

those affecting the interest of national security and the economy at least should be subjected to scrutiny of Parliament and ratification by the Parliament.

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TRAINING OF PARA LEGAL VOLUNTEERS A STEP TOWARDS LEGAL EMPOWERMENT

By

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It was the best of times
It was the age of wisdom;
It was the epoch of belief;
It was the season of light;
It was the spring of hope;

It was the worst of times;
It was the age of foolishness;
It was the epoch of incredibility;
It was the season of darkness;
It was the winter of despair.

Charles Dickens.

This is the age of information super highway;

This is the age of crass ignorance.

If there was only one man in the world, he would have lot of problems but none of them would be legal ones. Add a second inhabitant, and we have the possibility of conflict. Both of them try to pick the same apple from the same branch. The obvious solution is violence. It is not a very wise solution. If we employ it, our little world may shrink back down to one person or perhaps none. A better solution, one that all known human societies have evolved is a system of legal rules which are explicit or implicit and which are proclaimed by monarchs, or dictated by despots or legislated by people for themselves. One cannot imagine a society with no Government or rule of law. Everyone is governed by rule of law. One can violate and transgress such laws only on pain of censure and punishment. Knowledge of legal rules is a must.

2. There are things of which ignorance is bliss indeed. But ignorance of law is not

only no excuse but also visits one with dreadful consequences. In the words of Hon'ble Justice J.S. Varma, former Chief Justice of India, "the presumption that everyone knows the law is a myth that causes needless suffering to millions of people in India especially those who are unlettered. Ignorance of the laws and the rights guaranteed by them facilitates blatant misuse of authority by law enforcers, whose job is to protect peoples' right". It is said that there is no jewel in the world comparable to learning and no learning so excellent as knowledge of laws. Legal Literacy is not about knowing every section of law but the basis of the law and its spirit. Literacy is the prime requisite even to know such rudiments of law. Apart from physical resources, a great deal of commitment is essential to bring about literacy. Since the fortunes of a political party thrive on illiteracy and ignorance of the masses, no political party would show any commitment to enhance literacy.

3. Our constitutional commitment to the rule of law becomes an empty dream when the rule of law is beyond the grasp of the common man. The universally acknowledged human rights, the fundamental rights enshrined in the Constitution and all the statutory rights adored by citizens would become illusory right for those who are not aware of them. Democracy can effectively flourish only when people know their rights and privileges and duties and responsibilities. Ignorance and illiteracy are a threat to the democratic system. It is the bounden duty of a Welfare State to rid the people of the triple yoke of ignorance, tyranny and corruption, which always travel together.

4. A consumer of goods and services, who is not informed about Consumer Protection Act, without taking recourse to the provisions of the said Act, would simply curse himself for availing services of inferior quality. A woman victim, unaware of the protection of anonymity, may refrain from complaining of sexual assault for fear of undue publicity. A person ignorant of legal aid may abstain from law Courts for want of physical resources. Ignorance of law and procedure coupled with inaccessible Judiciary result in people meekly suffering injustice without asserting their legal rights.

5. This existing scenario is a perfect setting for launching the services of Para Legal System.

6. The Para Legal System is launched for the purpose of training individuals to assist in making legal services available to the poor. A Para Legal is a person qualified through education and training to be conversant with legal work and knowledge of basic legal concept. A person may be authorized by administrative, statutory or Court authority to perform the services of a Para Legal Volunteer. Andhra Pradesh Judiciary through the State Legal Services Authority has taken a momentous decision to train Para Legal Volunteers by formulating comprehensive

modalities. The Para Legal Volunteers are issued identity cards to assist them in the discharge of their duties. Their services are purely voluntary. They are trained by the District Judiciary under the direct supervision of District Judge. The programme is coordinated by a Judicial Officer of the rank of Senior Civil Judge who is posted as full time Secretary of the District Legal Services Authority. Judicial Officers, Senior and young Advocates, Women Advocates, Academicians, Heads of different Government Departments at the district level act as trainers.

7. Para Legal Volunteers will be identified from Target Groups such as :—

- Advocates, Teachers and Lecturers of Government and Private School and Colleges of all levels.
- Private or Government doctors and other Government employees.
- Field level officers of different departments and agencies of the State and Union Governments.
- Students of Graduation and Post Graduation in Law, Education, Social Services and Humanities
- Members of apolitical, Service Oriented Non-Governmental Organizations and Clubs.
- Members of DWACRA Groups, Maithri Sanghams, Anganwadi Workers.
- Educated prisoners serving long-term sentences in Central Prison and District Prison.
- Social workers and volunteers, volunteers of Panchayat Raj and Municipal Institutions.
- Members of Co-operative Societies
- Members of Trade Unions.

- Any other persons which the District Legal Services Authority or Mandal Legal Services Committee deems fit to be identified as Para Legal Volunteers.
- The Training topics covered in the training programme are as follows :
 1. Legal Services Authority Act, 1987
 2. Marriage Laws
 3. Rights of women under various Acts
 4. Labour Welfare Laws
 5. Alternative Dispute Resolution System
 6. Civil and Criminal Laws
 7. Revenue Laws
 8. Rights of arrested person
 9. Procedure for filing complaints with police and Courts *etc.*

The Training Programme of first batch of Para Legal Volunteers was commenced throughout the State of A.P., on 29th October, 2006.

8. The services of a Para Legal Volunteers can be categorized into four parts.

- (1) Dissemination of Legal Information
 - (2) Assisting the Needy
 - (3) Settlement of disputes; and
 - (4) Performing the role of social activist.
9. (a) The Para Legal Volunteer by informal dissemination of information about rights, duties and legal remedies would assist the people to recognize that they have a legal right, which would contribute in great measure to attain legal empowerment of the underprivileged.

- (b) A trained Para Legal Volunteer who has basic knowledge of substantive and procedural law would demystify the legal terms and explain the rights and duties in a simple language.
- (c) He would assist them to realize when a problem or conflict is a legal conflict and when a legal solution is available.
- (d) In other words, he would tell what the Courts can do and what the Courts cannot do;
- (e) He would help the public to know how to take necessary action to avoid problems and when it is not possible, how to help themselves appropriately.
- (f) He would provide information about legal system and the procedure within various Courts.
- (g) He would assist the people to get what they deserve through lawful means and at the same time abandon undeserving causes.
- (h) He would tell them how, when and where to find further information about law;
- (i) Finally he would assist to create confidence among the public that the legal system will provide an effective remedy for every legal wrong. As stated by Hon'ble Justice Y.K. Sabharwal, former Chief Justice of India, "people must believe that the enforcement of rights is possible and that they will get adequate remedies."
- (j) Lastly he will be the mouthpiece of legal services authority and would spread the message of availability of competent and free legal aid to the needy and about the benefit of settlement of disputes through Lok Adalat.

10. Apart from dissemination of legal information, a Para Legal Volunteer would

actively assist the needy person in the following manner.

- (i) *Victim Support* – Many a time, justice Process has the potential of revictimising the victim. There is a perception that victims and witnesses are on trial rather than the suspect. Therefore, the victims have to be provided with legal assistance right from the police station till the end of the case. The services of a Para Legal Volunteer are vital in this context. He would ensure
 - (a) Lodging of prompt complaint to police
 - (b) Medical assistance to victim; and
 - (c) Suitable steps to protect victims and witnesses from intimidation and retaliation.
- (ii) *Document preparation* – Such as filing of F.I.R., presenting a Petition/Affidavit before Public Authority *etc.*
- (iii) Investigation of cases at Pre litigation stage;
- (iv) Recognize and evaluate relevant facts.
- (v) Obtaining necessary documents from Courts and offices.
- (vi) Helping the accused to seek bail and legal aid wherever necessary to defend him.

11. Last but not the least, a Para Legal Volunteer acts as a conciliator/mediator/counsellor in resolving the disputes, more particularly, family disputes. Family, the cornerstone of social stability is disintegrating. We need every means available to preserve family unity. Increasing incompatibility between husband and wife is leading to “escape” through divorce. He would try to resolve the disputes out of Court with a rights based approach.

12. Above all, Para Legal Volunteer is essentially a social activist who can add a legal perspective to a social issue and equipped with an ability to transform a social problem into a framework of legal case. He would bring to the notice of Legal Services Authority about any form of injustice in the society and ultimately a Para Legal Volunteer would help the National Legal Services Authority to take necessary steps by way of social justice litigation with regard to Consumer Protection, Environmental Protection, *etc.* which is one of the main objects of National Legal Services Authority.

13. To sum up, a Para Legal Volunteer would support and participate in the delivery of *pro bono publico* services directed towards implementing and empowering access to justice.

LEGAL AWARENESS

By

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An informed and aware citizen is the best index of success of our democracy.

Dr. Manmohan Singh

It is a presumption of law that ignorance of law is no excuse. In other words, no one can plead in a Court of law as defence that he was unaware of law. This presumption