

INAUGURAL FUNCTION
OF
NATIONAL LEGAL SERVICES AUTHORITY'S
15TH ALL INDIA MEET OF
STATE LEGAL SERVICES AUTHORITIES

KEY NOTE ADDRESS

BY

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ON

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15th All India Meet of State Legal Services Authorities

Justice J.S. Khehar, Hon'ble The Chief Justice of India; Hon'ble Judges of Supreme Court of India; Shri P.P. Chaudhary, Hon'ble Minister of State for Law and Justice and Information and Technology; Justice G. Rohini, Hon'ble Chief Justice of Delhi High Court; Justice Indira Benerjee, Executive Chairman, Delhi State Legal Services Authority; Executive Chairmen of all the State Legal Services Authorities, Chairmen of all the High Court Legal Services Committees; Hon'ble Judges of the High Court of Delhi, Member Secretaries, Secretaries and other distinguished dignitaries, friends from the electronic and print media, ladies and gentlemen;

Progression is the essence of growth. A static system or system that is wedded to status quoist attitude is existent without any purpose. The outcome of such systems or institutions is bound to result in failure. And that failure is no pillar of success. That is why Benjamin Disraeli, an actual realiser, had said:-

“Change is inevitable in a progressive society.

Change is constant”.

The consistency of change encapsules experimentation, elaboration and fructification. It brings progress. But it has to have a method tested on the foundational principles of ground reality and rationality.

We have entered into the year that is slightly closer to the completion of second decade of 21st Century. This is the 15th All India Meet of State Legal Services Authorities where we have included the Chairmen of High Court Legal Services Committees and their Secretaries. It is because the intention is to have a discussion and deliberation on a broad-based canvas. From the commencement of the Legal Services Authorities Act, 1987, the apex body has been trying to inject views, ideas, service culture and enhancement of value addition into the working patterns of State and District Legal Service Authorities.

Legal services have to be understood as an inseparable facet of the concept of serviceability of the institutions. The institutions include the judiciary in entirety. It is worth remembering that legal services act as a catalyst that enables the aggrieved persons to reassert the responsibility of the State under Part IV of the Constitution of India. Legal aid and legal services have to be

understood in their proper perspective. The duties in each compartment are to be carved out and logically structured. Conception of “access to justice” has to be treated as paramount and legal aid and legal services are to be regarded as two strong pillars. They may overlap but there has to be conceptual clarity. There are subtle distinctions and they have to be carved out and the nature of the working would be a matter of discussion in this meet.

Grant of legal aid in its pragmatic parameters has to be the real grant-in-aid. It cannot be a mere formality. The structural empowerment of legal aid would include existence of infrastructure but that alone is not sufficient. The adequacy has to be adjudged on the anvil of logistic facilitation of capacity rebuilding. To explicate, the legal aid provided to the poor, the needy, the marginalised sections and the other categories who are entitled to such legal aid must get the adequate assistance from the persons of the legal community who project their grievances with sincerity and commitment in the court. Let it be clearly stated that legal aid is not charity.

It is by now well known that Lok Adalats settle disputes on the basis of consensus arrived at between the parties. The

evolution of Lok Adalats has a history but presently we have to adopt multi-fold and diverse strategies to make it more successful, realistic and self-evident. It has to be borne in mind that commitment to the same has to be genuine and the faith in the purpose of Lok Adalats should bear the stamp of sanguinity. Without faith and commitment in Lok Adalats by the protagonists who conduct the same, the faith of the litigants is bound to decrease. Therefore, efforts are to be made to inculcate faith in an objective manner so that there would be participation with understanding, fairness, expectation, voluntariness and transparency which shall build an atmosphere of amity and absence of animosity.

Lok Adalats command patience and concentration. They have to be cost-effective. The effort has to be reduction of pendency keeping in view the litigations which are to be targeted. Additionally, establishment of social amity is also required to be treated as a salient feature of the Lok Adalats. I may inform that last year the cost for disposing of one case was approximately Rs.12/- and if pre-litigation expenses are excluded, it is Rs.23/-. The purpose of pre-litigation is to arrest the inflow of cases to the courts.

I may clarify one aspect. When one makes people aware about their constitutional and statutory rights or rights under the policies, there has to be more litigation. If the grievances are remedied at the appropriate stage, the in-flow would be less. But, when the grievances are required to be agitated and they are genuine, legal aid is given. Therefore, the fear of “docket explosion” has no space. It should be remembered that the concept of “docket inclusion” strengthens the inherent faith in the judicial system.

Recently, on 11.2.2017, we had the National Lok Adalat in which 6,41,387 cases were disposed of and they belong to various categories, namely, Negotiable Instruments Act, claims under Motor Vehicles Act, matrimonial disputes, labour and service disputes, land acquisition cases, electricity cases. I may share with you that in the said Lok Adalat approximately 11 lakhs people were directly benefited. In the pre-litigation held on that day, more than three lakhs cases were disposed of and the benefit that was received by the people would be slightly more than 7 lakhs.

Let us have a look from another angle. One may appreciate the economy factor. In the National Lok Adalat which included

pending cases and pre-litigation, 17,02,650 human working hours were saved and utilisation of the same is directly connected to saving of time, efforts, costs and that eventually leads to building of the economy.

Effort, at present, is to take up the cases which are reflected in the National Judicial Data Grid and in the last National Lok Adalat, the pendency from that data grid has been reduced by 3,05,000 cases. We are going to have another National Lok Adalat on 8.4.2017 and the endeavour has to be to achieve more.

I am of the view that no target should be fixed. Once you have fixed a target, you are likely to become complacent in your achievement. When no target is fixed, the enthusiasm is constant and one develops the appetite for more. If we have five National Lok Adalats in one year, the High Court and the entire district judiciary would be working extra 90 days in one year. It is because what is settled in one National Lok Adalat, the same number of cases are disposed of approximately in 18 days. That apart, in successful Lok Adalats, we have been able to save the victim, the informant and the claimant from the rigours of law.

The salutary purpose of NALSA is to reform the existing system for legal representation for the undertrial prisoners and

the convicts who are unable to engage the counsel and for that purpose, the intent is to increase the visits of panel lawyers to Jail Clinics, confer more responsibility on remand advocates and to see that the counsel who represent the cases are well prepared and have the requisite expertise. All of us must realise that every case, however trivial it may look, has a human face and every effort, as law permits, has to be to wipe the tears from the eyes of the impecunious. Needless to say, it has to be done within the boundaries of law but the endeavour is to provide proper legal aid and also make them aware of their rights. It is a part of spreading legal awareness campaign.

In the course of our discussion, we will be deliberating upon various topics such as Appointment of Full Time Secretaries in each District Legal Services Authority, Victim Compensation Scheme, Lok Adalat/Permanent Lok Adalat, Role of Legal Services Institutions in promoting Plea Bargaining, Legal Services to Under-Trial Prisoners, Legal Awareness by way of Print Media and Electronic Media and Para Legal Volunteers.

I am obligated to inform this august gathering that the guidance from the Hon'ble Chief Justice of India, who is the Patron-in-Chief of NALSA, is immense and I must admit with all

the humility at my command that an institution is built by sharing of ideas and experiences and simultaneously following the elderly advices. The Hon'ble Minister of State for Law & Justice and Information & Technology, as I have observed, is quite an enthusiast in empowerment of the legal aid and access to justice and he has shared his thoughts and we shall dwell upon his concerns in our deliberations.

I expect the fullest committed co-operation from all of you.

THANK YOU