

**SPEECH OF HON'BLE MINISTER OF LAW AND JUSTICE
ON "MAKING INDIA: ROLE OF EMPOWERING
CITIZENS WITH LEGAL AWARENESS"
ON 15TH JANUARY, 2016 AT KOCHI.**

Ladies and gentlemen,

I deem it a great honour to be invited to give a talk on 'Making India: Role of Empowering Citizens with Legal Awareness' on the occasion of inauguration of 'Justice V.R.Krishna Iyer International Mission for Social Justice'. I wish and hope that this will leave a mark as an important milestone in spreading the ideals and aspirations of the departed great Jurist and usher our Nation into a new era. I thank the organisers for giving me this opportunity.

Our Constitution provides for an effective and independent judicial system. Right to 'access to justice' has been recognized as one of the fundamental rights. Justice delivery or administration of justice is one of the paramount functions of the State. We cannot be said to fulfill our social obligations unless we are able to promote justice on the basis of equal opportunity and provide legal aid to all citizens of the country.

To bring justice closer to the underprivileged segments of the society, a number of innovative measures including providing legal aid to poor have evolved with time. Article 39A of our 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. In a number of judgments, Supreme Court has also emphasized the necessity for providing legal aid to the poor.

The language of Article 39A is couched in mandatory terms. This is made more than clear by the use of the word “shall” - occurring twice in Article 39A. It need not be emphasized that good legal system should be able to deliver justice expeditiously on the basis of equal opportunity and provide free legal aid to ensure that opportunities for securing justice are not denied to any citizen by reasons of economic or other disabilities. The Supreme Court has emphasized, while interpreting Article 21 in the light of Article 39A, that legal assistance to a poor or indigent accused who is arrested with jeopardy of his life or personal liberty, is a constitutional imperative mandate not only by Article 39A but also by Articles 14 and 21. In the absence of legal assistance, injustice may result and every act of injustice corrodes the foundations of democracy.

It was in this context that the Parliament enacted the Legal Service Authorities Act, 1987. While on one side, the Act gives statutory recognition to the resolution of disputes by compromise and settlement by the Lok Adalats, on the other, it provides for free and competent legal services to the weaker sections of the society. The concept of Lok Adalat has been gathered from system of Panchayats, which has root in the history, and culture of this country and the provisions of the Act are meant to supplement the court system. You are aware that National Legal Services authority (NALSA) was constituted in the year 1995 under section 3 of the Legal Services Authorities Act, 1987.

Apart from making legal aid a constitutional right and extending its scope to legal literacy and pre-trial processes, the contribution of the judiciary in access jurisprudence lies in giving a status and credibility to public interest litigation unprecedented in the judicial history of the so-called developed countries of the world. You are aware of the developments where access has been enabled on matters involving public interest even to total strangers to the dispute and the expanded doctrine of *standi* by which, a civil rights organization has been allowed to maintain a petition for the rights of a class of the society. Another development facilitating the PIL is the acceptance of what are called '*letter petitions*' where any citizen, without seeking the help of lawyers, can now activate the court by writing a letter, which the court treats as a writ petition in appropriate cases involving violations of fundamental rights.

The Constitution has made provision for promoting the aspirations and protecting the rights of different sections and classes of the Indian people. In addressing themselves to the delivery of justice the Courts must necessarily pay heed to the ideals and objectives enshrined in the Constitution and to the broad provisions made in relation to those sections and classes. Nevertheless, the Court remains the guarantor of justice to all citizens, in accordance with their respective rights and obligations. In assisting the Courts in their great purpose, the legal profession holds a role of considerable significance. It is a role assigned to the legal profession by history and by the nature of its functions. In order to make our laws more effective, the 'Bench' and the 'Bar' must work together with an intuition to work for the objectives of our Constitution. Our

Constitution is not to be construed as a mere law, but as the machinery by which laws are made. It is a living and organic thing which, of all instruments, has the greatest claim to be construed broadly and liberally.

You may recall, our Hon'ble Prime Minister Shri Narendra Modiji has, in his speech on National Legal Services Day, emphasized on 'Sabka Nyaya' along with 'Sabka Saath, Sabka Vikas'. I, therefore, feel apt at this moment to point out various concerns and barriers to access to justice. High cost of litigation, the difference in capacity of the individual litigant to extract from the legal system, lack of adequate legal awareness, cumbersome procedures of litigation and quality of legal aid services available to poor and marginalized are some issues bothering all of us. Though the legal aid camps, legal aid clinics and legal awareness programmes are being conducted regularly, we have still a long way to go in creating awareness on legal rights among public in general and actual ways of getting redressal through the legal system in particular.

An effective judicial system requires not only that just results be reached but that they be reached swiftly. Concerns have also been raised on quality of legal services available to the poor and marginalized largely due to reluctance on the part of experienced and senior advocates to volunteer for the legal aid services. You are aware that Lok Adalat Programme is being run on a massive scale across the country, providing a low cost alternative to a regular court based adjudication mechanism especially in areas like family disputes, contractual disputes, motor accident claims, disputes with

neighbors. Despite all these, major challenges remain to achieve the objectives enshrined in our Constitution, and we must debate and come out with creative solutions in this regard.

Friends, Government is committed to undertake the role assigned to it. The Justice Delivery and Judicial Reform project has been undertaken with the strategy to adopt a coordinated approach to judicial reforms by taking action in the areas of Improvement in judicial infrastructure, increase in manpower of judiciary, computerisation of courts through e-courts project and legislative and policy initiatives taken already and proposed. On a successful completion of eCourts phase-I project; Government has embarked upon eCourts Phase-II project with a renewed and vigorous emphasis on automation of workflow management and multi-platform services to the litigants. The public access to National Judicial Data Grid has made possible the better case management by the litigants and effective monitoring by the respective High Courts over its subordinate courts.

The Government has also partnered with the UNDP to commence a decade long Access to Justice for Marginalized People Project, which is being implemented in eight States of India with the highest proportion of people living in poverty. Our focus is also on the North East and Jammu and Kashmir. The aim of these projects is to strengthen legal aid and legal empowerment for the marginalized. We have already imparted legal literacy to about 20 lakh people in 62 districts. Simultaneously, our Government's aim is to transform the Government into an efficient and responsible litigant. On the recognition that Government and its various agencies

are the pre-dominant litigants in courts and Tribunals in the country; a National Litigation Policy is under our consideration for reducing avoidable and unnecessary litigation involving the Government. Efforts are also being made in other areas where simplification of the existing laws and repeal of the obsolete laws shall be able to contribute to reduction in litigation. Some of the areas have already been addressed like amendments in Negotiable Instruments Act.

In the last fifty years, we have witnessed significant changes as well as major challenges together as a nation. With the advent of socio-economic revolutions and transformations on a global level, especially the steep rise of science and technology, we observed that the way the world came to work today is starkly contrasted from when we began our tryst with destiny. Law also cannot afford to remain static. Following this socio-economic revolution, new jurisdictions in the law are bound to come into existence. New value systems will take birth. New social and economic goals will begin to appear on the horizon, calling for new levels of capacity and equipment in the institutions of the country. The judge and the lawyer will be caught up in the main stream of that great change. The judicial administration and the legal profession must prepare themselves not only to effectively fulfil their responsibilities of today, but also to meet the challenges of tomorrow.

On this occasion, may I appeal to young legal brethren to appreciate the importance of learning best legal innovative skills to prove themselves to ever growing legal challenges? They must maintain the dignity, decency and decorum of this pro-bono public

service professed by Mahatma Gandhi, Lenin, Lincoln and other galaxy of great men.

I hope and wish 'Justice V.R.Krishna Iyer International Mission for Social Justice' will stimulate innovative ideas to boost morale of the advocates to play a pivotal role as a 'social engineer.' With these words, I conclude and once again thank the organizers and all present here for giving me this opportunity.

Thank you.