

ACCESS TO JUSTICE FOR ALL (With special reference to rural district of Lawngtlai in Mizoram)

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Abstract: This research aims to study the working and functioning of the Legal Services Authority Act, 1987 in Lawngtlai District of Mizoram. Lawngtlai District in Mizoram is comprised of about 160 villages with Lawngtlai town as its administrative headquarters having three sub divisions as well as three RD blocks. The district is located at the southernmost part of Mizoram bordering Myanmar, and Bangladesh. The District also covers two Autonomous District Councils which are established under the provision of the Sixth Schedule to the Constitution of India. The District is inhabited by mixed and diverse races of tribals who speak their own dialect or language. Despite the growth of technology in modern society and improvement of all round standard of living in all around the world, the standard of living here in the District is relatively low owing to ignorance of law, poor education system and bad transportation. This research will try to explore how the working and functioning of the Legal Services Authority Act, 1987 had impacted the lives of the people living in the District in their endeavour to access justice and at the same time, the various authorities involved in bringing about free and competent legal services to the people as a whole.

Keywords: The Legal Services Authority Act, 1987, free legal services, free legal aid, Lok Adalat, victim compensation, Lawngtlai District, legal awareness, court, para-legal volunteers, legal aid counsels, advocates.

I. Introduction:

The Legal Services Authority Act, 1987 was put into wheel in Mizoram in the year 1997 after only after the state has formulated its own Rules known as the Mizoram State Legal Services Authority Rules, 1996. Since its inception, the said Act of 1987 has been instrumental in bringing about justice to all. Since the Legal Services Authority Act, 1987 is a law with the noble cause of ensuring that justice is accessible to every individual, irrespective of their economic status, it has been benefited by the people of Mizoram especially by those of whom are people below poverty line. Access to justice in rural areas of Mizoram, a north eastern state in India, has been significantly enhanced through the implementation of the Legal Services Authority Act. This Act, which is part of the broader legal aid framework in India, has had a transformative impact on ensuring that justice is not only a theoretical concept but a practical reality for the rural population of Mizoram. In the following discussion, we will explore the working and achievement of the said Act as well as the role and functions it plays in bridging the gap between the law and the people it serves with special reference to Lawngtlai District of Mizoram.

II. The Legal Services Authority Act, 1987 – at a glance:

Before drilling into the core topic at hand, it is essential to first understand the hierarchy of authorities established by the said Act of 1987. Chapter II of the Act provides for the establishment of Legal Services Authority at the national and central level. Under Section 3 of the Act, the Central Government is tasked with a duty to constitute a body to be called the National Legal Services Authority to exercise the powers and perform the functions conferred on, or assigned to, the Central Authority under the Act. The Central Authority consist of— (a) the Chief Justice of India who is the Patron-in-Chief; (b) a serving or retired Judge of the Supreme Court nominated by the President, in consultation with the Chief Justice of India, who is the Executive Chairman; and (c) other members, possessing such experience and qualifications, as may be prescribed by the Central Government nominated by that Government in consultation with the Chief Justice of India. The Central Government also in consultation with the Chief Justice of India, appoints a person possessing such experience and qualifications as prescribed by Central government as the Member-Secretary of the Central Authority, to exercise such powers and perform such duties under the Executive Chairman of the Central Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority. The Central Authority also constitute a committee called the Supreme Court Legal Services Committee for the purpose of exercising powers and performing such functions as determined by regulations made by the Central Authority and such Committee consist of— (a) a sitting Judge of the Supreme Court who is the Chairman; and

(b) other members possessing experience and qualifications as prescribed by the Central Government, who are nominated by the Chief Justice of India. (3) The Chief Justice of India appoints a person as the Secretary to that Committee, from persons possessing such experience and qualifications as prescribed by the Central Government.

The State Government is also empowered to constitute a body to be called the Legal Services Authority for the State to exercise the powers and perform the functions conferred on, or assigned to, a State Authority under the Act. The State Authority consist of— (a) the Chief Justice of the High Court who is the Patron-in-Chief; (b) a serving or retired Judge of the High Court, nominated by the Governor, in consultation with the Chief Justice of the High Court, who is the Executive Chairman; and (c) other members, nominated by that Government in consultation with the Chief Justice of the High Court, possessing such experience and qualifications as may be prescribed by the State Government (3) The State Government in consultation with the Chief Justice of the High Court, appoints a person belonging to the State Higher Judicial Service, not lower in rank than that of a District Judge, as the Member-Secretary of the State Authority, to exercise such powers and perform such duties under the Executive Chairman of the State Authority as may be prescribed by that Government or as may be assigned to him by the Executive Chairman of that Authority. The State Authority also constitute a Committee to called the High Court Legal Services Committee for every High Court, for the purpose of exercising such powers and performing such functions as may be determined by regulations made by the State Authority. The said Committee consist of— (a) a sitting Judge of the High Court who is the Chairman; and (b) other members, nominated by the Chief Justice of the High Court possessing such experience and qualifications as may be determined by regulations made by the State Authority (3) A Secretary appointed by the Chief Justice of the High Court from person possessing such experience and qualifications as may be prescribed by the State Government.

The District Legal Services Authority: The State Government, in consultation with the Chief Justice of the High Court, constituted a body called the District Legal Services Authority for every District in the State to exercise the powers and perform the functions conferred on, or assigned to, the District Authority under this Act. The District Authority consist of— (a) the District Judge who is its Chairman; and (b) other members nominated by that Government in consultation with the Chief Justice of the High Court, possessing such experience and qualifications, as may be prescribed by the State Government. The State Authority, in consultation with the Chairman of the District Authority, appoint a Secretary of a District Authority from a person belonging to the State Judicial Service not lower in rank than that of a Subordinate Judge or Civil Judge posted at the seat of the District Judiciary to exercise such powers and perform such duties under the Chairman of that Committee as may be assigned to him by such Chairman.

ENTITLEMENT TO LEGAL SERVICES

Section 12 of the Act provides the criteria for giving legal services. Every person who has to file or defend a case shall be entitled to legal services under the Act if that person is— (a) a member of a Scheduled Caste or Scheduled Tribe;

(b) a victim of trafficking in human beings or beggar as referred to in article 23 of the Constitution;

(c) a woman or a child;

(d) a person with disability as defined in clause (i) of section 2 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996);

(e) a person under circumstances of underserved want such as being a victim of a mass disaster, ethnic, violence, caste atrocity, flood, drought, earthquake or industrial disaster; or

(f) an industrial workman; or

(g) in custody, including custody in a protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention) Act, 1956 (104 of 1956), or in a juvenile home within the meaning of clause (j) of section 2 of the Juvenile Justice Act, 1986 (53 of 1986), or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987 (14 of 1987); or

(h) in receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.

LOK ADALATS

Lok Adalat is one of the mechanism of alternate dispute resolution system introduced and regulated by the Legal Services Authority Act, 1987. The Act empowers every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or the Taluk Legal Services Committee to organize Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit.

A Lok Adalat have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of—

(i) any case pending before; or

(ii) any matter which is falling within the jurisdiction of, and is not brought before, any Court for which the Lok Adalat is organised: Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.

Cognizance of cases by Lok Adalats:

A pending case in a Court can be referred to Lok Adalat if the parties thereof agree; or one of the parties thereof makes an application to the Court, for referring the case to the Lok Adalat for settlement and if such court is prima facie satisfied that there are chances of such settlement; or the court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat. However, no case can be referred to the Lok Adalat as aforesaid except after giving a reasonable opportunity of being heard to the parties. Where any case is referred to a Lok Adalat or where a reference has been made to it, the Lok Adalat shall proceed to dispose of the case or matter and arrive at a compromise or settlement between the parties and every Lok Adalat shall, while determining any reference before it under the Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of justice, equity, fair play and other legal principles. In case, no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the court, from which the reference has been received for disposal in accordance with law. Further, if no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, in a pre-litigation case, that Lok Adalat shall advice the parties to seek remedy in a court. If the record of the case is returned to the court, such court shall proceed to deal with such case from the stage which was reached before such reference.

Every award of the Lok Adalat is deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section (1) of section 20 of the Act, the court-fee paid in such case shall be refunded in the manner provided under the Court-fees Act, 1870 (7 of 1870) and every award made by a Lok Adalat is final and binding on all the parties to the dispute, and no appeal lie to any court against the award.

III. Research Objectives:

- 1) To understand the working and functioning of the Legal Services Authority Act, 1987 in the rural areas of Mizoram with special reference to Lawngtlai District.
- 2) To study the achievements of the Act and how it has impacted the lives of the people of Lawngtlai District in their encounters with the law.
- 3) To suggest any action which may be necessary for the fruitful implementation of the Act.

IV. Methodology:

Based on the analysis of the data collected from the office of the Secretary, Lawngtlai District Legal Services Authority and survey responses and their relation to the research objectives and questions, the following methodological approach was formulated:

Sampling:

- i) The survey respondents represented a diverse range of age, occupation and NGOs. A random sampling technique was used to ensure a representative sample, and individuals from various backgrounds were included.
- ii) The office of the Secretary, District Legal Services Authority, Lawngtlai District was visited wherein their archive was accessed for the purpose of collection of available data in respect of the services rendered to the people of the District in furtherance of the Act.

Data Collection: The survey included questions specifically designed to capture the perspectives and experiences of individuals regarding as to how such individuals had benefited the various schemes provided by the Act.

Data Analysis: Once the survey data was collected, quantitative and qualitative methods were employed for analysis. Quantitative analysis was used to examine the distribution and frequency of responses based on demographic factors.

Comparative Analysis: The analysis focused on comparing the perceptions of individuals from different villages. The analysis explored how the Act has influenced the perception of the citizens and the level of awareness conceived by the people. Comparative analysis provided insights into the unique experiences and challenges faced by different groups.

By following this methodology, the survey data was effectively analyzed from a societal perspective, providing valuable insights into how people living in rural areas of Lawngtlai District have perceived the ideology of legal services and how far the scheme has benefited the targeted people in Lawngtlai District of Mizoram.

Table I : Office Structure of Lawngtlai District Legal Services Authority

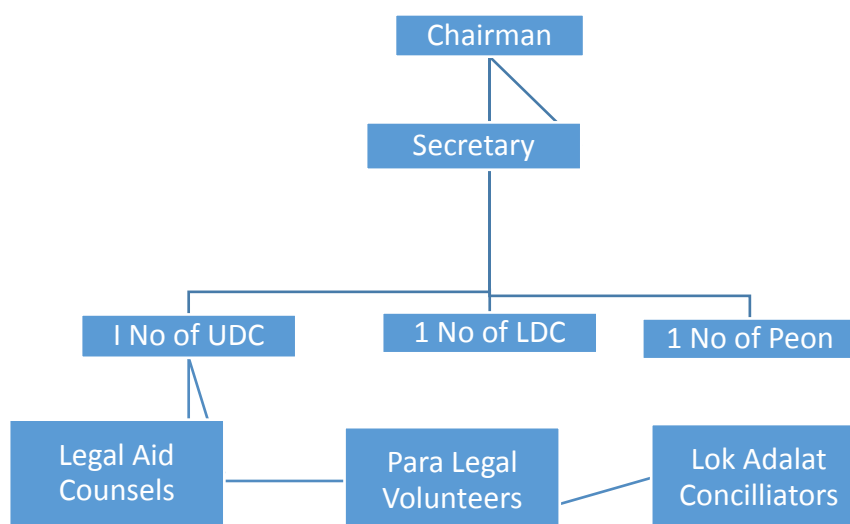


Table I shows the office structure of Lawngtlai District Services Authority with the Chairman at its head as per the provision of Section 9 of the Act. The Chairman of Lawngtlai District Services Authority is the sitting District Judge of Lunglei Judicial District (Grade I cadre of the Mizoram Judicial Service) since Lawngtlai District is within the jurisdiction of Lunglei Judicial District. The Secretary is the sitting Senior Civil Judge-cum- Chief Judicial Magistrate (Grade II cadre of the Mizoram Judicial Service). Other staffs include Clerks (Upper division and lower division) and peon.

Legal Aid counsels: Legal Aid Counsels are appointed from Advocates having practice of more than three years by the State Legal Services Authority as per the recommendation of the Secretary of the District Authority. The legal aid counsels are assigned a case, both civil and criminal cases, wherein the accused or the party to a suit, as the case may be, is not in a position to engage a lawyer on his own expense.

Para-Legal Volunteers: Para-Legal Volunteers are recruited for a limited time/part time basis in order to assist and support the functionaries of the District Legal Services Authority in reaching out to maximum number of people within the District. These Para-Legal Volunteers, after undergoing training from time to time, are tasked with the work to man the front office of the DLSA, the Legal Aid Clinics set up at different villages and in District Jail. A number of Legal aid clinics have been established in Lawngtlai District to provide free legal assistance and advice to residents. These clinics, under the supervision of Para-Legal Volunteers serve as accessible points of contact for individuals seeking help with legal issues, ensuring that legal aid is readily available.

Conciliators of Lok Adalat: A panel of Conciliators for the District has been appointed for a limited time by the State Legal Services Authority. These conciliators sit on rotation basis in every Lok Adalat organised by the District Legal Services Authority playing a vital role in bringing about speedy justice through one of the channel of alternate dispute resolution system prevalent in the country.

Table II : Working of the Lawngtlai District Legal Services Authority

The major works and function of the Lawngtlai District Legal Services Authority includes providing free legal aid counsels to parties who are not in a position to engage a lawyer of their own, organising free legal awareness programmes, organising Lok Adalat at regular intervals and providence of compensation to victims of crime;

these tables will show the numbers of events created in respect of the said major works of the District Legal Services Authority as well as its achievements for a period of five years (2015-2019).

Table II (a): Free Legal Aid

Sl No	Year	No of Beneficiaries of Free Legal Aid
1	2015	755
2	2016	520
3	2017	653
4	2018	805
5	2019	547

The above table shows the number of beneficiaries of free legal aid provided by the Lawngtlai District Legal Services Authority from the year 2015 to 2019. Free legal aid includes assignment of legal aid counsel to defend a case which are pending in the court, assistance or service rendered at front office and legal aid clinics. The Legal Services Authority works to ensure that disadvantaged section of the society who cannot afford legal representation receive competent lawyers to represent them in court. The data shows that an average of 656 people benefited from the free legal aid provided by the District Legal Services Authority every year for a period of five years.

Table II (b): Legal Awareness Programmes

Sl No	Year	Legal Awareness	No. of beneficiaries
1	2015	26	3095
2	2016	28	3666
3	2017	31	2304
4	2018	41	7136
5	2019	18	3011

The above table shows the number of awareness conducted and organised by the Lawngtlai District Legal Services Authority from the year 2015 to 2019. As can be seen from the above table, the Lawngtlai District Legal Services Authority has been highly pro-active in organising free legal awareness campaigns, having organised 26 times in 2015, 28 in 2016, 31 in 2017, 41 in 2018 and 18 in 2019. The total number of beneficiaries of free legal awareness campaign is 19,212. According to the Census of 2001, population of Lawngtlai District is 1,17,894, therefore, during the relevant period of this research, the Lawngtlai District Legal Services Authority was able to reach out to about 16.30 % of its population.

Table II (c): Lok Adalat

Sl No	Year	Lok Adalat	
		Cases Taken up	Cases Settled
1	2015	121	32
2	2016	125	29
3	2017	140	47
4	2018	77	29
5	2019	104	48

The above table shows the numbers of cases taken up in Lok Adalat as well as the numbers of cases settled in those Lok Adalats during the period from the year 2015-2019. It can be seen from the number of cases taken up that the Lawngtlai District Legal Services Authority has been organising a regular sitting of the Lok Adalat. These cases taken up by the Lok Adalat includes post-litigation cases referred by the trial courts as well as pre-litigation cases. However, the success rate of settlement is relatively low.

Table II (d): Crime victim compensation

Sl No	Year	No of beneficiaries	Amount of Disbursement
1	2018	4	13 lakh
2	2019	6	26.5 lakh

The above table shows the number of beneficiaries and amount of compensation awarded to victim of crime. This indicates that the District Legal Services Authority has been the nodal authority for implementing the provision of the Mizoram victim of crime compensation scheme, 2011 (as amended from time to time). From the data shown above, the number of beneficiaries of victim compensation is quite low which may indicate that crime rate in the district is relatively low compared to other districts of the state. The data shows large gap of disbursement amount in 2018 and 2019 because the Mizoram victim of crime compensation scheme, 2011 had undergone an amendment which has enhanced the rate of compensation.

Table III: Perceptions of the beneficiaries

S/No	Status of beneficiaries	Average age groups	Remarks
1	College students	15-25 years	Legal awareness campaign has been regularly conducted at Govt. Lawngtlai College for different for students studying their bachelor degree. According to the answers of questionnaire returned by the students, these college students are quite aware about the basic fundamental rights and other entitlements guaranteed by the Constitution and other laws made thereunder. They are also conscious of the existence of the District Legal Services Authority and the role it plays in imparting legal awareness to the people.
2	Women groups	30-60 years	From its inception, the District Legal Services Authority had focused its attention towards the upliftment of the weaker section of the society most particularly the women. However, despite the efforts of the District Legal Service Authority, the survey shows that most women are not equipped with the adequate knowledge of law to bring about an ease to their legal affairs. Main factors attributing to this problem may be ignorance, illiteracy and dependence upon the male counterpart.
3	NGOs	20-70 years	The NGOS in the District comprises mainly of the ethnic youth and women groups, students' body and the Churches. From the survey, it can be summed up that the NGOS are playing a vital role in assisting the District Legal Services Authority in their endeavors towards legal awareness.
4	Under Trial Prisoners	18-60 years	Lawngtlai District has one number of District Jail with a capacity of 98 inmates. All the inmates are made aware of their right to be defended by a lawyer which is to be provided by the District Legal Services Authority free of cost.

V. Implications for policy makers and stake holders:

The working of the Legal Services Authority in Lawngtlai District, Mizoram, has significant implications for policy makers and stakeholders. Here are some key considerations:

1. Access to Justice: Policy makers should prioritize improving access to justice for the residents of Lawngtlai District. This includes ensuring that legal services are available and accessible to all, especially marginalized and disadvantaged communities.

2. Legal Aid Services: The Legal Services Authority should focus on expanding and enhancing legal aid services. This can involve setting up legal aid clinics, providing free legal advice, and facilitating representation for those who cannot afford legal representation.

3. Awareness and Education: Stakeholders should work together to raise awareness about legal rights and the services offered by the Legal Services Authority. Legal literacy programs can empower individuals to understand and assert their rights.

4. Efficient Case Management: Policy makers should support efforts to streamline and expedite legal processes. This can help reduce the backlog of cases and ensure timely resolution of legal issues.

5. Monitoring and Evaluation: Regular assessment of the Legal Services Authority's performance is crucial. Stakeholders should establish mechanisms to monitor its effectiveness and make necessary improvements.

6. Collaboration: Collaboration between the Legal Services Authority, local government, NGOs, and other stakeholders is essential for holistic support to the community.

7. Adequate Resources: Ensure that the Legal Services Authority has the necessary resources, including funding, staff, and infrastructure, to carry out its functions effectively.

8. Feedback Mechanisms: Establish feedback mechanisms to gather input from the community and legal professionals to continually improve the services provided by the Legal Services Authority.

9. Outreach Programs: Conduct outreach programs to reach remote or underserved areas within Lawngtlai District to ensure that legal services are accessible to all.

VI. Conclusion:

The implementation of the Legal Services Authority Act in Lawngtlai District of Mizoram has been instrumental in advancing access to justice and legal aid services in this region. The implementation of the Legal Services Authority Act has been crucial in bringing legal services closer to the people and addressing the unique challenges faced by rural and remote communities. It has helped bridge the gap in access to justice and uphold the principles of fairness and equality in the legal system. In summary, the working of the Legal Services Authority in Lawngtlai District, Mizoram, should be geared towards enhancing access to justice, legal aid services, and legal literacy while ensuring efficient case management and collaboration among stakeholders. Regular evaluation and resource allocation are essential for its success.

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