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**TOPIC: LEGAL AID AS AN
INSTRUMENT OF SOCIAL CHANGE
UNDER GOAN EXPRIENCE**

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Introduction

Legal aid to the poor and weak is necessary for the preservation of rule of law which is necessary for the existence of the orderly society. Until and unless poor illiterate man is not legally assisted, he is denied equality in the opportunity to seek justice. Therefore as a step towards making the legal service serve the poor and the deprived; the judiciary has taken active interest in providing legal aid to the needy in the recent past. The Indian Constitution provides for an independent and impartial judiciary and the courts are given power to protect the constitution and safeguard the rights of people irrespective of their financial status. Since the aim of the constitution is to provide justice to all and the directive principles are in its integral part of the constitution, the constitution dictates that judiciary has duty to protect rights of the poor as also society as a whole. The judiciary through its significant judicial interventions has compelled as well as guided the legislature to come up with the suitable legislations to bring justice to the doorsteps of the weakest sections of the society. Public Interest Litigation is one shining example of how Indian judiciary has played the role of the vanguard of the rights of Indian citizens especially the poor. It encouraged the public spirited people to seek justice for the poor. For that Supreme Court relaxed procedure substantially. Apart from Public Interest Litigation and judicial activism, there are reforms in the judicial process, where it aims to make justice cheap and easy by introducing Lok Adalat system as a one of the methods to provide free legal aid and speedy justice at the door steps of the poor. In this article the author highlights the importance of free legal aid in a constitutional democracy like India where a significant section of the population has still not seen the constitutional promises of even the very basic fundamental rights being fulfilled for them.¹

¹ http://shodhganga.inflibnet.ac.in/handle/10603/6586/simple-search?query=free+legal+aid+in+goa&sort_by=0&order=DESC&rpp=10&etal=0&start=10

Legal Aid: The Concept

Legal Aid implies giving free legal services to the poor and needy who cannot afford the services of a lawyer for the conduct of a case or a legal proceeding in any court, tribunal or before an authority. Legal Aid is the method adopted to ensure that no one is deprived of professional advice and help because of lack of funds. Therefore, the main object is to provide equal justice is to be made available to the poor, down trodden and weaker section of society. In this regard Justice P.N. Bhagwati rightly observed that:

The legal aid means providing an arrangement in the society so that the missionary of administration of justice becomes easily accessible and is not out of reach of those who have to resort to it for enforcement of its given to them by law, the poor and illiterate should be able to approach the courts and their ignorance and poverty should not be an impediment in the way of their obtaining justice from the courts. Legal aid should be available to the poor and illiterate, who don't have access to courts. One need not be a litigant to seek aid by means of legal aid.²

Therefore, legal aid is to be made available to the poor and needy by providing a system of government funding for those who cannot afford the cost of litigation. Legal aid strives to ensure that constitutional pledge is fulfilled in its letter and spirit and equal justice is made available to the poor, downtrodden and weaker sections of the society. It is worthy to mention that the Constitution of India provides² that 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

² http://shodhganga.inflibnet.ac.in/handle/10603/6586/simple-search?query=free+legal+aid+in+goa&sort_by=0&order=DESC&rpp=10&etal=0&start=10

economic or other disability. Constitution of India 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.³

³ <http://shodhganga.inflibnet.ac.in/handle/10603/12650>

Free Legal Aid in India : The positive Contribution of Judiciary

The Supreme Court of India got a major opportunity to make an emphatic pronouncement regarding the rights of the poor and indigent in judgment of *Hussainara Khatoon* where the petitioner brought to the notice of Supreme Court that most of the under trails have already under gone the punishment much more than what they would have got had they been convicted without any delay. The delay was caused due to inability of the persons involved to engage a legal counsel to defend them in the court and the main reason behind their inability was their poverty. Thus, in this case the court pointed out that Article 39- A emphasized that free legal service was an inalienable element of reasonable, fair and just‘ procedure and that the right to free legal services was implicit in the guarantee of Article 21. Two years later, in the case of *Khatri v. State of Bihar*, the court answered the question the right to free legal aid to poor or indigent accused who are incapable of engaging lawyers. It held that the state is constitutionally bound to provide such aid not only at the stage of trial but also when they are first produced before the magistrate or remanded from time to time and that such a right cannot be denied on the ground of financial constraints or administrative inability or that the accused did not ask for it. Magistrates and Sessions Judges must inform the accused of such rights. The right to free legal services is an essential ingredient of reasonable, fair and just procedure for a person accused of an offence it must be held implicit in the guarantee of Article 21 and the State is under a constitutional mandate to provide a lawyer to an accused person if the circumstances of the case and the needs of justice so require...The State cannot avoid this obligation by pleading financial or administrative or that none of the aggrieved prisoners asked for any legal aid. In *Suk Das v. Union Territory of Arunachal Pradesh*, Justice P.N. Bhagwati, emphasized the need of the creating the legal awareness to the poor as they do not know the their rights more particularly right to free legal aid and further observed that

in India most of the people are living in rural areas are illiterates and are not aware of the rights conferred upon them by law. Even literate people do not know what are their rights and entitlements under the law. It is this absence of legal awareness they are not approaching a lawyer for consultation and advise.⁴

Moreover, because of their ignorance and illiteracy, they cannot become self-reliant and they cannot even help themselves. That is why promotion of legal literacy has always been recognized as one of the principal items of the program of the legal aid movement in the country. I would say that even right to education would not fulfill its real objective if education about legal entitlements is not made accessible to people and our constitutional promise of bringing justice to the door steps of the people would remain an illusion. Justice Krishna Iyer, who is crusader of social justice in India, had rightly said that if a prisoner sentenced to imprisonment is virtually unable to exercise his constitutional and statutory right of appeal inclusive of special leave to the Supreme Court for want of legal assistance, there is implicit in the Court under Article 142 read with Articles 21 and 39-A of the Constitution, the power to assign counsel for such imprisoned individual _for doing complete justice‘.

It is a statutorily recognized public duty of each great branch of government to obey the rule of law and uphold the tryst with the constitution by making rules to effectuate legislation meant to help the poor. Though the law has been enacted to protect the poor the governments are lazy to implement the enacted law. The same was observed by Supreme Court in *State of Haryana v. Darshana Devi*, that "the poor shall not be priced out of the justice market by insistence on court-fee and refusal to apply the exemptive

⁴ http://shodhganga.inflibnet.ac.in/handle/10603/6586/simple-search?query=free+legal+aid+in+goa&sort_by=0&order=DESC&rpp=10&etal=0&start=10

provisions of order XXXIII, CPC. The state of Haryana, mindless of the mandate of equal justice to the indigent under the magna carta of republic, expressed in article 14 and stressed in article 39A of the constitution, has sought leave to appeal against the order of the high court which has rightly extended the 'pauper' provisions to auto-accident claims. Order XXXIII will apply to tribunals, which have the trappings of the civil court...even court also expressed its poignant feeling that —no state has, as yet, framed rules to give effect to the benignant provision of legal aid to the poor in order xxxiii, rule 9A, civil procedure code, although several years have passed since the enactment. Parliament is stultified and the people are frustrated. Even after a law has been enacted for the benefit of the poor, the state does not bring it into force by willful default.⁵

⁵ ibid

Legal Aid in India: Statutory Recognition

Though there was a statutory procedure providing free legal aid by appointing the advocate for defending criminal case and by exempting court fees in civil cases, it was not really making any significant impact on the ability of the underprivileged people to get the judicial redressal for their grievances. Hence under tremendous constitutional persuasion from the Supreme Court the Legal Services Authorities Act, 1987 was passed by the parliament of India. The Act prescribes the criteria for giving legal services to the eligible persons. It makes a person eligible for assistance under the act if he is -⁶

- (a) a member of a Scheduled Caste or Scheduled Tribe;
- (b) a victim of trafficking in human beings or begar as referred to in Article 23 of the Constitution;
- (c) a woman or a child;
- (d) a mentally ill or otherwise disabled person;
- (e) a person under circumstances of undeserved 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 or in a juvenile home
- (h) of in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987; or
- (i) A person whose annual income less than rupees fifty thousand or such other higher amount as may be prescribed by the State Government. This limit on income can be increased by the state governments. Limitation as to the income does not apply in the case

⁶ http://en.wikipedia.org/wiki/Legal_aid

of persons belonging to the scheduled castes, scheduled tribes, women, children, handicapped, etc. Thus by this the Indian Parliament took a step forward in making the legal aid possible in the country. According to the Act the 'court' is a civil, criminal or revenue court and includes any tribunal or any other authority constituted under any law for the time being in force, to exercise judicial or quasi-judicial functions. Under the Act 'legal service' includes the rendering of any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter. Legal Services Authorities after examining the eligibility criteria of an applicant and the existence of a prima facie case in his favour provide him counsel at State expense, pay the required Court Fee in the matter and bear all incidental expenses in connection with the case. The person to whom legal aid is provided is not called upon to spend anything on the litigation once it is supported by a Legal Services Authority.⁷

⁷ ibid

Bodies under the Act and Their Hierarchy

A nationwide network has been envisaged under the Act for providing legal aid and assistance. National Legal Services Authority is the apex body constituted to lay down policies and principles for making legal services available under the provisions of the Act and to frame most effective and economical schemes for legal services. In every State a State Legal Services Authority is constituted to give effect to the policies and directions of the Central Authority (NALSA) and to give legal services to the people and conduct Lok Adalats in the State. State Legal Services Authority is headed by the Chief Justice of the State High Court who is its Patron-in-Chief. A serving or retired Judge of the High Court is nominated as its Executive Chairman.⁸

District Legal Services Authority is constituted in every District to implement Legal Aid Programmes and Schemes in the District. The District Judge of the District is its ex-officio Chairman. Taluk Legal Services Committees are also constituted for each of the Taluk or Mandal or for group of Taluk or Mandals to coordinate the activities of legal services in the Taluk and to organize Lok Adalats. Every Taluk Legal Services Committee is headed by a senior Civil Judge operating within the jurisdiction of the Committee who is its ex-officio Chairman. In order to provide free and competent legal service, the NALSA has framed the National Legal Service Authority (Free and competent Legal service) Regulations, 2010. The salient feature of Regulation is engaging senior competent lawyers on payment of regular fees in special cases like where the life and liberty of a person are in jeopardy. Supreme Court of India has also set up Supreme Court Legal Services Committee (SCLSC) to ensure free legal aid to poor and under privileged under the Legal Services Authorities Act. It is headed by a judge of Supreme Court of India and has distinguished members nominated by Chief justice of

⁸ <http://slsagoa.nic.in/legaidclinic.htm>

India. The SCLSC has a panel of competent Advocates on record with certain minimum number of years of experience who handle the cases in the Supreme Court. Apart from that the SCLSC has full time Legal Consultant who provides legal advise to poor litigants either on personal visit or through the post.⁹

⁹ <http://s/sagoa.nic.in/legaidclinic.htm>

WORKING OF THE LEGA-AID SYSTEM IN GOA: As a Social Change

Profile of Goa

Goa is a very small state on the Southwest coast of India in the Konkan region bathed by two great rivers, the Mandovi and Zuari. It is located between Western Ghats and Arabian Sea. It is bound by Maharashtra in the North, Karnataka in the south and east. The beautiful coastline and lush greenery all across Goa ; gives it a very special place in the tourism map of India and the people here are very pleasant and hospitable. The territory of Goa is situated between the parallels of 15- 47'-59" North and 14-53'-54" East and 74-20'-11"West.¹⁰

It was under the sway of Kadambas, the dynasty is said to have flourished around 500B.C. and lasted until the thirteenth century. Later the territory came under Yadavas of Devagari and then under the dynasty of Adil Shah of Bijapur. The Portuguese conquered Goa in February 1510 lost it and reconquered it in November of the same year. Goa continued under the Portuguese until it was liberated in December 1961. It was part of Union Territory of Goa, Daman & Diu till 30th May, 1987, when it was carved out to form a separate state.¹¹

The word Goa was a misnomer at least in the first two centuries. The areas known as Old Conquests comprised the talukas of Ilhas, Salcette, Bardez and Mannagoa. The first Portuguese administration was confined to the above strip of 220 square miles. The Portuguese later extended the rule to the New Conquests and from around the third quarter of eighteenth century, the term Goa was applied to the territories as enclosed to the present boundaries. The territory of Goa has a length of 105 kms from north to south and it measures 60 Kms in its width west to east, its total area is 3,702 sq.kms. It is made

¹⁰ http://shodhganga.inflibnet.ac.in/handle/10603/6586/simple-search?query=free+legal+aid+in+goa&sort_by=0&order=DESC&rpp=10&etal=0&start=10

¹¹ ibid

up of 11 talukas, namely, Tiswadi, Bardez, Pernem, Bicholim, Sattari, Ponda, Sangurem, Cancona, Quepem, Salcette and Mormugao. For administrative purposes, it has been constituted into two districts i.e. North Goa (Six talukas-total area of 1736 sq.lun) and South Goa (five talukas — total area of 1966 sq.lcm). 5For the purpose of implementation of development programmes, the State is divided into 12 community development blocics. As per 2001 census, the population of the State is 13, 42,998. In all there are 383 villages of which 233 are in North Goa district and 150 in South Goa district. As per the 2001 census there are 44 towns of which 14 are Municipalities and remaining are cerisus towns. Boundaries of Goa State are defined in the North Terelchol River which separates it from Maharashtra, in the East and South by Karnataka State and West by Arabian Sea. Goa lies in Western Coast of India and in 594 lcms (by road) away from Mumbai city. A very striking feature of Goa is harmonious relationship among various religious communities, who have lived together peacefully for generations. Though a late entrant to the planning process, Goa has emerged as one of the most developed states in India and even achieved the ranking of one of the best states in India with regards to investment environment and infrastructure.¹²

¹² ibid

3. LEGAL AID IN GOA UNDER THE PORTUGAL REGIME

Under the Portugal regime in Goa there was a legal aid — in seed form — to the deserving poor in certain judicial problems. It was not as explicitly provided as we have it now in the post-liberated Goa. The following revealing note' excerpted from a Portugal gazette is proof enough to substantiate the above statement. The following note is only a gist of the original Portuguese relevant material. "Legal Aid then known as Judicial Assistance existed in some form or other during the Portuguese period at least as early as 1907. For instance the King of Portugal on hearing the Consultative Board of Overseas and the Council of Ministers decreed the extension of Carta de Lei to the State of India (Goa, Daman and Diu) which created Judicial Assistance in Civil matters. The Carta de Lei was decreed on 25th April 1907.

The latest law on the field of Judicial Assistance prior to the liberation of Goa was contained in decree no.33.548 9 of 1944. Article 35 of this decree repealed expressly the provisions of decree law No.15.344 dated 12/4/1928 and particularly Articles 814 to 855 of decree law no.15,344 Dt. 12/4/1928 . Hence this decree of 1944 applied to Goa on the eve of liberation and continued to do so until it was repealed by other laws promulgated subsequently in the post liberation period. It is decided here to give a brief outline of the decree of 1944 which was in force on the date of liberation 1°. Art. 1 of the said decree (33,548) stated that the Judicial Assistance contemplated two types of benefits:

- a) Assistance of Advocate without payment of fees and
- b) Dispensation of payment of costs.¹³

¹³ http://shodhganga.inflibnet.ac.in/handle/10603/6586/simple-search?query=free+legal+aid+in+goa&sort_by=0&order=DESC&rpp=10&etal=0&start=10

The Sole Para to the article explains that in criminal matters also there is Judicial Assistance to the benefit of accused person and also in favour of aggrieved person who are permitted to prosecute the case on a complaint.

Art. 2 gave the benefit not only to pauper litigants but extended it to collective bodies of public utility. However no assistance was to be given unless proper application was made by the concerned person. Paragraph one to the above article explained who were to be considered as pauper. Paragraph three explained that it was permissible to grant partial assistance considering ones assets.¹⁴

Art. 3 gave details of personal circumstances of the pauper who could be refused Judicial Assistance. For instance Aliens residing in Portuguese territories but citizens of those countries which were not conferring such benefits on Portuguese were not entitled for this benefit unless those countries were signatories to the Hague convention of 17 th July 1905.¹⁵

Art.4 indicated that the said assistance could be given before filing the proceedings or even during the pendency of proceedings.

Art.5 stated that it was possible to request for Judicial Assistance before the end of the trial.¹⁶

Art.6 provided that in the criminal matters whenever an application was made by the accused, the proceedings were stayed until disposal of the application for Judicial Assistance.

During the Portuguese time there was a one representative of the Government, a Judicial Officer with the same qualification as a Judge known as "Ministerial Publico" and he was

¹⁴ http://shodhganga.inflibnet.ac.in/handle/10603/6586/simple-search?query=free+legal+aid+in+goa&sort_by=0&order=DESC&rpp=10&etal=0&start=10

¹⁵ ibid

¹⁶ ibid

to be heard on the application for Judicial Assistance. In case the application was rejected an appeal was provided under the same chapter. Whereas Chapter III dealt with the effects of the grant of Judicial Assistance, chapter IV indicated when the assistance came to an end."¹⁷

¹⁷ http://shodhganga.inflibnet.ac.in/handle/10603/6586/simple-search?query=free+legal+aid+in+goa&sort_by=0&order=DESC&rpp=10&etal=0&start=10

2.POST LIBERATION LAWS

The State of Goa was liberated on 19th December 1961 and an administrator was appointed to normalise the situation. Persons born prior to 20th December 1961 were given Indian citizenship. The Twelfth Amendment of the Indian Constitution was enacted to include the territories of Goa, Daman and Diu into the First Schedule as a Union Territory and to apply to the territories the provision of Article 240, which enabled the President to make regulations for the peace, progress and good government of the territory. Therefore, the President made Regulations at the earlier stage. The Constitutional Fourteenth Amendment permitted the creation of a legislature for the Union territory of Goa, Daman, and Diu.

Some important laws were passed during the early period such as ---

- a) The Goa, Daman and Diu (Administration) Ordinance, 1962
- b) The Goa, Daman and Diu (Administration) Act, 1962
- c) The Goa, Daman and Diu (Administration) Removal of Difficulties Order, 1962
- d) The Goa, Daman and Diu (Laws) Regulation, 1962
- e) The Goa, Daman and Diu (Laws) No.2 Regulation, 1962

The Union Territory of Goa, Daman and Diu at the time of Liberation had a well-developed system of laws based on Portuguese jurisprudence. On Liberation, it was not feasible to maintain this legal system in the isolated pockets and it became imperative to bring in laws and legal trends prevailing elsewhere in India. This process of change was achieved to a great extent during the first five years after Liberation. Many acts and laws prevalent elsewhere in India were extended to the Union Territory. The (Laws) Regulations of 1962, 1963 and Taxation Laws Regulations (1963) were mainly responsible for extending several Acts in force in States of India to the Union Territory.

These Acts were enforced within a couple of years to the Union Territory, bringing the laws here on par with laws elsewhere in the country. For instance, the taxation laws were extended in the new financial year, on 1st April 1963 with the enforcement of Income Tax Act and other Acts. The Penal legislation in the form of Indian Penal Code and the Code of Criminal Procedure were extended on 1st October 1963. The Civil Procedure was extended in third June 1966.

The Legal Service Authorities Act 1987 applicable to State of Goa from 31st March 1997. This Act is applicable to the entire state which would cover all courts including High Court, District and Sessions Courts in North and South Goa, all subordinate Courts, and NDPS Court. In the State of Goa, High Court Legal Service Authority, District Court Legal Service Authorities and Taluka Level Legal Service Committee are working.¹⁸

Goa State Legal Services Authority Rules 1996

The Government of Goa in exercise of the powers conferred by Sec.28 of Legal Services Authorities Act 1987, in consultation with the High Court made the Goa State Legal Services Authority Rules, 1996. Goa, as in many other fields, has taken the lead in the case of legal aid also. Goa government passed, Goa State Legal Services Authority Rules, 1996. The then Government of Goa was convinced that, in the administration of justice in both criminal and civil courts the members of the scheduled castes and scheduled tribes and other persons who are poor are, in most of their cases, not in a position to engage counsel to appear and plead for them, and the absence of counsel for the conduct of their cases often cause great hardship on account of their cases being not properly presented before the courts of justice. It is with the noble intention of mitigating this unhappy aspect

¹⁸ http://shodhganga.inflibnet.ac.in/handle/10603/6586/simple-search?query=free+legal+aid+in+goa&sort_by=0&order=DESC&rpp=10&etal=0&start=10

of administration of justice, Government of Goa made the rules to provide legal aid to the poor namely Goa State Legal Services Authority Rules, 1996.¹⁹

Goa State Legal Services Authority Rules: Basic features

These rules prescribe the number, experience and qualification of other members of state authority, powers and duties of member secretary of state authority, terms of office and other conditions relating to members and member secretary of the state authority. Similarly members of District authority, Taluk Legal Services Committees and their qualifications, services and the salaries, allowances are also prescribed.

a) Powers and Duties: The powers and duties of the member-secretary of the state authority inter alia shall be

i) To give free legal services to the eligible and weaker sections.

ii) To work out modalities of the Legal Services Schemes and

Programmes approved by the State Authority and ensure their effective monitoring etc.

b) Eligibility for Legal Aid: Any citizen of India whose annual income from all sources does not exceed Rs.50,000 or such higher amount as may be notified

by the State Government from time to time, shall be entitled to legal services, under cl.(h) of Sec.12 of the Act.

c) Experience and Qualifications of persons of Lok Adalats: A person is not qualified to be included in the Bench of Lok Adalat unless he is—

i) an eminent social worker who is engaged in the upliftment of the weaker sections of the people, including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour or

ii) a lawyer of standing or

¹⁹ ibid

iii) a person of repute who is specially interested in the implementation of the Legal Services Schemes and Programmes.²⁰

Goa State Legal Service Authority Regulations 1998

The State Legal Services Authority in exercise of the powers conferred under the provisions of Section 29A of the Legal Services Authorities Act, 1987 in consultation with the Hon'ble Chief Justice of Bombay High Court, made the Goa State Legal Services Authority Regulation 1998.²¹

Goa Nyaya Deep

A news letter of Goa State Legal Services Authority titled '*Goa Nyaya Deep*' was launched in the year 2002. This newsletter seeks to promote legal literacy and awareness among the citizens in the state of Goa and to propagate the activities of the various Legal Services Authorities in the State so that legal assistance is made available to common man, especially the poor, the weak and the marginalised, to enable him to access justice.²²

²⁰ <http://slsagoa.nic.in/hcmembers.htm>

²¹ *ibid*

²² http://shodhganga.inflibnet.ac.in/handle/10603/6586/simple-search?query=free+legal+aid+in+goa&sort_by=0&order=DESC&rpp=10&etal=0&start=10

ROLE OF LAW COLLEGES IN PROMOTING LEGAL AID –ITS CO-ORDINATION WITH LEGAL SERVICE AUTHORITIES

In the State of Goa there are two Law Colleges i.e Vasudevrao Mahadevrao Salgaocar College of Law, Miramar, Panaji and Ramnath Kare Law College, Margao.

V. M. Salgaocar College of Law in collaboration with District Legal Services Authorities conducted several legal literacy camps in all the talukas of North Goa. Each Legal Aid Cell conducted at least one legal literacy camp in their area and in total around 40 legal literacy camps were conducted in collaboration with District Legal Service Authorities. Ramanth Kare Law College, too has conducted literacy camps.

V.M. Salgaocar College of Law started Legal Aid Cells in various villages of Goa, wherein batches of students have to sit in the respective cell every Saturday or Sunday to assist and advise the villagers in legal matters. V. M. Salgaocar College of Law has altogether forty Legal Aid Cells besides the Cyber Legal Aid Cell in the State of Goa. Most of the Legal Aid Cells are situated in village panchayats, and in schools.²³

²³ http://www.vmslaw.edu/UploadPages/Legal_Aid_Society.html

As a Social- change in Goa

October' 2005- February' 2006 The findings were based on research conducted within the Goan society, which revealed that tourism is the backbone of the state's economy and has a far-reaching impact on its socio-cultural life. One of the direct impacts of tourism is migration, not just from the rest of the country, but also from the neighbouring countries. Poverty, low level of awareness and the displacement of children, who come in search of a means of livelihood, make Goa an easy target for commercial sex tourism. The issue of paedophilia first came into focus in Goa in 1991, and it has been almost a decade since Interpol declared Goa an upcoming paedophilic destination. However, not much has been done to curb it.

Campaign Objective:

The campaign taken up by Metamorphosis aimed at making Goa a safe destination, one that is free of any kind of sexual exploitation of children.

The objectives were:

- To increase community awareness about child sex tourism
- To empower young children through awareness of sexual exploitation
- To monitor the implementation of the Goa Children's Act
- To influence policy makers and those responsible for the implementation of laws and regulations on child sex tourism
- To motivate and facilitate NGOs to deal with children's vulnerability, both physical as well as emotional
- To foster behaviour development leading to clean and non- exploitative tourism

- To promote a sense of self-efficacy, regardless of gender, class or ethnicity amongst children.

Creative Strategy and Communication materials:

The creative strategy of the campaign was developed keeping these objectives in mind. It comprised specific communication packages:

- Child-to-Child package
- Tourist package
- Community package

The Child-to-child package aimed at educating children with the help of illustrations and improvised comic books and empowering them with the help of schools and NGOs. The experiences of child abuse survivors were documented, and strategies were formulated for the prevention of child abuse, post-abuse care and rehabilitation.

The tourist package included in-flight films and advertorials, which focused on case studies of victims and child rights. Ticket folders, luggage tags, brochures and pamphlets, knob hangers, lobby posters, car and bike stickers and mobile public notices were included in this package. An exhibition of the comic books created in the course of the campaign was also held.²⁴

²⁴ <http://www.inmetamorphosis.com/combating-child-sex-tourism.html>
<http://www.inmetamorphosis.com/combating-child-sex-tourism.html>

Legal Aid assistance in Mahanand Naik case

The alleged serial killer Mahanand Naik was appearing before the district sessions court at Margao in the several murder case.

The court has asked Naik to file an application seeking a lawyer under the free legal aid service to defend him. Naik is accused of kidnapping, murder, robbery and destroying evidence . Here in this case accused rendered free legal aid assistance.²⁵

Mis-use of legal-aid scheme in Goa

In a famous scarlet murder case the former Advocate General for the state of Goa, had appeared for the accused with the senior counsel Mr.Jetmallani, the job of the AG is to appear for the victim i.e. for the State bur govt counsel appeared to defend the accused .²⁶

Mobile van for justice in Goa

The chief justice of the Bombay high court, Justice Mohit Shah, launched a mobile court van for the Goa State Legal Services Authority at a function held at the high court premises, Altinho, Panaji on Friday.

The mobile van given by the National Legal Services Authority will be used for lok adalats, legal aid camps, mediation and legal awareness programmes. The van also has a

²⁵ <http://timesofindia.indiatimes.com/city/goa/Jotkar-murder-case-hearing-on-April-29/articleshow/7976801.cms>

²⁶ <http://www.dnaindia.com/india/report-go-advocate-general-charged-with-giving-legal-aid-to-rape-accused-1207212>

film screening facility where short films on legal aspects will be screened. The van will benefit litigants from both the districts.

Justice A P Lavande, patron in chief, Legal Services Authority; Justice F M Reis, Justice U V Bakre; registrar general S B Shukre; B P Deshpande, member secretary, Goa State Legal Services Authority; former advocate general Subodh Katak, senior advocate Atmaram Nadkarni, law secretary Pramod Kamat, registrar I K Jain were present on the occasion.²⁷

²⁷ <http://timesofindia.indiatimes.com/city/goa/Now-mobile-court-van-for-legal-aid-camps-lok-adalats-in-state/articleshow/10699071.cms>

Conclusion and suggestions

Legal aid is not a charity or bounty, but is an obligation of the state and right of the citizens. The prime object of the state should be —equal justice for all||. Thus, legal aid strives to ensure that the constitutional pledge is fulfilled in its letter and spirit and equal justice is made available to the downtrodden and weaker sections of the society.

But in spite of the fact that free legal aid has been held to be necessary adjunct of the rule of law¹⁴, the legal aid movement has not achieved its goal. There is a wide gap between the goals set and met. The major obstacle to the legal aid movement in India is the lack of legal awareness. People are still not aware of their basic rights due to which the legal aid movement has not achieved its goal yet. It is the absence of legal awareness which leads to exploitation and deprivation of rights and benefits of the poor.

Suggestions

- It is suggested that it is the need of the hour that the poor illiterate people should be imparted with legal knowledge and should be educated on their basic rights which should be done from the grass root level of the country. For that judiciary needs the support from state administration to conduct legal literacy programme.
- The judiciary should focus more on Legal Aid because it is essential in this present scenario where gulf between haves and have-nots is increasing day by day. And elimination of social and structural discrimination against the poor will be achieved when free Legal Aid is used as an important tool in bringing about distributive justice.
- There are number of precedents as well as legislations to up hold the right to free legal aid but they have just proven to be a myth for the masses due to their ineffective implementation. Thus the need of the hour is that one should need to focus on effective and proper implementation of the laws which are already in place instead of passing new

legislations to make legal aid in the country a reality instead of just a myth in the minds of the countrymen.

□ In providing Legal Aid, the Legal Aid institutions at all level should use proper ADR methods so as to speed up the process of compromise between parties to the case and with that matter will be settled without further appeal.

Free Legal Services Authorities must be provided with sufficient funds by the State because no one should be deprived of professional advice and advice due to lack of funds.

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