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"ACCESS TO JUSTICE: SOCIO-LEGAL SERVICES FOR WOMEN"

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To secure social, economic and political justice to the people, a nation must have just laws justly administered. Those who need protection, especially the poor, the weak and the backward, must be in a position to have the protection of law courts. In this category, a large number of women are also included. The access to justice has become prohibitively expensive. Owing to this, law has often become impotent to provide safeguards to the people. Therefore, it is imperative to provide competent free legal help to those whose rights are impinged upon and who need such help.

Justice (Mrs.) Sujata V. Manohar, High Court, Bombay

> "To no one will we sell and
> to no one will we refuse or delay,
> right or justice"—Magna Carta, Cap. 40
>
> "The State shall not deny to any
> person equality before the law or
> the equal protection of the laws
> within the territory of India".
>
> Art. 14, Constitution of India

Equal protection of laws to all—rich or poor, weak or strong is a basic tenet of our constitutional philosophy. A nation professing to secure for its people justice—social, economic and political—must have just laws, justly administered. The laws must be just and fair and those who need legal protection must be able to resort to the law courts through which such laws are enforced. The poor, the weak and the backward must, therefore, be in a position to invoke the protection of the law Courts in order to secure for themselves the protection which the law gives to them. Unfortunately, the category of such backward people also includes large segments of women of our land.

The Doors of The Ritz

All civilised countries have a sophisticated system of dispensing justice. The older systems of primitive justice do have the charm of arriving at a quick decision. If the hand of the accused comes out unscathed from boiling oil, the accused is innocent, otherwise, he is guilty. There are no nagging doubts about the guilt or innocence of the accused and there is no question of any appeal from a divine verdict. Civilised

*The lectures have been instituted to commemorate the distinguished services rendered by the late Dr. J. M. Kumarappa (formerly the Director of the Tata Institute of Social Sciences) and Dr. Walter C. Reckless (internationally renowned criminologist who was associated with the Institute as United Nations Expert in the Field of Prevention of Crime and Treatment of Offenders).

societies have, however, evolved a somewhat more sophisticated method of dispensing justice through their law courts, bearing in mind human frailties. The principles and procedures laid down for this purpose are meant to ensure a fair trial and a fair decision. But, in the process, a fair hearing before a court of law has also become costly. The laws have also become numerous and complex. In fact, the more ambitious the role of the State, or the greater the desire to establish an egalitarian social order, the more complex will be the legal framework of the State. To invoke legal protection, therefore, expert technical guidance of lawyers is needed. Access to justice becomes expensive. It goes beyond the reach of the poor and the backward—the very people who may need its protection the most.

It is in this context that legal aid to such persons becomes a pre-requisite of the Rule of Law. As Reginald Heber Smith, the father of modern legal aid movement said, in his famous work "Justice and the Poor,"

> The substantive law, however fair and equitable itself, is impotent to provide the necessary safeguards unless the administration of justice, which alone gives effect and force to substantive law, is, in the highest sense, impartial. It must be possible for the humblest to invoke the protection of law, through proper proceedings in the courts for any invasion of his rights by whomsoever attempted, or freedom and equality vanish into nothingness.

Since the heavy cost of litigation prevents the humble from seeking redress of their grievances, free legal assistance must be granted to them. It was this heavy cost of litigation that provoked F. E. Smith to remark, "The doors of the Court, like the doors of the Ritz, are open to all". If the backward are to enter the Ritz, someone must agree to foot the bill.

The Philosophy of Legal Aid

There have been two broad streams of thought on the nature and functions of legal aid, though these streams are now slowly converging. The legal aid schemes of different countries are structured on the basis of the philosophy of legal aid to which they subscribe.

The original, and classical meaning of "Legal Aid", was giving skilled legal help free to a poor person desirous of maintaining his rights under the law. It could also involve giving financial help to an individual who would not, otherwise, be able to meet the costs of litigation. An individual in need was thus enabled to have access to the existing system. A number of very effective schemes, in countries such as the U.K., are based on this view of legal aid.

The Legal Aid Schemes, based on this philosophy have evolved around the principle that no one should be deprived of legal assistance though a lack of means. The English Legal Aid and Advice Act, 1949 was framed on this basis, and its principles, as built into its scheme of legal aid, are summarised by Seton Pollock (1974) as follows:

(a) irrespective of means, there must be access to all courts within the jurisdiction, and to the legal services, required to make that right effective, including such advice and assistance as may obviate the need for recourse to a court;

(b) those availing themselves of such facilities should be required to pay towards the cost of the services received no more than they can reasonably afford (if anything), having regard to their actual resources;

(c) the services provided must be of the same standard as apply in respect of those able to pay their own way, including the right to choose the legal advisor;

(d) the lawyers providing the services, and those responsible for the granting of legal aid, must remain professionally independent;

(e) no restriction must be imposed, whether upon the lawyer or the assisted client, save as may be necessary to prevent abuse of the facilities of the scheme;

(f) lawyers should be fairly and reasonably remunerated for the work properly done under the scheme;

(g) the cost not met by contribution, or otherwise, should be borne by the community.

The legal aid scheme, set up to give effect to these principles, is an integral part of the system of judicial administration in the U.K.

This view of legal aid proceeds on the basis that it is not for persons involved in rendering professional legal services to clients—whether paid or unpaid—to work for law reforms or for improvements in the system, or for the proper administration of laws. Such tasks are better left to social workers or interested groups, academicians, legislators and administrators. This is a pragmatic point of view, based on the fact that most professional lawyers are interested in their professional work and not in reforming or improving the system. While a number of competent professionals may be willing to offer their services—free or at lower rates—to help the needy, very few may be willing to spare the time for reforms. A less ambitious scheme of legal aid is, therefore, likely to be more workable.

This type of legal aid, however, presupposes a certain level of knowledge or awareness of their rights on the part of the backward and weak groups in society. It also presupposes their readiness to assert themselves, and approach the law courts. These two vital preconditions are often lacking. Hence, a wider view of legal aid has slowly gained acceptance.

This wider view of legal aid evolved, initially in the U.S.A., and is now gaining ground in the developing countries. The new concept of legal and socio-legal services has developed as a result of the strategies adopted by the legal aid workers in the U.S.A. in order to cope with the difficulties found by them in rendering legal assistance to the socially and economically underprivileged groups. Such backward and underprivileged groups in the U.S.A., like the blacks and ethnic minorities, faced far more serious handicaps than the poor in the U.K. Workers involved in giving legal assistance to such groups realised that much more was required than just aiding individual litigants of the group. They found that the system of implementation of laws was loaded against the backward. Initially, a number of independent legal aid societies had grown up in the U.S.A. (mainly in the cities) to provide free legal services along the traditional lines. In the early fifties, however, some American lawyers, involved in the legal aid work, began to feel that the scope of their work was too narrow and it should also involve securing law reforms through test cases, initiating class actions and the like. This aggressive tradition did not accept the status quo. It sought to change the political, economic and social system to the advantage of the clients by the use of test-case law-reform litigation. The most important among the early organisations that accepted this strategy were the National Association for the Advancement of Coloured People (NAACP) and its subsequent creation, the NAACP Legal Defence and Education Fund (LDF). By 1954, the year of LDF's famous

victory in the case of Brown V. Board of Education, the organisations had won 34 out of 38 cases in the Supreme Court.

These victories had an enormous influence on the law reform-cum-legal aid movement. The victories seemed to illustrate the efficacy of the route of law reform through the Courts. It seemed as if reforms were achieved with the stroke of the judicial pen! These decisions also gave great prestige and publicity to the lawyers and their clients, thus facilitating fund raising and the recruitment of bright young lawyers to the cause.

There were also other influential groups such as the Civil Liberties Union. Ralph Nadar stressed the role of the lawyer on behalf of the consumers and environmentalists. In the late 1960s and 1970s, foundations began to fund public interest law firms that engaged in law reforms through law suits. Private bar organisations also took up this activity. It was in this context that legal services programmes were framed under the Economic Opportunity Act, 1964. These include neighbourhood law firms, class action, law reforms and the like.

The wider philosophy of legal aid, therefore, includes not merely legal aid and advice in individual cases but also working for the enactment of non-discriminatory laws, for the enforcement of constitutional rights, and for securing the enforcement of existing laws in favour of the under-privileged groups by various means including the initiation of class actions. Some spectacular results have been achieved through this strategy, as in the racial segregation cases.

This wider view of legal aid is bound to find favour in those countries that have social groups with wide disparities in income, social attitudes and education, but which have, at the same time, equality under the law. India is such a country. It is but natural that the wider view of legal aid should find favour in India; it has groups of poor, backward or underprivileged people, and it also has a legally enforceable code of human rights under its written constitution.

Women as a Backward Group

When we consider the recipients of such services, one of the groups that comes to mind at once is women (if they can be called a group). Women of this country must, unfortunately, be classified, by and large, as an economically and socially backward group. It is, of course, impossible to talk with any accuracy about women of this country in general. We are a nation where several centuries co-exist. We have a complex socio-economic structure where the position of women changes from region to region, community to community, caste to caste, and even family to family. Yet, by and large, our women suffer from 3 main handicaps which are interconnected. These are (1) socially inferior status, (2) lesser education, (3) economic dependence on father/husband/son. In this respect, there are vital differences in the position of our women as compared to the women in the West. These differences have a direct bearing on the socio-legal programmes that are needed for woman here. The main problem facing women in the West is that of sexual discrimination—in education and training opportunities, employment opportunities, wages and the like. For women here, this type of discrimination is less noticeable. Given the requisite qualifications, women face no discrimination in education and training opportunities, and much less discrimination in salary scales, promotions and the like. It is also possible that the severity of socio-economic discrimination against women tends to overshadow and, therefore, to some extent, hide this type of sexual discrimination here.

For removal of these socio-economic handicaps, women are turning to law. We, as a nation, tend to turn to law reforms for bringing about socio-economic reforms. The current thrust is towards law enforcement through favourable judicial orders. In this connection, I am afraid that we have not learnt to evaluate the efficacy of this method of removal of socio-economic handicaps. We are also not prepared to make the necessary adjustments and expansion in the system of judicial administration if we are to resort to it frequently.

Resorting frequently to class action or public interest litigation can result in heavy additional work before already overloaded courts, producing a tremendous strain on the system of administering justice. It is bound to aggravate delays in the law courts, and, as a result, can render the judicial system ineffective. Reliance on court actions for socio-legal reforms, however, is a widely accepted methodology now. Women, naturally, share this national tendency of resorting to court action to improve their status. There is some historical justification for this approach because women have improved their status considerably over a period of time through law reforms.

Women's Status and Law Reforms

The change began with the abolition of 'Sati' in 1729 by Lord Bentinck. Then, in the present century, over a period spanning more than sixty years, we have had a series of law reforms, bringing with them a dramatic change in the status of women. Over this period, social reformers and law have wanted to improve together women's status e.g. Hindu Widow's Remarriage Act was passed in 1856 and the Child Marriage Restraint Act in 1929. Then we had the epoch making Hindu Women's Right to Property Act, 1937, the Hindu Married Women's Right to Separate Residence and Maintenance Act, 1946. The Hindu Marriage Validity Act, 1949, and the famous four Hindu Law Reform Acts of 1955-56. We have also had the Dissolution of Muslim Marriages Act, 1939, the Dowry Prohibition Act, 1961, and the Medical Termination of Pregnancy Act, 1971. As a result, women have gained considerably in legal stature. They have also improved their position socially. And they also have the benefit of the constitutional prohibition of discrimination on the ground of sex, while at the same time retaining the benefit of protective laws.

Women are, therefore, now turning to the courts to enforce their legal rights and secure legal protection in such traditional areas as matrimonial disputes, custody disputes and the like, and in new areas through test-case law-reform litigation. Thus, in this new area, we have air hostesses challenging unfavourable service conditions, a top IAS Officer challenging discriminatory service terms, a woman journalist seeking redress on behalf of women prisoners, women's organisations clamouring for changes in rape and dowry laws, for better investigation of dowry deaths and the like. It is in this context that proper socio-legal services for women assume importance.

Limitations on the Efficacy of Law Reforms-cum-Test Cases

Before I go into the types of programmes required for women, I would like to examine whether the heavy reliance placed by women on laws, legal actions and law reforms, for amelioration of their condition, is justified or likely to be fruitful. There is, of course, the past history of success. But, it must be remembered that law reforms in the past were accompanied by, and were often preceded by, a strong movement for social reform. The reformist zeal of Raja Rammohan Roy had as much, if not more, to do with the abolition of Sati than the law. It was in the climate of social reforms generated by great social reformers like Ishwar Chandra Vidyasagar, Maharshi Karve, Mahatma

Phule, Mahatma Gandhi, Dr. Ambedkar and others that Hindu law reforms could take place. Where such a strong movement for social reform is lacking, legal reforms have been ineffective. This is precisely why the Dowry Prohibition Act of 1961 is ineffective. No amount of legal ingenuity can make the law effective if social will is lacking to accept and enforce it. Women must, therefore, not ask for law reforms in isolation. They need to set up action groups to generate the social climate in which laws can become effective.

The second thrust of women's movement, in the present times, has been in the direction of the courts to obtain redress of their grievances. It is an attractive, and to an extent, an easier alternative than campaigning for social reforms or legal reforms, pressurising legislators into amending laws, or persuading administrators to implement legal provisions. It is simpler to get a court order asking the administrators to carry out their obligations. We have the object lesson of the victories won by the blacks before a sympathetic Warren Court in the U.S.A. Before our own sympathetic Supreme Court, created, to a large extent, by J. Krishna Iyer and now J. Bhagwati, women are winning similar victories. It is easier to get a court declaration on women prisoners, for example, than to get the administration to do their duty of providing proper prisons for women.

The Supreme Court has also enlarged the concept of *Locus Standi,* to enable public interest groups to litigate on behalf of others. It has permitted letters written from jails to be treated as petitions and granted reliefs. In this climate, it is natural for women to turn to the law courts for relief, and, as a necessary corollary, to demand socio-legal assistance for this purpose.

But there are many limitations to what litigation can accomplish. The U.S. experience in this area ought to serve us as a warning. The most serious problem with judicial remedies is the problem of enforcement. Traditionally, courts tend to avoid regulatory or structural injunctions which involve constant supervision over a long period of time. Structural injunctions can involve changing of relationships within a group, e.g. treatment of patients in a hospital or a mental asylum. These are extremely difficult to enforce. It is possible that in an extreme situation, an activist court may grant an order involving such constant supervision, or at times, even complete overhaul of the administrative machinery. But, by and large, the Court will not, because it cannot, set up elaborate machinery to supervise the carrying out of its order. The courts lack the machinery to indulge in such tasks. In the case of women undertrials in Bombay the Supreme Court, for example, had to seek the assistance of the Director of the Tata Institute of Social Sciences, in her former capacity as the Principal, College of Social Work, Nirmala Niketan, for handling such a situation. Secondly, the courts have to depend upon the administrators to carry out their orders. And the administrators are not always sympathetic. Judicial remedies are effective if (1) the purpose can be achieved by a preventive or a one time mandatory injunction—e.g. directing the government to pay a higher pension, or deleting an unfavourable service condition, (2) effectiveness of judicial remedy depends on the ease with which the order can be monitored. The Court here has often to rely on the reform agency which brought the litigation. But orders which require constant and day-to-day supervision are almost always bye-passed by the administrators who resent court intrusion into their domain, e.g. in cases involving maladministration of an institution.

Legal Services Programmes for Women

With these cautionary words, let us examine the type of services that should be made available to women to improve and enforce their legal rights. Their social, educational and financial hardships make women specially vulnerable when facing problems within the family, such as matrimonial conflicts which compel them to resort to law. Hence, bearing these aspects in mind, the programmes of legal services for women should include:

1. Identifying special problems of women and reaching out to women in need of help.

2. Special programmes for reaching information to women regarding their legal rights; this may even involve reaching out to such women as, for example, women in jails, women in mental asylums, women in purdah—and initiating legal action on their behalf.

3. Giving relevant information to women regarding their legal rights. This may include giving talks, or the use of the media, printing and distribution of pamphlets or articles giving relevant information in simple language.

4. If laws are unsatisfactory, creating a lobby for suitable law reforms.

5. Filing test cases, class action or public interest action in suitable cases.

6. Availability of free or subsidised legal advice, as also services of a lawyer of her choice to a woman litigant in a deserving case.

7. Financial aid to meet out-of-pocket expenses of litigation.

8. A programme for advice and conciliation in family disputes under which the parties to the dispute can be summoned, their problem discussed by trained family counsellors and reconciliation attempted.

9. An emergency cell where women in urgent need of help can go and, if necessary, stay for some time as also receive legal advice and help e.g. women who are subjected to physical abuse, women harassed for money or dowry by their in-laws, women thrown out of their matrimonial homes, women who want protection for their children who are physically abused, and so on.

10. An information desk where, apart from legal information, women in distress can get information about women's homes and hostels where they can stay with their children, if required. The desk can also supply information regarding any jobs or training for work, available to women.

11. A follow-up service to help women after the completion of the court case.

12. A research cell to compile and analyse the data regarding women's problems received at the legal aid centres.

Obviously, such a programme of legal services is far more comprehensive than other similar programmes elsewhere. Such a programme is, however, necessary if

women and backward groups are to effectively assert their legal rights and to obtain, in reality, equal protection under the law. It is equally obvious that not all aspects of the programme require the participation of trained lawyers. Most of the ancillary work, apart from the actual legal work, can and should be carried out by trained social workers, para legal workers and even socially committed law students. It is necessary to work out the programme systematically with a clear demarcation of duties between these different types of workers. For most of the basic work, right upto taking the case before the lawyer, social workers with para legal training are essential. It is extremely important to bear this in mind. It would be highly unsatisfactory, and, at times, even undesirable, for a lawyer to embark on an investigation of women's problem areas. He or she lacks both the equipment and the expertise. It would be equally undesirable for lawyers to reach out to women's groups in backward areas or in backward groups and attempt to inform them of their legal rights without obtaining the relevant social data regarding these groups. Each such backward group-especially a tribal group, has its own social structure and philosophy which may be beneficial to women in some ways or harmful in other ways. An innocent well-meaning lawyer may do more harm than good if he attempts to introduce sophisticated urban values into such a structure. In such areas, trained social workers must precede the lawyers and legal services, to evaluate the need for such a programme and prepare the necessary ground for the acceptance of the programme. Most of the important follow-up work will also have to be done by trained social workers.

So far I have talked mostly of civil laws. But women are also in need for protection and help in connection with the administration of criminal laws. Women victims of a crime such as rape face great difficulties in getting justice. Social taboos often prevent women from even disclosing the crime. Often their testimony is disbelieved if uncorroborated. It is also found that in such cases, where women are the victims—as in the case of rape or a dowry murder—police investigation is unsatisfactory. A special legal services cell created for overseeing the investigation in these vulnerable areas should go a long way in strengthening the protection of criminal laws to women. Social workers must oversee such women victims of rape or attempted dowry murder, before, during, and after trial.

Women are already campaigning for reform of rape laws and dowry laws with some success. But a greater emphasis on proper police investigation is likely to be more effective in this area.

Women called for questioning by the police must also be assisted by such a legal cell so that they are not victimised by the authorities. It is obvious that a vast net-work of such socio-legal centres is required throughout the country. Both voluntary agencies and official agencies need to co-operate to accomplish this mammoth task.

A Brief History of Legal Aid in India

It is unfortunate that we have not yet established an effective practical programme of legal aid, though Article 39A of the Constitution gives such a directive. The Civil Procedure Code contains provisions for filing of suits in forma pauparis. In the forties the government of this State had also provided free legal assistance to the members of the aboriginal and hill tribes of the State and to backward and illiterate agricultural debtors in connection with the Bombay Agricultural Debt Relief Act. But, by and large, there was little official legal aid.

We have, however, had a fairly long history of voluntary legal aid and advice given by lawyers to indigent litigants. In the State of Bombay, for example, there were legal aid societies in Bombay, Poona, Ahmednagar, Nasik, Dharwar and Bijapur. The Bombay Legal Aid Society was incorporated in 1924, and its work was noted by Justice N. H. Bhagwati Committee on legal aid and legal advice in the State of Bombay, which was set up in 1949. This committee was set up as a sequel to the U.K. Rushcliffe Committee Report of 1945. Its goal was "to consider the desirability of giving legal aid at Government cost to poor persons, to persons of limited means and to persons belonging to Backward Classes in Civil and criminal proceedings". The Committee's well-considered report, however, was not implemented.

The work of the voluntary groups was in the doldrums in the fifties. They had neither the funds nor the organisation needed to render effective legal aid. Women who needed legal aid were, perhaps, in a slightly better position than other backward groups because, after women were allowed to enter the legal profession in the 20s, a number of women's organisations set up legal advice centres for women. These centres were looked after by the pioneering women lawyers of the time. But they were located only in urban areas and were too few in number to cope with the need for legal aid and advice. Voluntary agencies had neither the funds nor the organisation necessary to run such centres effectively, though at one point of time one of the centres run by women lawyers in the city had, on its panel of volunteers, 40 lawyers practising in different courts in this city. In the last seven years, however, a number of voluntary public interest groups have come into being to give free legal support to the tribals, the poor and the like. Thus, there is the People's Union for Civil Liberties, Legal Aid Services, West Bengal, and others who are doing excellent work in this field. A number of lawyers, journalists and activist litigants have fought notable battles for the poor and the downtrodden. Among them, there are cases of victims of police brutality such as Bhagalpur blindings, women in mental asylums, undertrial prisoners, prisoners in jail who are ill-treated, slum-dwellers, child workers and so on. Voluntary action groups working for women have campaigned for the reform of rape law, for family courts, for proper prosecution of dowry cases, for proper treatment of women prisoners. Active consumer organisations have also started resorting to the law courts.

The need for legal aid is far greater in criminal cases. In the famous case of Gideon V. Wainwright, Black J. observed that "in our adversary system of criminal justice, any person hauled into court who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him". Unfortunately, in a country with limited financial resources, it may not be possible to provide such assistance in every criminal case. In this context, formerly, on the criminal side there was a provision for employment of a pleader at the expense of the government for the defence of a person accused of a crime punishable with death.

Now legal aid is given in a wide variety of criminal cases. Under the rules framed by the Government of Maharashtra, under the Code of Criminal Procedure, 1973, legal aid is made available to every unrepresented accused in a case before a Sessions Court if the income of the accused does not exceed Rs. 5000/- per annum. A similar provision is made in respect of accused persons in other criminal courts. Such aid includes payment of court fees, process fees and other charges, representation, by a legal practitioner, supply of certified copies of judgements, notes of evidence, etc. and

drafting of legal documents. For giving such legal aid, a panel of legal practitioners is maintained. There is, however, much scope for expansion of aid in criminal cases. Women, however, seldom come to court as perpetrators of crime.

In response to the long-felt need for a legal services programme, two high-powered national committees were set up in succession to make recommendations relating to the type of legal aid services that can be set up in this country. The first expert committee on legal aid was set up under the Chairmanship of Justice Krishna Iyer of the Supreme Court. It submitted its report in May, 1973. The work was continued by the committee on judicare set up under the chairmanship of Justice P. N. Bhagwati of the Supreme Court. Justice Krishna Iyer was also a member of this committee. It submitted its report in August 1977. This was followed up by constituting a committee to implement comprehensive legal aid schemes after taking into account the recommendations of the Bhagwati Committee. This Committee is also chaired by Justice P. N. Bhagwati. Both these committees have recommended special legal aid programmes for women.

As a result of this effort, legal aid programmes have been launched by a number of States. The work has started recently and it has not had a noticeable impact so far. Though the two reports recommend a comprehensive programme of legal services, the States, by and large, seem to be content to give free legal assistance on the basis of a means test to individual litigants. The means test appears to be unduly restrictive, as the income ceiling is very low; and a number of people who need legal aid, and cannot afford the services of a lawyer, are needlessly deprived of assistance. Secondly, these committees have taken the help of official bodies, but do not seem to have actively aroused the enthusiasm of various Bar Associations in their work, choosing instead to give legal aid work to a few lawyers. As a result, the schemes at times fail to generate much public enthusiasm or get professional support on a scale they ought to get. The legal aid and advice committees have chosen to attach more importance and publicity to their legal camps and peoples' courts, at times even suggesting that justice in the law courts is somewhat inferior to what they dispense in these camps and peoples' courts. This is a somewhat unfortunate stance as it deprives the movement of much sympathy and support it would otherwise have received from the legal profession and the judiciary. This sort of emphasis has also generated a certain amount of scepticism in the public mind. What is more important, special programmes for women seem to have been lost sight of. The association of sociologists, or even more so, trained social workers with the programme, also seems to be a token association. But Bombay can take pride in the fact that it has the only City Civil Court in the country which has associated with its matrimonial work, a group of trained social workers—thanks to the cooperation extended by this Institute. The Bombay High Court was also the first High Court in the country to associate trained social workers with the work of evaluating guardianship applications from foreigners in respect of Indian children. This ought to be a precursor to a happy association between the organisations such as this Institute and the judiciary in carrying out the work of giving justice to the needy.

New Experiments

There are also some interesting experiments going on in the country under the auspices of Legal Aid and Advice Schemes such as "peoples' courts" or conciliation

proceedings conducted by lawyers. In the same vein, legal camps have been organised in remoter areas. These are aimed at getting round the heavy backlog of cases in all courts, as also reaching out to people in need of help. Their effectiveness has yet to be ascertained. But these experiments are important from a different point of view. In trying to impart legal information, an expectation is aroused that resorting to a law court can result in the improvement of the conditions of a backward group. But a resort to courts may not be a happy experience, especially because the courts are overcrowded and in no position to decide matters speedily because of heavy arrears of work. Expectations which cannot be fulfilled may lead to greater frustration. Of course, a correct response to this situation involves political will on the part of the government to improve judicial administration by expansion of the courts and attracting competent and independent judicial personnel. Unfortunately the judiciary has no control over either an increase in the number of judges, or the expansion of the court staff, or over financial resources necessary to improve the facilities. Unless the public campaigns for the improvement and expansion of these facilities, this correct solution to people's need for speedy justice will be nowhere in sight. But in this context, if people's courts and conciliation camps can bring about speedy settlements and prevent cases from reaching the courts, they will have done yeoman service to the country.

We are at the threshold of an ambitious programme for bringing justice to the downtrodden. With the manifold skills at our disposal, we ought to be able to evolve and implement an effective socio-legal programme for the benefit, not merely of women, but of all our backward social groups.

REFERENCES

Government of Bombay Legal Department 1950 — *Report of the Committee on Legal Aid and Legal Advice in the State of Bombay]* the Government Central Press.

Government of India 1973 — *Report of the Expert Committee on Legal Aid; Processual Justice to the People;* Delhi: Ministry of Law, Justice and Company Affairs, Department of Legal Affairs.

Government of India 1977 — *Report on National Judicare; Equal Justice, Social Justice;* New Delhi: Ministry of Law, Justice and Company Affairs, Department of Legal Affairs.

Graham J. Graham-Green T. D. 1973 — *Criminal Costs and Legal Aid* London: Butterworths.

Handler, J. F. 1979 — *A theory of Law Reform and Social Change: Social Movements and Legal System;* California: Academic Press.

Pollock, S. 1974 — *The English Legal Aid System: Its History and Principles:* Madras: Orient Longman Limited.

S. N. Jain — Accountability: in Relation to Directive Principles.

Baxi, U. 1982 — *Alternatives in Development: Law the Crisis of the Indian Legal System,* Delhi: Vikas Publishing House Pvt. Ltd.

Zamans, F. H. (ed) 1979 — *Perspective on Legal Aid: An Introductory Survey;* Connecticut: Greenwood Press.