

Role of para-legal services in administration of justice: an empirical study of district Datia, M.P.

Raj Kumar Verma

Research Scholar (Law), Jiwaji University, Gwalior, Madhya Pradesh, India

Abstract

In present scenario it is commonly seen that many laws, are available still crimes are not decreasing & eliminating from the society. Sometimes it is seen that offences are committed before the eyes of people but they are unable to prevent the same because many reasons are behind it as social, economic, cultural, physiological, political, moral, Practice, culture, usage and etc. Many times crimes are committed by white collar and powerful accused so that administration is compelled to stop the crime. Hon'ble Justice A.S. Anand, aptly explained the drawback in the present legal system in following words "The poor, illiterate and weaker sections in our country suffer day in and day out in their struggle for survival and look to those who have promised them equality-social, political and economic. We, who are responsible for upholding the Rule of Law in the country, may not be in a position to solve all of their problems but we can certainly contribute our might to nourish and safeguard the constitutional goal of 'equal justice for all' to the extent possible. I am deeply pained when I notice that all over the country, a very large number of under-trial prisoners suffer prolonged incarceration even in petty criminal matters merely for the reason that they are not in apposition, even in bailable offences, to furnish bail bonds and get released on bail. Many of them during such confinements only develop criminal traits and come out fully trained criminals." [1] Due to illiteracy and legal illiteracy some people don't know about their rights like that Constitutional rights and other rights therefore their rights are contravened by others. Many rural or urban areas in Datia district have been visited and conducted the interview and filled up the questionnaire and schedule about their rights and analyze their circumstances and discussed about the Legal-Aid, Para-Legal Services and administration of justice. In today's era Para-legal services are playing a important role in administration of justice as one of the major pillars searing its own specific place to ensure the ends & delivery of justice in India. This research paper has been made in the light of all above said in Datia district of Gwalior Division.

Keywords: legal-aid, para-legal services, administration of justice etc.

Introduction

In present scenario Para-legal services are playing a vital and very significant role in administration of justice as one of the major basic structure, ensuring its own specific place to ensure the ends & delivery of justice in India. The concept of Para-Legal services is as old as administration of justice. Para-Legal & legal -Aid services are correlated, inter connected, complement & depend on each other. The Para-Legal services have been developed by looking at Para-military forces which were created for help of military in emergency and also in medical fields as Para-medics in India.

The Implementation of Legal-Aid Services, schemes, programs, legal services or other connected things in administration of justice is not possible without paralegals and Para-legal services. Paralegals are the major and integral organ of Para-legal services and legal system. It is relevant to mention over here that legal services means "literally legal service means help or assistance or free services in the field of law. Previously the word legal aid was used in place of legal service but the Apex Court of India from time to time asserted that legal aid is not a charity but a paramount duty of a welfare State. Now legal assistance from State can be claimed as matter of right, therefore, the word legal service is being used in place of legal aid. Some of the jurists considered legal services as legal assistance to needy persons." [2]

Definition of Para-Legal Services

There is no particular definition of Para-Legal Services in the

Legal Services Authority Act 1987 and General clauses Act 1897 because the Legal Services Authority Act 1987 and General clauses Act 1897 are silent with respect to actual definition of Para-Legal Services.

Para-Legal services are the supportive services of a lawyer. In Order to understand better the concept of Para-Legal Services, help can be taken from the medical field where the concept of Para-Medics is well developed. Paramedics provide specialized support services to the doctors though they are not themselves allowed to give any medical services. However, they are trained to give emergency medical aid till the arrival of the doctors or till the time the patient is taken to a hospital. The basic function of Paramedic is to fill in the time gap in between occurrence of injury to a person and availability of specialized medical help from a doctor and hospital services [3] Now if I am talking to Para-Legal Services, in India this concept is not well developed and organized. This is primarily because the legal profession itself is not organized in the country with a huge majority of lawyers operating individually instead of operating through Law Firms as is the case in most of the developed countries though it is not necessary that if lawyers operate individually there cannot be any development of Para-Legal Services [4].

Dr. S.R. Myneni denoted the Para-Legal Services in his book Public Interest Lawyering, Legal aid and Para Legal Services that "Service means work done by somebody for somebody else as a job, a duty, a performance, or a favour.

Definitions of Paralegals

Now in this regards it is essentials and compulsory to contain here about paralegals:

The All India Seminar on Legal Aid on 14th and 15th September' 1991 held in Hyderabad expressed the view that ^[5] The Para Legals who are otherwise known as bare foot lawyers to go to the villages and to disseminate the Legal Literacy Programmes and to educate the common men particularly the exploited, depressed and to women about their rights guaranteed under the Constitution and various enactments.' From the above it can be deduced that the aid which is provided by Paralegals which does not include the services of practicing lawyers. The word Para legal is neither defined in The Legal Services Authorities Act. 1987, nor in General clauses Act, 1897, but these words are similar to the Para medical in medical terminology.

Honorable Justice Kania is the above seminar states that- "Paralegals have an important role to play in spreading legal literacy programme to poor and downtrodden." ^[6]

Honorable Justice A.M. Ahmedi stressing the training of Para-Legal observed that in the first place one must be assured that those chosen have the basic education for understanding and assimilating the elementary knowledge about the laws in regards to which they are imparted training.

Secondly, we must ensure that they are service oriented and have roots in the areas where they are expected to operate. It is no use of training to those who have no roots, are likely to leave the arena in search or pursuit elsewhere.

Thirdly, we should take care in picking up of only those laws for training which are likely to prove useful in that area.

Fourthly, they must be provided with sufficient incentives and status in society for the services rendered by them. In keeping above in mind we identify areas or zones which such Para-Legal trained not only the basic laws but also in the art of negotiating settlements, are put into service they will be able to render useful service to our poor and unprivileged citizens and help to avoid unnecessary disputes and strife's ^[7]

The American Bar association denotes the paralegal "Legal assistant (Paralegal) Associate: Persons qualified through education, Training, or experience who are retained by a lawyer, law office, or Government agency or other entities for specifically delegated legal work which requires sufficient knowledge of legal concepts that otherwise would be performed by an attorney in the absence of a legal assistant."

Dr. S.S. Sharma denotes paralegal persons "Para legal persons may not have full knowledge of law but they possess preliminary information to provide first aid help to the victims of injustice. Though, they are not fully trained in providing legal services yet they can assist the poor masses in getting legal services from appropriate authorities. Para-legal forces constitute that class of persons or bodies who are engaged in providing social services to the society and also possess preliminary information or knowledge to render primary legal services to needy persons." ^[8]

The Para-Legal services cover the things are as under

The following can be listed as some of Para-Legal Services ^[9]:

1. Legal literacy and Education
2. Counselling and negotiation in Lok Adalats
3. Consumer Protection
4. Lokayukta

5. Administrative Tribunals
6. Editing Law Journals
7. Writing Articles on the topics of Law
8. Cases Comments

Following are some of the examples of specialized Para-legal services ^[10]:-

1. Legal Transcription
2. Document management
3. Deposition summary
4. Legal billing
5. Legal coding
6. Scoping and court reporting services
7. Legal Translation
8. Data entry service
9. Secretarial and paralegal business process services
10. E-filing service
11. OCR and scanning service

An empirical study of datia district

Organization of the Legal-Aid & Para-Legal Services at College & Institution level:

There is only one (01) College in Datia District the name of Government P.G. (Auto.) College, Datia. This is Government College and affiliated to Jiwaji University Gwalior Madhya Pradesh but due to decline of approval of affiliation of aforesaid college by Bar Council of India letter no. BCI:D:1429/2010 dated 18.09.2010 according to this letter the Legal education committee at its meeting held on 04th and 05th September 2010 consider the inspection report of the above mentioned college and committee made the following recommendations: " Report of the inspecting team is accepted, Noticed to show cause to the Chief Secretary, Government of Madhya Pradesh as to why the said college should not be permanently closed. We direct the college not to be made admissions for the year 2010-2011." The above recommendations were considered by the Bar Council of India at its meeting held on 5th September, 2010 and accepted the same. After that this college not to be made admission for the year 2017-18 for the LL.B. course hence on perusal of the letter mentioned above it appears that no organizations Legal-Aid & Para-Legal Services at college level and there was the one private college in Datia but this college also stopped the LL.B. course. The District legal Service Authority is in Datia and Taluk Legal Committee. It has been observed in Datia district about the condition of Legal-Aid clinic, Services, Para-Legal Services, Para-Legal Aid clinic, Training, Literacy and other things related to administration of justice accessibility to poor and masses.

Organization the Legal-Aid & Para-Legal Services at District Legal Services Authority & Taluk Legal Service Committee, Datia:

It is in respect of District Legal Service Authorities, constitution, power and function and etc. The Provisions relating to constitution, powers and functions of the District Legal services Authority are contained in section 9 to 11 of the Legal Services Authorities Act, 1987. Under section 9 of the Legal Services Authorities Act, 1987 provided the Constitution of the District Legal Services Authority and Under Section 10 of the Legal services authorities Act, 1987 provided the functions of the District Authority:

1. It shall be the duty of every District Authority to perform such of the functions of the State Authority in the District as may be delegated to it from time to time by the State Authority.
2. Without prejudice to the generality of the functions referred to in sub-section (1), the District Authority may perform all or any of the following functions, namely:—
 - a. Coordinate the activities of the Taluk Legal Services Committee and other legal services in the District;
 - b. Organise Lok Adalats within the District; and
 - c. Perform such other functions as the State Authority may fix by regulations.

Section 11 of the Legal Services Authorities Act, 1987 further provides that in the discharge of functions under the Act, the District Authority shall act in co-ordination with other

governmental and non-governmental institutions, universities and others engaged in the work of promoting cause of legal services to the poor and shall also be guided by such directions as the Central Authority or the State Authority may give to it in writing.

District Legal service Authority Datia furnished information under Right to Information Act 2005 that DLSA organized the Legal Literacy in the year 2012 at around 27, and year 2013 organize the Legal literacy camp at around 38, and year 2014 at around 35, and year 2015 at around 44, and year 2016 at around 53, and year 2017 April at around 23 at the Seondha and Bhandar^[11].

And conferred the information by DLSA under Right to Information 2005 that DLSA received the application for Legal-Aid from the year 2012 to 2017 April Month details given below^[12].....

S. No.	Year	Received Application by Male	Received Application by Female	Total Received Application	Other
01.	2012	31	06	37	N.A
02.	2013	19	02	21	N.A
03.	2014	07	01	08	N.A
04.	2015	24	01	25	N.A
05.	2016	21	04	25	N.A
06.	2017 till April	10	02	12	N.A

Source: By DLSA, Datia: RTI application 23.02.2017

But It has been observed that the activities in respect of Legal-Aid, Legal-Aid clinic, Services, Para-Legal Services, Para-Legal Aid clinic, Training, Literacy and other things related are not conducted as per requirements rule, regulations & connected other things with the same. And the data has been collected by using these tools and techniques as: 1. Questionnaire, 2. Interviews, schedule, and other required etc.

other rural and urban areas and villages were visited and conducted the interviews & sampling method also has been used and filled-up the questionnaire forms of the people or masses and sample of the above Questionnaire of 40 persons who belong to rural and urban areas of Datia District, Gwalior Division, Madhya Pradesh. Details are given below.....

Datia District Data Analysis

Table 1

S. No.	Do you know about the Free Legal-Aid services?	Number of respondents	Percentage %
01	Yes	01	02.50%
02	No	39	97.50%
Grand Total		40	100%

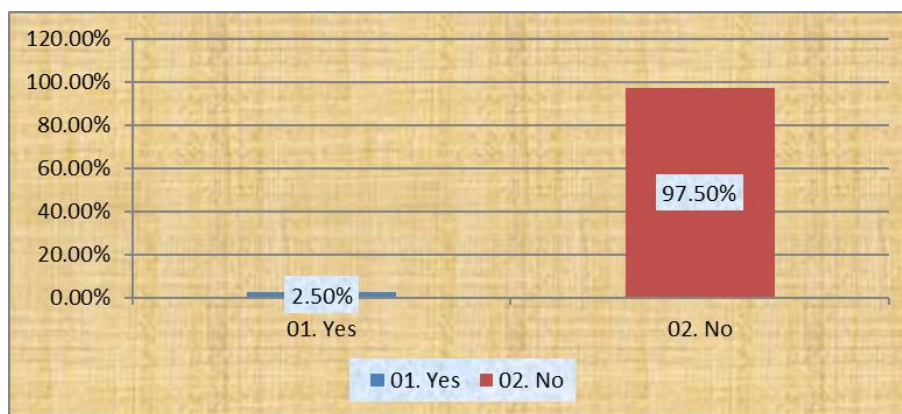


Fig 1

Result: 01 out of 40 respondents 02.50% gave the opinion that they know about the free Legal-Aid services and gave the answer 'Yes' and 39 out of 40 respondents 97.50% gave their

opinion that they don't know about the free Legal-Aid services and gave the answer 'No' this has been shown on the table- 01 & Figure- 01.

Table 2

S. No.	Do you know about the Lok Adalat?	Number of respondents	Percentage %
01	Yes	20	50.00%
02	No	20	50.00%
Grand Total		40	100%

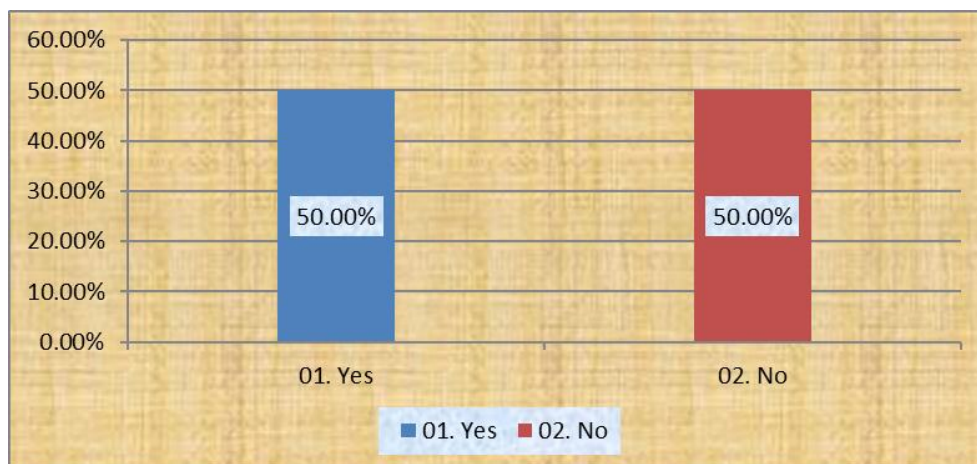


Fig 2

Result: 20 out of 40 respondents 50.00% gave the opinion that they know about the Lok Adalat and gave the answer ‘Yes’ and 20 out of 40 respondents 50.00% gave their opinion that they don’t know about the Lok Adalat and gave the answer ‘No’ this has been shown on the table- 02 & Figure- 02.

Table 3

S. No.	Do you know about the National Legal Service Authority (NALSA)?	Number of respondents	Percentage %
01	Yes	00	00.00%
02	No	40	100.00%
Grand Total		40	100%

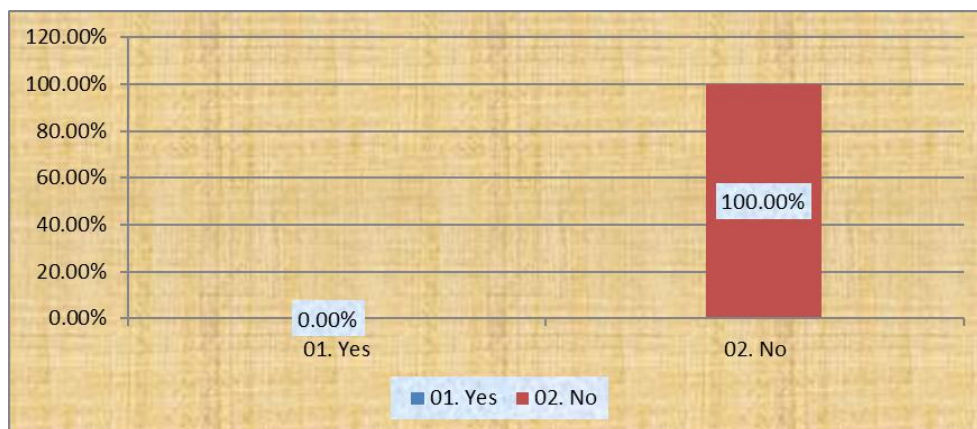


Fig 3

Result: 00 out of 40 respondents 00.00% gave the opinion that they know about the National Legal Service Authority (NALSA) and gave the answer ‘Yes’ and 40 out of 40 respondents 100.00% gave their opinion that they don’t know about the National Legal Service Authority (NALSA) and gave the answer ‘No’ this has been shown on the table- 03 & Figure- 03.

Table 4

S. No.	Do you know about the Madhya Pradesh State Legal Service Authority (SALSA)?	Number of respondents	Percentage %
01	Yes	00	00.00%
02	No	40	100.00%
Grand Total		40	100%

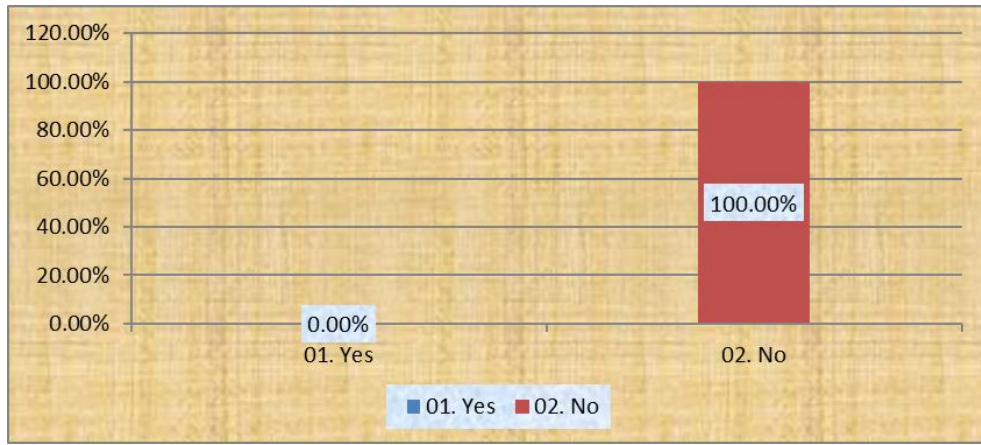


Fig 4

Result: 00 out of 40 respondents 00.00% gave the opinion that they know about the Madhya Pradesh State Legal Service Authority (SALSA) and gave the answer ‘Yes’ and 40 out of 40 respondents 100.00% gave their opinion that they don’t

know about the Madhya Pradesh State Legal Service Authority (SALSA) and gave the answer ‘No’ this has been shown on the table- 04 & Figure- 04.

Table 5

S. No.	Do you know about the District Legal Service Authority?	Number of respondents	Percentage %
01	Yes	01	02.50%
02	No	39	97.50%
Grand Total		40	100%

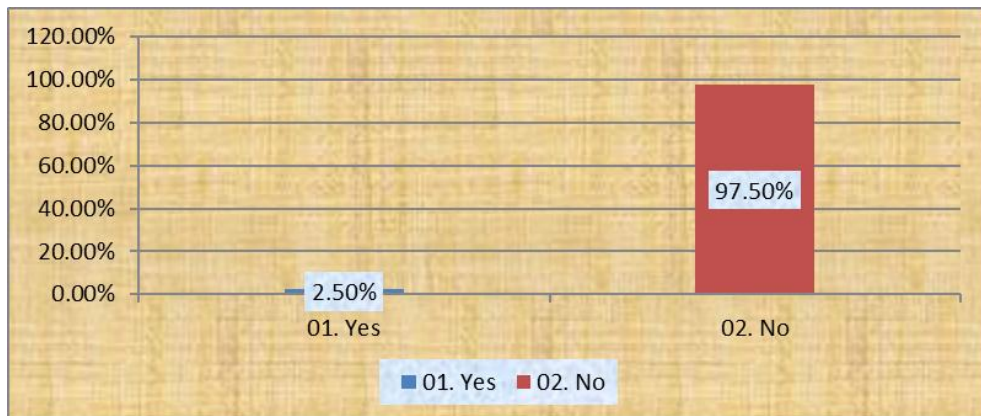


Fig 5

Result: 01 out of 40 respondents 02.50% gave the opinion that they know about the District Legal Service Authority and gave the answer ‘Yes’ and 39 out of 40 respondents 97.50% gave their opinion that they don’t know about the District Legal

Service Authority and gave the answer ‘No’ this has been shown on the table- 05 & Figure- 05.

Table 6

S. No.	Did you ever attend any Legal Literacy or Para-Legal Camps or Programs?	Number of respondents	Percentage %
01	Yes	00	00.00%
02	No	40	100.00%
Grand Total		40	100%

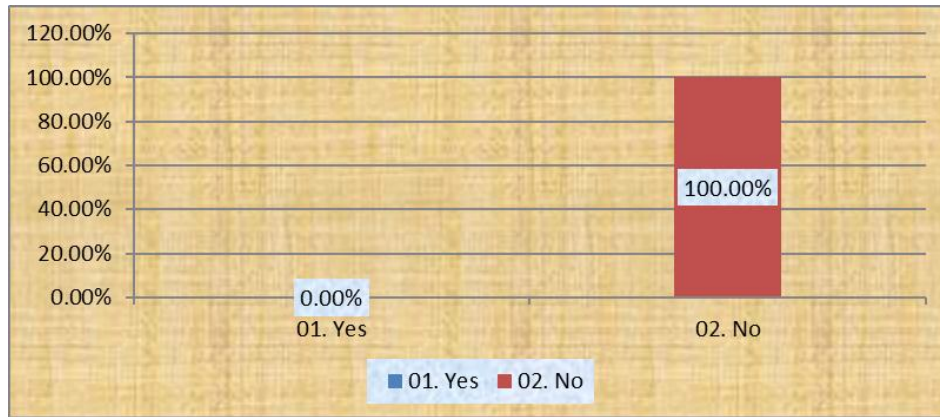


Fig 6

Result: 00 out of 40 respondents 00.00% gave the opinion that they have attended Legal Literacy or Para-Legal Camps or Programs? and gave the answer ‘Yes’ and 40 out of 40 respondents 100.00% gave their opinion that they did not ever

attend any Legal Literacy or Para-Legal Camps or Programs and gave the answer ‘No’ this has been shown on the table- 06 & Figure- 06.

Table 7

S. No.	Are you having any experience about any Legal Procedure?	Number of respondents	Percentage %
01	(a) Bitter Experience	02	05.00%
02	(b) Good Experience	01	02.50%
03	(c) None	37	92.50%
Grand Total		40	100%

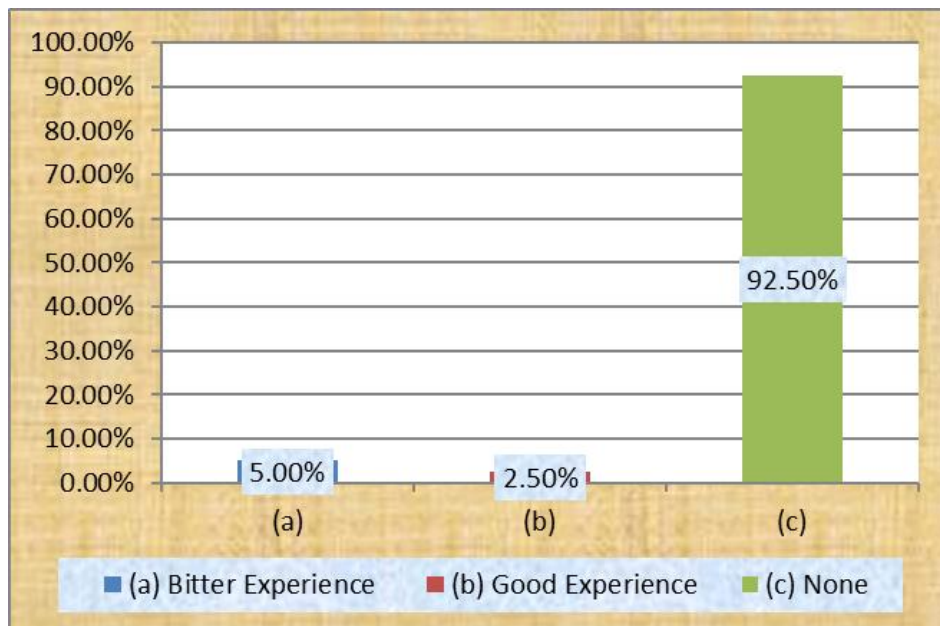


Fig 7

Result: 02 out of 40 respondents 05.00% gave the opinion that they have got bitter experience and gave the answer (a) ‘Bitter experience’ and 01 out of 40 respondents 02.50% gave their opinion that they have got good experience and gave the

answer (b) ‘Good Experience’ and 37 out of 40 respondents 92.50% gave their opinion that they don’t have got any type of experience about any Legal Procedure and gave the answer (c) ‘None’ this has been shown on the table- 07 & Figure- 07.

Table 8

S. No.	Do you know about any Legal-Aid Clinic at College and University level?	Number of respondents	Percentage %
01	Yes	00	00.00%
02	No	40	100.00%
Grand Total		40	100%

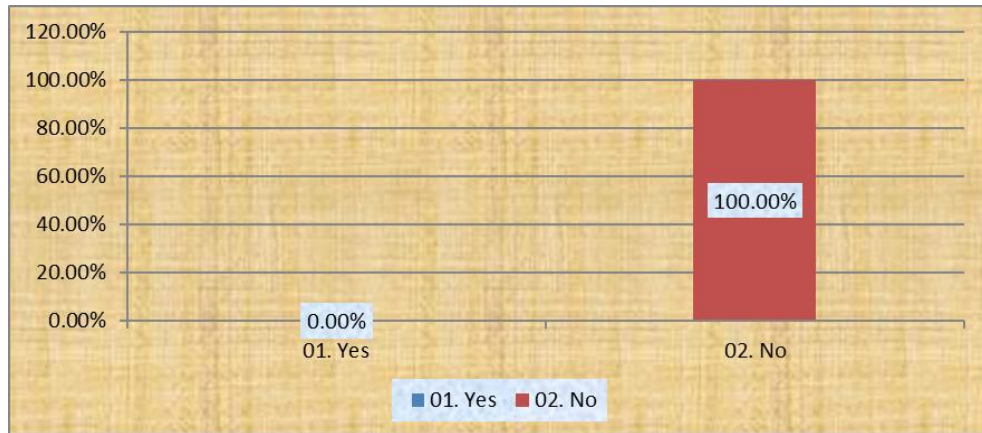


Fig 8

Result: 00 out of 40 respondents 00.00% gave the opinion that they know about the Legal-Aid Clinic at College and University level, and gave the answer ‘Yes’ and 40 out of 40 respondents 100.00% gave their opinion that they don’t know about the Legal-Aid Clinic at College and University level, and gave the answer ‘No’ this has been shown on the table- 08 & Figure- 08.

Table 9

S. No.	Do you know about any Legal-Aid Clinic which is providing you legal aid?	Number of respondents	Percentage %
01	College/ University	00	00.00%
02	District Legal Service Authority	01	02.50%
03	State Legal Service Authority	00	00.00%
04	Tahsheel/Taluka Legal Service Committee	00	00.00%
05	None of these	39	97.50%
Grand Total		40	100%

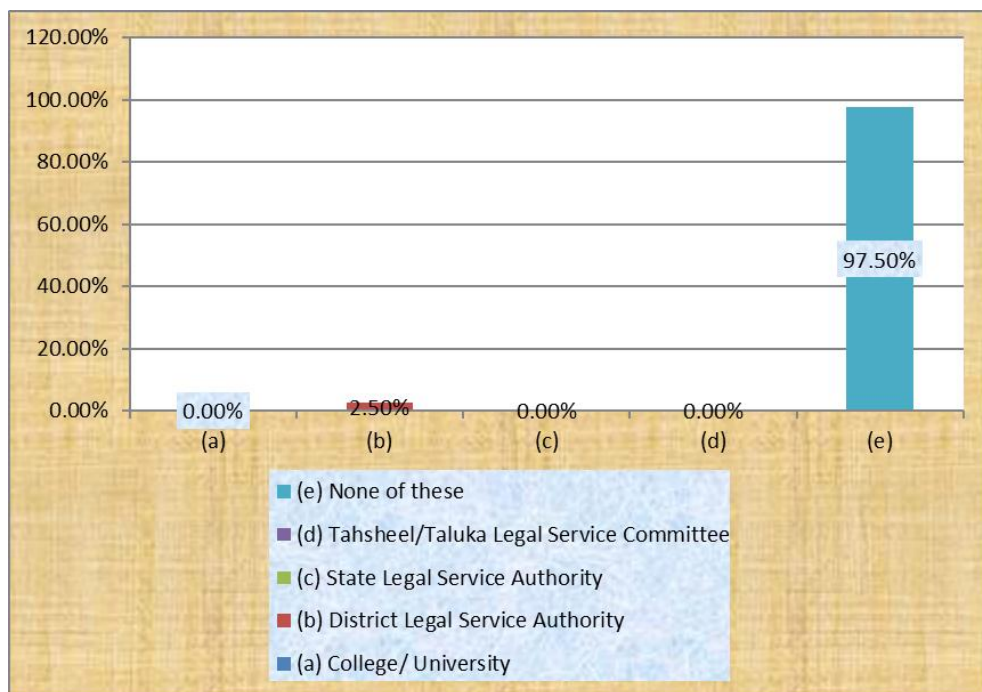


Fig 9

Result: 00 out of 40 respondents 00.00% gave the opinion that they know about the Legal-Aid Clinic which is providing him/her legal aid, and gave the answer ‘(a) College/ University’, and 01 out of 40 respondents 02.50% gave their opinion that they know about the Legal-Aid Clinic which is providing him/her legal aid, and gave the answer ‘(b) District Legal Service Authority’, and 00 out of 40 respondents 00.00% gave their opinion that they know about the Legal-Aid Clinic which is providing him/her legal aid, and gave the answer ‘(c) State Legal Service Authority’, and 00 out of 40 respondents 00.00% gave their opinion that they know about the Legal-Aid Clinic which is providing him/her legal aid, and gave the answer ‘(d) Tahsheel/Taluka Legal Service Committee’, and 39 out of 40 respondents 97.50% gave their opinion that they don’t know about the Legal-Aid Clinic which is providing him/her legal aid, and gave the answer ‘(e) None of these’.

gave the answer ‘(d) Tahsheel/Taluka Legal Service Committee’, and 39 out of 40 respondents 97.50% gave their opinion that they don’t know about the Legal-Aid Clinic which

is providing him/her legal aid, and gave the answer ‘(e) None of these’, this has been shown on the table- 09 & Figure- 09.

Table 10

S. No.	Do you know about Administration of Justice in Gwalior and Chambal Division?	Number of respondents	Percentage %
01	Yes	10	25.00%
02	No	30	75.00%
Grand Total		40	100%



Fig 10

Result: 10 out of 40 respondents 25.00% gave the opinion that they know about the Administration of Justice in Gwalior and Chambal Division, and gave the answer ‘Yes’ and 30 out of 40 respondents 75.00% gave their opinion that they don’t know about the Administration of Justice in Gwalior and Chambal Division, and gave the answer ‘No’ this has been shown on the table- 10 & Figure- 10.

Conclusion

It can be summed up that NALSA/SALSA/DALSA/Legal-Aid Committee, Governments, Departments, Organizations and other related establishments are functioning but the same is insufficient in proportion to population of Datia district. The conditions of college and other authorities are the worst and most miserable and anxious because there is no one college is going on right now. Our conducted survey reveals that few persons/masses are having very little information at around 50.00% about only Lok Adalat it is shown on the table no.2, and 2.500% persons/masses are having the information about the Legal-Aid services it is shown on the table no. 01, and 00.00% persons/masses are having the information about the National Legal Service Authority it is shown on table no. 03, and 00.00% persons/masses are having the information about the Madhya Pradesh State Legal Service Authority it is shown on the table no. 04, and 02.50% persons/masses are having the information about the District Legal Service Authority it is shown on the table no. 05, and 00.00% persons/masses are having the information about the Legal Literacy or Para-Legal Camps or Programs it is shown on the table no. 06, and 05.00% bitter experience and 02.50% good experience are having to the persons/masses about the legal procedure in Datia district, and 00.00% persons/masses are having the information about the Legal-Aid clinic at college and University Level it is shown on the table no. 08 it means there is no information about aforesaid, and 00.00% respondents

said that college or university provide the Legal-Aid, and 2.50% respondents said that District Legal Services authority provide the Legal-Aid, and 00.00% respondents said that State Legal Service Authority provide the Legal-Aid, and 00.00% respondents said that Tahsheel/Taluka Legal Service committee provide the Legal-Aid, and 97.50% respondents said that no one provide the Legal-Aid it is shown on the table no. 09 and saying the respondents that officers are not coming in my villages only during the election they are coming here and appeal cast the vote only after won the election no one politician visit our village, and 25.00% persons/masses are having the information about the administration of justice in Gwalior and Chambal division it is shown on the table no. 10. And hence it appears that Legal-Aid, Para-Legal services, Clinics, Literacy, Awareness, accessibility, implementation and other related things are in documents only because the required things /facts/activities/ are not being conducted as per requirements, time, necessity, laws and circumstances. The aforesaid must be reformed, amended, varied, altered, reconstituted and done the needful in this matter at the earliest from the very grassroots level for the interest of people/masses and delivery of the required and satisfactory justice to bridge the gap among people/masses, advocates/legal practitioner, judiciary, court an administration of justice in welfare state.

Remedies & Suggestions

“The Remedies and Suggestions with regard to protection, preservation, development, promotion, education, research, literacy, respect, honour, Enforcement, implementation, and other required things as per requirements, time and circumstances of Legal-Aid & Para-Legal Services for the interest of world human and living creatures which are as follows:-

1. Literacy and Legal Literacy should be enhancing.

2. Para-Legal Services should be thought in syllabus of LL.B./B.A.LL.B./B.B.A.LL.B./B.Com.LL.B./Law/Legal studies etc. compulsorily.
3. Para-Legal Services should be thought in syllabus of LL.B./B.A.LL.B./B.B.A.LL.B./B.Com.LL.B./Law/Legal studies etc. compulsorily as a practical subject.
4. There should be compulsory organize the legal literacy and Legal-Aid camp by the LL.B./B.A.LL.B./B.B.A.LL.B./B.Com.LL.B./Law/Legal studies students and teachers in target base in a year.
5. Law Students as paralegals should be made curious, skilled, trained, efficient, proficient and educated more to more.
6. The Certificates/Diplomas and other related things of Legal-Aid & Para-Legal services should be initiated and developed.
7. The Govt. should be providing the reservation or some marks in government jobs and promotions for Para-Legal volunteers & organizers certificate holders.
8. Legal-Aid Clinics & Para-Legal Clinics should be established and functioned separately.
9. Legal-Aid & Para-Legal literacy, knowledge and education should be promoted, developed researched more to more at the earliest for the same pamphlets, Newspapers, Magazines, T.V., Radio, Booklets, Hand books, Dairies, Posters and other related things also should be distributed to people or masses for its awareness and accessibility.
10. Awareness, literacy, knowledge Accessibility towards masses or people should also be by electronic means as e-media, social media, social sites etc.
11. The experienced, eligible, proficient, skilled and efficient trainers should be available to train of Paralegals.
12. The system of Legal-Aid & Para-Legal Services clinics and etc. should be reformed, established, reconstituted and amended at the earliest on the grass root level firstly.
13. NALSA/SALSA/DALSA/Legal-Aid Committee, Governments, Departments, Organizations and establishment must take all required necessary steps measures for the same with the co-ordination and help of all above and society collectively.
14. Judiciary should be participated in a week or other holidays like that remand duties pattern.
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