

NEWSLETTER

Project on Access to Justice for Marginalised People and Socially Relevant Legal Education



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About the Project

The project on “*Access to Justice for Marginalised People and Socially Relevant Legal Education*” is an initiative of National Law University Odisha, Cuttack supported by the Department of Justice, Ministry of Law and Justice, Government of India and United Nations Development Programme (UNDP). The project intends to catalyse the mechanism of justice delivery in the state of Odisha by reaching out to those sections of society in which people are not aware of legal remedies available to them or are not in a position to access the justice mechanism due to existing socio-economic barriers. Under this project, the university will work in active collaboration with the Odisha State Legal Services Authority (OSLSA) and District Legal Services Authority (DLSA) and supplement the work done by them in the domain of Legal Aid. To achieve this end, three Legal Aid Clinics have been set up by NLUO in collaboration with OSLSA and the respective DLSAs in three districts, i.e. Cuttack, Khordha and Puri.

Access to Justice and Legal Aid

Access to Justice is a major component of almost all international conventions and is linked with UNDP's mandates of poverty eradication and human development. The concept is also closely associated with reduction of poverty as marginalisation implies deprivation of the right to exercise choices, voice opinions, seek remedies for injustice and respond to biases prevalent in various state mechanisms. Although traditionally access to justice has been linked with an individual's formal right to litigate, the connotation of the term is much broader under the project. Here the term connotes the entire process of interacting with the legal system beginning with an individual's right to approach the legal mechanism and culminating in his/her actual achievement of the end-result, i.e., Justice. So far as the justice system is concerned, it involves all actors of

the Criminal and Civil Justice system including the police, courts, lawyers, paralegals, social workers, prison officials, community leaders, local self government bodies, so on and so forth.

In all issues concerning access to justice, Legal Aid plays a very important role. Article 39A of the Constitution of India provides that “the State shall secure that the operation of the legal system promotes justice on the 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 disability.” Article 14 also makes it obligatory for the State to ensure equality before law and a legal system which promotes justice on a basis of equal opportunity to all. Further, the Supreme Court in numerous judgments has included free legal aid as a vital part of the right to life under Article 21 of the Constitution.

As the consequence of a strong Legal Aid Movement in India, National Legal Services Authority was established on the 5th of December, 1995. NALSA is the apex body for framing policies, rules and regulations for effectively rendering legal services to people in need. It regulates the activities of State Legal Services Authorities established under its banner for the same purpose.



Objectives

- To explore methods by which legal education can be made socially relevant
- To sensitise students, lawyers, academicians, members of local bodies and community on issues faced by socially and economically disadvantaged sections
- To create a general awareness of rights among the people
- To encourage alternative methods of dispute resolution
- To address issues pertaining to access to justice and simplify modalities to approach justice
- To explore and expand the scope of Clinical Legal Education so as to facilitate legal aid
- To induce self-sufficiency in the target community of the three districts so as to strengthen the common people in asserting their rights and entitlements
- To standardise facilities for legal aid and consolidate methods of easy access to justice
- To integrate lessons learnt through the project in classroom teaching classroom teaching



Project Team

Patron: *Prof. Srikrishna Deva Rao*, Vice-Chancellor, National Law University Odisha, Cuttack

Principal Co-ordinator: *Ms. Suman Dash Bhattamishra*, Assistant Professor of Law, National Law University Odisha, Cuttack

Programme Associates

Ms. Bijayshree Barik : Jankia, Khurda

Mr. Durbadala Mantry: Dompada, Cuttack

Mr. Jitendra Khadiratna: Brahmagiri, Puri

Implementation

Each Legal Aid Clinic set up under the project has a Programme Associate to reach out to people in remote areas of the district, interact with them and identify their legal problems. The Programme Associates are backed by a dedicated team of students, a full-time Programme Co-ordinator and the Principal Co-ordinator of the Project. The project emphasises on legal problems in the following areas:



Legal Literacy	Legal Literacy/Awareness Camps will be organised on various themes based on the needs of the target community
Training Programmes	Lawyers, Law Teachers, members of CSOs, School Teachers, Students, Members of Panchayat and Local Bodies, etc will be oriented towards access to justice
Paralegal Services	Students participating in the project will aid DLSAs in providing research input and community outreach. They will also assist PLVs and co-operate with them in rendering legal aid
Creation of Knowledge Products	Toolkits/Knowledge products will be created on legal aid and available remedies under the law for problems
Facilitating Community Dispute Resolution	Community dispute resolution and out of court settlements will be encouraged in the community
Conference	Conferences and Workshops will be organised to assess the outcome of the project and create awareness of best practices in other models

Inauguration of the Legal Aid Clinics under the Project



*Legal Aid Clinics were inaugurated on the 1st, 2nd and 9th of November, 2014 in Jankia, Dompada and Brahmagiri respectively by Hon'ble **Shri Justice Dipak Misra**, Judge, Supreme Court of India in the presence of Hon'ble **Shri Justice Amitava Roy**, Judge, Supreme Court of India and the then Chief Justice of the High Court of Orissa, Hon'ble **Shri Justice P.K. Mohanty**, Judge High Court of Orissa, **Hon'ble Shri Justice Indrajit Mahanty**, Judge High Court of Orissa and **Prof. Srikrishna Deva Rao**, Vice-Chancellor, NLUO. The inauguration ceremony witnessed massive participation of members of the community in the three villages, representatives of the High Court of Orissa and the State and District Legal Services Authorities.*

Legal Aid Clinics and their work

The three legal aid clinics under the project have received a positive response from the community ever since their establishment in November, 2015. Members of the community visit the clinics frequently for sharing various legal concerns. Programme Associates extend the required help by passing necessary information on available legal remedies, social security schemes and benefits under welfare legislations. Apart from that, they also draft applications

wherever required and send them to appropriate authorities for redressal of grievances. Our clinics work in close co-ordination with Panchayats and government agencies. Since November, 74 cases have been registered at Dompada, 102 in Jankia and 96 cases in Brahmagiri. Mostly, the cases are in the area of BPL inclusion, disability benefits, widows' pension and other social security benefits.

In Dompada, out of the 74 cases, 31 cases are for inclusion in BPL category, 35 for issue of ration cards, 1 for widows' pension, 1 in the area of matrimonial cruelty and 1 case for social security of an orphan girl. The Programme Associate has forwarded the cases to appropriate authorities and many people have received their acknowledgment receipts for issue of ration cards. Application for extending legal aid to the victim of matrimonial cruelty was sent to the District Legal Services Authority, Cuttack after compilation of all documents and a lawyer has been appointed for her case.

At Jankia, out of 102 cases, 31 have been referred to various authorities. The Jankia Clinic has successfully processed the issue of a disability certificate for an applicant. Likewise, in Brahmagiri 43 cases have been referred to various authorities.

Legal Literacy Programmes

In the last sixteen months, the university has organised a total number of **11** legal literacy programmes in the three districts. The programmes covered the following areas in the three districts: **Jankia (Khurda), Dompada (Cuttack), Brahmagiri (Puri), Matalapur (Puri), Pathapur (Cuttack), Mota (Khurda), Dharanikudi (Puri), Shukhuakhala (Cuttack), Bilimantrisahi (Cuttack), Orabarsingha (Khurda) and Bijipur (Puri)**. The legal literacy programmes were attended by hundreds of people and witnessed participation from all corners of the community. Students participated actively in almost all the legal literacy programmes. The programmes were largely covered by the press and media.



Success Stories of our Legal Aid Clinics

- Ms. Malati Dei belonging to Dhaniaguda village had approached the Dompada Legal Aid Clinic for processing her entitlements under the Widows' pension scheme on the 28th of January, 2015. Our Programme Associate compiled all necessary documents and submitted them to the appropriate authorities. Pursuant to this, her name has been included in the Widows' Pension Scheme and she is entitled to avail benefits under it.
- Ms. Namita Naik, a resident of Banki had approached the Dompada Legal Aid Clinic for legal aid in a matrimonial dispute. She needed a lawyer for representation since she could not afford one. Our Programme Associate drafted her application, compiled her documents and placed her case before the District Legal Services Authority as well as Taluk Legal Services Committee. Pursuant to this, a lawyer has been appointed by the DLSA, Cuttack to file a case for maintenance in a suitable forum.
- Around 9 marginalised people entitled to ration cards have received acknowledgement receipts after the documentation and compilation was done by the Programme Associate at Dompada Legal Aid Clinic.
- Sushant Kumar Baliarsingh had approached the Legal Aid Clinic of Jankia on 3.11.2014 for aiding him in getting disability benefits. Our Programme Associate along with the paralegal volunteer of the area verified his case and got a disability certificate issued from the Chief District Medical Officer after making the necessary documentation on his behalf.



Beneficiaries who received the acknowledgement receipts of ration cards with the help of Dompada Legal Aid Clinic

Toll Free Number

Immediately after the inauguration of the legal aid clinics, a toll free number was launched in 2014 with the objective of enhancing access to justice. The lines remain active from 9 a.m. to 5 p.m. thrice a week, i.e. on Mondays, Tuesdays and Wednesdays. Call registers and records are maintained by Programme Associates. Pamphlets are regularly circulated in the communities during legal literacy programmes and routine visits to inform and encourage people to use the toll free number

Introduction of the Clinical Course on Legal Aid and Public Interest Litigation

One of the primary objectives of the current project is to integrate field experiences with classroom education. In order to achieve it a compulsory course on Legal Aid and Public Interest Litigation has been launched recently in July, 2015 with the primary aim of sensitising students to the problems of marginalised people and encouraging them to apply their knowledge in resolving practical problems. Under the course, students have been divided into 5 groups namely, Community Advocacy, Prison Legal Services, Labour Rights, Land Rights and Juvenile Justice. They are required to make compulsory field visits for a minimum of 5 times during the entire semester and each such trip shall be of 8 hours duration. Students will be evaluated throughout this course based on a series of parameters like developing legal literacy materials, organising legal literacy programmes, drafting applications and rendering paralegal assistance in dispute resolution, etc. The ultimate objective of this course is to maximise students' participation in the field of access to justice and legal aid. The Course has been conceptualised by **Prof. Srikrishna Deva Rao, Vice-Chancellor**, NLUO and designed by *Ms. Suman Dash Bhattamishra* and *Mr. R.P. Tripathy*, Assistant Professors of Law, NLUO. The respective group co-ordinators under the course are as follows: *Community advocacy- Ms. Suman Dash Bhattamishra*, *Prison Legal Services- Mr. R.P. Tripathy and Mr. Bishwa Kallyan Dash*, *Juvenile Justice: Mr. Kanhaiya Ram, Mr. Pramod Acharya and Mr R.K. Das*, *Labour Rights: Dr A. Aruna Srilaxmi, Ms.Kuntirani Padhan and Mr. Kapil Sharma* and *Land Rights- Ms. Hiranmayee Mishra in co-ordination with Landesa.*



Roadmap for the Future

Launching of a Mobile Legal Aid Clinic

The success of the current project depends immensely on the visibility of Legal Aid Clinics. Although legal aid clinics are strategically located for the benefit of the community, people adjacent to the areas of their establishment find it difficult to approach them due to various reasons. To enhance the effectiveness of these clinics, it is necessary to approach people directly by making trips to the interiors of the community. This will help immensely in reducing the distance between the community and justice delivery mechanisms, thereby increasing the scope of people's participation in dispute resolution processes. To achieve this end, NLUO is planning to launch a Mobile Legal Aid Clinic in the near future. The Clinic will be in a van, equipped with various legal literacy manuals, necessary forms and brochures for distribution among members of the community. People will be encouraged to inform our personnel of their legal problems who will then make necessary arrangements. It will run for a total number of six days initially, twice in each district.

Training Programmes

NLUO will also organise various training programmes under the project. In the month of August, 2015, we are planning to organise a Lawyers' Training Programme for young advocates with less than 5 years' experience. The purpose of the programme is to strengthen the cause of pro bono lawyering and sensitise young lawyers to the significance of their role in enhancing access to justice.

Community Sensitisation to ADR methods

Self sufficiency of the community is our ultimate goal under the project. Under this project, we are aiming at increasing people's faith in alternative dispute resolution and out of court settlements so that those cases which can be resolved without litigation achieve desirable results.

It has been around nine months since the clinics were established and there have been some positive results. The Dompada Legal Aid Clinic has been able to get acknowledgement receipts for issue of ration cards for various applicants and the Jankia Legal Aid Clinic has been instrumental in providing disability benefits to one person. Apart from that both Clinics have competently delivered referral and other paralegal services. The three clinics have forwarded several applications on various matters to appropriate authorities in the districts. The applications are being followed up by our Programme Associates regularly and a monthly update of progress in each of these cases is maintained by the associates. Documentation has been done for applicants for issue of BPL cards and benefits under 'Mo Kudia' scheme, Widow's Pension Scheme as well as Indira AwasYojana and the same have been forwarded to the offices of the Collector, District Magistrate and Block Development Officers. In the process of documenting applications, Programme Associates have successfully got Income Certificates issued for many applicants. Apart from that hundreds of people have actively participated in the legal literacy programmes organised under the project.



A Client counselling session at Domapada Legal Aid Clinic



We have made some effort since the inception of the project and a long distance remains to be covered. We have realised that the ultimate realisation of the goals of access to justice is possible by going beyond the realm of formal rights. A conscious decision to discharge duties at individual and institutional levels is mandatory for the success of this project. Therefore, we are aiming at integration of various layers of the

access to justice mechanism and a major step in this effort is to maximise students' participation in our activities. With the introduction of the clinical course on Legal Aid and Public Interest Litigation, we are hopeful of positive results. We have learnt a great deal through this project and aim at realising our goals meaningfully.



Legal Aid Clinic, Damapada
Inside Panchayat Office campus,
Damapada Banki, Cuttack 754008

Legal Aid Clinic, Jankia
Rajiv Gandhi Seva Kendra,
Jankia, Khurda

Legal Aid Clinic, Brahmagiri
Hatia, Brahmagiri Block Office Campus,
Bentapur, Puri 752011

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