legal aid is still a challenge.

The Legal aid Committee is bound to render the service and implement Article 39(a) of the Constitution.

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# III) Project and Dissertation Committee Structure

**Number of Members**

1. The Legal Aid committee shall be composed of a of three faculty members and two student conveners.
2. The Faculty Coordinator is Dr Sanjay Bang and the members are Mr. Sadanand Karhale and Ms. Shivani Jadhav
3. Student conveners are a) Ms. Rashi Thakur b) Mr. Prateek Kanavi

**IV) Objectives and Responsibilities: -**

The initial responsibility of the committee is to meet and determine the feasibility of the legal aid to the poor and needy in Pune district. The Committee will plan the legal aid camp in nearby villages to render free service and take follow up in certain cases where required. The Committee will plan to aware the villagers about their rights and duties and the procedural aspects of the law. In a year the Committee is planning to have 5 different camps in nearby village.

The responsibilities of the Committee are as follows.

1. To organise Legal Aid to Poor in its various dimensions.
2. To organise Legal Aid to Poor oriented to development and vice versa.
3. To organise Legal Services, such as;
4. Identifying problems and difficulties of the poor and seeking its redressal.
5. Attempting the resolution of the problems and grievances by approaching various authorities and organizing various programs, social, economic and political.
6. To sort out Legal problems which can be solved by resort to the legal process and take steps for solution through conciliation, Legal Advice and Legal aid in Litigation;
7. To Organize socio-legal and socio-economic surveys and researches for conducting social, economic, political programs with the ends of assuring justice;
8. To Organize legal literacy projects of various types;
9. To Organize Legal Advice in the pre-legal stage through and educational approach;
10. To Organize amicable settlement of the disputes by bringing about conciliation between the parties the dispute;
11. Rendering assistance in complying with various legal requirements in order to secure the benefits under various schemes sponsored by or on behalf of the Central or State Government or any other public authority for the welfare of the general public or any section thereof;
12. To Organize Legal Aid in Litigations;
13. To Organize Legal Reform in the procedure of law and also before and after the enactment of a law;
14. To assist in quick resolution of disputes using the online mode.
15. Doing such other things as are conducive and incidental to provide legal aid to poor.
16. To organize Relief and Rehabilitation Project for implementing the ideas emanating from Article-41 of the constitution of India in the chapter on the Directive Principles of State Policy.
17. To arrange publication of booklets, leaflets, pamphlets, Articles, serious treatises and useful literature etc. in Marathi, English or Hindi and to develop a suitable Legal Aid Kit or literature packet.
18. To keep contact with and seek support of the Central Committee for implementing Legal Aid Programs and similar National and International bodies.
19. To conduct and promote research related to access to justice and many other similar issues to provide legal aid in effective manner.

**IV) Outcomes: -**

The committee’s main outcome is to help and resolve the issues of the poor and needy who are unaware about the legal aspects of their issues. Along with that, the committee’s outcome would be to make the villagers aware of their basic rights and how they can claim their right. The committee’s outcome would also to be a channel through which such rights of these villagers can be established.

1. As we are going to establish a legal aid clinic in our campus, we will it will provide practice aspects to law students and services to people in need and it will also add up to the academic credit of the students involved in it.
2. The research skills of students involved in this program will increase their research skills, since we are going to promote research related to access to justice and many other similar issues.
3. Since we are looking at the population at large of the villagers, it will result in taking the collective problems of the society rather than that of the individuals.
4. There are number of precedents as well as legislations to up hold the right to free legal aid but they have just proven to be a myth for the masses due to their ineffective implementation. The outcome of this committee would be to reduce the gap between the goals set and the goals met.
5. Other outcomes of the committee include-
   1. To help resolve the issues of the poor and needy in the nearby villages.
   2. To help aware the villagers of their rights and how they can claim those rights.
   3. To help be a channel through which they can enforce their rights.

**IV) Strategic Planning: -**

1. The Committee will prepare the Report at the end of every year and will share with the National Legal Authority at the end of the Academic year.
2. The committee will prepare a questionnaire to the college workers to know and understand the problems suffered by them and will try and resolve them with proper authorities.
3. The committee will create a legal aid clinic in the campus to help the local villagers approach and seek legal remedy to their problems. This will be done by creating multiple tie ups with NGOs, Advocates and legal service authorities.
4. The committee will visit local schools and high schools for legal awareness of the students. This will also include visiting Christ Junior College in Pune city.
5. The students and members of the committee will visit Lok Adalat to understand how the cases put in front of Lok Adalat are resolved. The committee will also visit the Yerwada women jail to understand the legal rights of women in jail.
6. The committee will create an awareness program in the college to make people aware of the cybercrimes and how to avoid them.