

Role of Para-Legal services in administration of justice: An empirical study of Shivpuri district

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Abstract

In this relations we know that rule of law is in existence, subjecting to principle of natural justice, equity, justice, good conscious & morality in Democratic and republic India. Para-Legal Services have got the most specific in primary role in administration of justice as a back bone in delivery of justice. It is said that the Moto of Law is having the highest goal of justice for all. This Research paper has been focused and emphasized on the Role of Para-Legal Services in Administration of Justice: An Empirical Study of Shivpuri District. Shivpuri is situated in heart of India namely The State of Madhya Pradesh. Shivpuri is a district including in Gwalior Division. This Research is with respect to Institutions/ colleges/ universities where LL.B./ B.A.LL.B./B.Com.LL.B./B.B.A.LL.B. (5Ydc) & LL.B (3Ydc) namely Legal/Law education are being conducted in accordance with UGC rules, regulations & approval of Bar Council of India's rules & regulations. With this respect this research reveals the genuine conditions or other related facts of Para-Legal Services, Its conduction, legal aid clinics Para-Legal aid clinics, Para-Legal Training, Education, Literacy, Awareness, Accessibility, Paralegals, Volunteers & other connected things with it. This research paper is beneficial, useful and helpful for law framers, Administration of justice, officers, authorities, teachers and etc. related to district Shivpuri and the whole Chambal division.

Keywords: para-legal, administration, empirical, democratic

Introduction

In today's context the Para-legal services are playing a key role in administration of justice as one of the major foundations, ensuring its own specific place to ensure the ends & delivery of justice in India. We must know that Para-Legal & legal –Aid services are correlated, inter connected, complement & depend on each other. The Para-Legal services have been developed by looking at Para-military forces which were created for help of military in emergency and also in medical fields as Paramedics in India^[1]. If the administration of justice wants to the Implementation of legal aid services, schemes, programs, legal services or other connected things in administration of justice than they will have to help of paralegal volunteers and Para-legal services. Even we can say that Paralegals are not only the major and integral part, they are panacea of Para-legal services and legal system. It is relevant to mention over here that legal services mean “help or assistance or free services in the field of law. Previously the word legal aid was used in place of legal service but the Apex Court of India from time to time asserted that legal aid is not a charity but a paramount duty of a welfare State. Now legal assistance from State can be claimed as matter of right, therefore, the word legal service is being used in place of legal aid. Some of the jurists considered legal services as legal assistance to needy persons”^[2].

Definitions of Para-Legal Services & Paralegals

Definition of Para-Legal Services

There is no particular definition of Para-Legal Services in the Legal Services Authority Act 1987 and General clauses Act 1897 because the Legal Services Authority Act 1987 and General clauses Act 1897 are silent with respect to actual definition of Para-Legal Services.

Para-Legal services are the supportive services of a lawyer. In Order to understand better the concept of Para-Legal Services, help can be taken from the medical field where the concept of

Para-Medics is well developed. Paramedics provide specialized support services to the doctors though they are not themselves allowed to give any medical services. However, they are trained to give emergency medical aid till the arrival of the doctors or till the time the patient is taken to a hospital. The basic function of Paramedic is to fill in the time gap in between occurrence of injury to a person and availability of specialized medical help from a doctor and hospital services^[3]. Now if I am talking to Para-Legal Services, in India this concept is not well developed and organized. This is primarily because the legal profession itself is not organized in the country with a huge majority of lawyers operating individually instead of operating through Law Firms as is the case in most of the developed countries though it is not necessary that if lawyers operate individually there cannot be any development of Para-Legal Services^[4].

Dr. S.R. Myneni denoted the Para-Legal Services in his book Public Interest Lawyering, Legal aid and Para Legal Services that “Service means work done by somebody for somebody else as a job, a duty, a performance, or a favour.

Para-Legal means similar to or medelled on the legal but not belonging to it. Para-Legal Services are related to law but not belonging to the ordinary court jurisdiction. The cases which are not filed in the ordinary court can be filed in grievance redressed agencies created by law. Such Legal services are related to law but they have to be performed outside the courts. Para-Legal services are part and parcel of the Legal aid and advice programme and therefore, legal aid has to comprehend not only assistance in litigation but also such other measures as arbitration, couciliation, generating legal awareness among the masses, and promotion of the meaningful community, participation in legal and national development and reformation of legal process itself. Para-legal can provide new dimension to the social mobilisation for legal action by undertaking legal literacy campaigns particularly, in rural areas

where the inhabitants are generally poor, ignorant and illiterate^[5]. They can render assistance to rural masses to resolve their disputes or differences at the pre-litigation stage through amicable settlement instead of approaching the law-court for justice. The basic knowledge of law imparted by Para-Legal to common man would help him/her to identify his legal problems and solve them within the community itself without resorting to litigation which is a dilatory and expansive process. A team of well-trained Para-legal workers can educate the masses about various social welfare laws and other legislations dealing with employer and employees, landlord and tenants, buyer and seller, and those related to untouchability, bonded labour, minorities marriage and divorce, succession, adoption, tenancy etc^[6].

To some up it can be said that Para-Legal services are the procedure which is made conduct or accomplish or conducted or accomplished by paralegals for causing it to implement or the implementation of Legal-Aid services, Schemes, programs or legal services or other connected things to support or help and ensure or cause it to ensure the ends of justice.

Definitions of Paralegals

Now in this regards it is essentials and compulsory to contain here about paralegals

The All India Seminar on Legal Aid on 14th and 15th September' 1991 held in Hyderabad expressed the view that^[7]. The Para Legals who are otherwise known as bare foot lawyers to go to the villages and to disseminate the Legal Literacy Programmes and to educate the common men particularly the exploited, depressed and to women about their rights guaranteed under the Constitution and various enactments.' From the above it can be deduced that the aid which is provided by Para Legals which does not include the services of practicing lawyers. The word Para legal is neither defined in The Legal Services Authorities Act. 1987, nor in General clauses Act, 1897, but these words are similar to the Para medical in medical terminology.

Honorable Justice Kania in the above seminar states that- "Para Legals have an important role to play in spreading legal literacy programme to poor and downtrodden"^[8].

Honorable Justice A.M. Ahmedi stressing the training of Para-Legal observed that in the first place one must be assured that those chosen have the basic education for understanding and assimilating the elementary knowledge about the laws in regards to which they are imparted training.

Secondly, we must ensure that they are service oriented and have roots in the areas where they are expected to operate. It is no use of training to those who have no roots, are likely to leave the arena in search or pursuit elsewhere.

Thirdly, we should take care in picking up of only those laws for training which are likely to prove useful in that area.

Fourthly, they must be provided with sufficient incentives and status in society for the services rendered by them. In keeping above in mind we identify areas or zones which such Para-Legal trained not only the basic laws but also in the art of negotiating settlements, are put into service they will be able to render useful service to our poor and unprivileged citizens and help to avoid unnecessary disputes and strife's^[9].

"Paralegals are legal assistance that spends most of their time helping to manage the massive paper work generated by legal proceedings. Paralegals file, short, index, photocopy and draft legal documents. They may also hold hearing and interview of

witnesses. The duties of paralegal depend on the firm for which the paralegal works and the educational training and experience of paralegals many of the paralegal's services are performed directly for the benefit of a lawyer, business person or government employees. These services assist the employer with his or her duties a paralegal may also work directly with the lawyer's client, drafting necessary contract and paper work some paralegals however provide legal services for people who cannot afford full legal services. Typical paralegals services include preparing all types of court document, planning finances, including estates with will and trust plans and corporate services. Paralegals prepare numbers of court document such as motions, briefs and depositions. Motions petitions the trial judge for particular rulings favorable to layers team. Briefs are report that describe the support the motion. Depositions consist of interviews of witnesses before the trial begins. All these document must be indexed and organized and often must be entered the computers by the paralegals"^[10].

The Para-Legal services cover the things are as under

The following can be listed as some of Para-Legal Services^[11]:

1. Legal literacy and Education
2. Counselling and negotiation in Lok Adalats
3. Consumer Protection
4. Lokayukta
5. Administrative Tribunals
6. Editing Law Journals
7. Writing Articles on the topics of Law
8. Cases Comments

Following are some of the examples of specialized Para-legal services^[12]:-

1. Legal Transcription
2. Document management
3. Deposition summary
4. Legal billing
5. Legal coding
6. Scoping and court reporting services
7. Legal Translation
8. Data entry service
9. Secretarial and paralegal business process services
10. E-filing service
11. OCR and scanning service

An Empirical Study of Shivpuri District

There is only one (01) College in Shivpuri District the name of Government Shrimant Madhavrao Scindia P. G. College, Shivpuri. This is the Government College and affiliated to Jiwaji University Gwalior Madhya Pradesh, and there is no other private college. And there is established District legal Service Authority, Shivpuri and Taluk Legal Committee. I have visited in Shivpuri district and observed the condition about Legal-Aid clinic, Services, Para-Legal Services, Para-Legal Aid clinic, Training, Literacy and other things related to administration of justice accessibility to poor and masses.

Government Shrimant Madhavrao Scindia P. G. College, Shivpuri

It has been observed that the activities in respect of Legal-Aid, Legal-Aid clinic, Services, Para-Legal Services, Para-Legal Aid clinic, Training, Literacy and other things related are not conducted as per requirements rule, regulations & connected other things with the same. The establishment of above said

also is in suspicious condition. It may be presumed that little or nothing is as required according to laws & Norms. The implementation of all aforesaid is in question in the heretofore contained by this college. With this respect, the required data/details public facts have not been conferred by this college.

District Legal Services Authority, Shivpuri

First of all I would like to discuss in respect of District Legal Service Authorities, constitution, power and function. The Provisions relating to constitution, powers and functions of the District Legal services Authority are contained in section 9 to 11 of the Legal Services Authorities Act, 1987. Under section 9 of the Legal Services Authorities Act, 1987 provided the Constitution of the District Legal Services Authority and Under Section 10 of the Legal services authorities Act, 1987 provided the functions of the District Authority:

1. It shall be the duty of every District Authority to perform such of the functions of the State Authority in the District as may be delegated to it from time to time by the State Authority.
2. Without prejudice to the generality of the functions referred to in sub-section (1), the District Authority may perform all or any of the following functions, namely:—
 - a. Coordinate the activities of the Taluk Legal Services Committee and other legal services in the District;
 - b. Organise Lok Adalats within the District; and
 - c. Perform such other functions as the State Authority may fix by regulations.

Section 11 of the Legal Services Authorities Act, 1987 further provides that in the discharge of functions under the Act, the District Authority shall act in co-ordination with other governmental and non-governmental institutions, universities and others engaged in the work of promoting cause of legal services to the poor and shall also be guided by such directions as the Central Authority or the State Authority may give to it in writing.

On the perusal of the furnished pieces information by the District Legal Services Authority Shivpuri & Tahseel Legal Services Committee in the year of 2012-13 to 2016-17 reveal that Legal-Aid & Para-Legal Service are implemented by District Legal Services Authority Shivpuri, Tahseel Legal Services Committees are organizing the Legal Literacy, Legal-Aid & Para-Legal Services camp at urban, rural and remote areas of District Shivpuri like that Shivpuri, Karera, Kolaras, Pohri, Khaniyadhana, Badarwas, Narwar, Pichhore and Colleges, Communities centers etc.^[13] The data relating to all aforesaid is as under the table no.03 from the year 2012 to 2017 details are given below.....

Table No. 01

S.no.	Year	Received Application by Male	Received Application by Female	Total Received Application by the people
01.	2012-2013	87	16	103
03.	2013-2014	97	23	120
04.	2014-2015	95	14	109
05.	2015-2016	216	28	244
06.	2016-2017	171	11	182
	Grand Total	666	92	758

Source: By DLSA district Shivpuri: Under Right to Information 2005, letter no. 594/17, Date 19.06.2017.

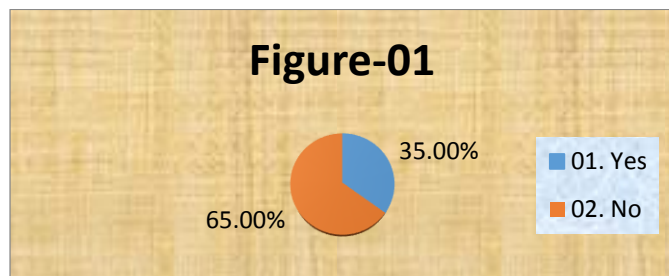
Applications are received by District Legal service Authority Shivpuri in the year of 2012-2013 the number of applications received by male 87, female 16 out of 103 people. In the of year 2013-2014 the number of applications received by male 97, female 23 out of 120 people. In the of year 2014-2015 the number of applications received by male 95, female 14 out of 109 people. In the of year 2015-2016 the number of applications received by male 216, female 28 out of 244 people. In the of year 2016-2017 the number of applications received by male 171, female 11 out of 182 people. Details are mentioned above table no. 01.

But I have been observed that the activities in respect of Legal-Aid, Legal-Aid clinic, Services, Para-Legal Services, Para-Legal Aid clinic, Training, Literacy and other things related are not conducted as per requirements rule, regulations & connected other things with the same. And I have collected the date using these tools: 1. Questionnaire, 2. Interviews schedule, and I have used the sampling technique: 1. I have visited villages, other rural and urban areas and conducted the interviews & filled-up the questionnaire forms of the people or masses and I has sample of the above Questionnaire of 40 persons who are belong to rural and urban areas of Shivpuri District, Gwalior Division, Madhya Pradesh. Details are given below.....

Shivpuri District Data Analysis:

Table - 01

S.No.	Do you know about the Free Legal-Aid services?	Number of respondents	Percentage %
01	Yes	14	35%
02	No	26	65%
Grand Total		40	100%



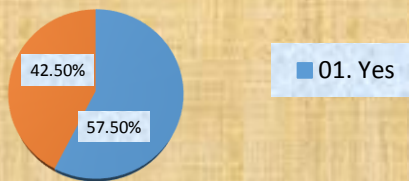
(Figure- 01)

Result: 14 out of 40 respondents **35%** gave the opinion that they know about the free Legal-Aid services and gave the answer 'Yes' and 26 out of 40 respondents **65%** gave their opinion that they don't know about the free Legal-Aid services and gave the answer 'No' this has been shown on the table- 01 & Figure- 01.

Table - 02

S. No.	Do you know about the Lok Adalat?	Number of respondents	Percentage %
01	Yes	23	57.50%
02	No	17	42.50%
Grand Total		40	100%

Figure-02



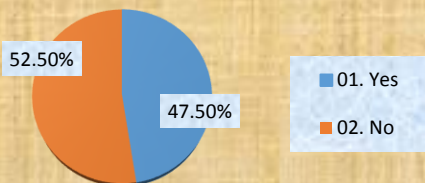
(Figure- 02)

Result: 23 out of 40 respondents **57.50%** gave the opinion that they know about the **Lok Adalat** and gave the answer 'Yes' and 17 out of 40 respondents **42.50%** gave their opinion that they don't know about the **Lok Adalat** and gave the answer 'No' this has been shown on the table- 02 & Figure- 02.

Table - 03

S. No.	Do you know about the National Legal Service Authority (NALSA)?	Number of respondents	Percentage %
01	Yes	19	47.50%
02	No	21	52.50%
Grand Total		40	100%

Figure-03



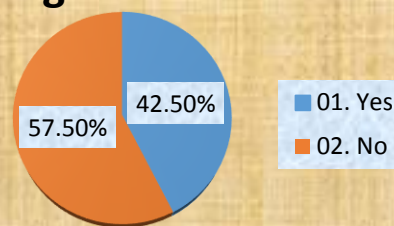
(Figure- 03)

Result: 19 out of 40 respondents **47.50%** gave the opinion that they know about the **National Legal Service Authority (NALSA)** and gave the answer 'Yes' and 21 out of 40 respondents **52.50%** gave their opinion that they don't know about the **National Legal Service Authority (NALSA)** and gave the answer 'No' this has been shown on the table- 03 & Figure- 03.

Table - 4

S. No.	Do you know about the Madhya Pradesh State Legal Service Authority (SALSA)?	Number of respondents	Percentage %
01	Yes	17	42.50%
02	No	23	57.50%
Grand Total		40	100%

Figure-04



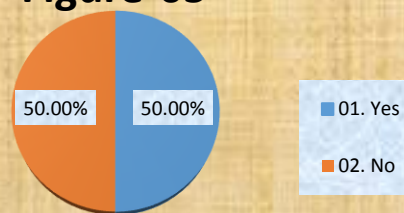
(Figure- 04)

Result: 17 out of 40 respondents **42.50%** gave the opinion that they know about the **Madhya Pradesh State Legal Service Authority (SALSA)** and gave the answer 'Yes' and 23 out of 40 respondents **57.50%** gave their opinion that they don't know about the **Madhya Pradesh State Legal Service Authority (SALSA)** and gave the answer 'No' this has been shown on the table- 04 & Figure- 04.

Table - 5

S. No.	Do you know about the District Legal Service Authority?	Number of respondents	Percentage %
01	Yes	20	50.00%
02	No	20	50.00%
Grand Total		40	100%

Figure-05

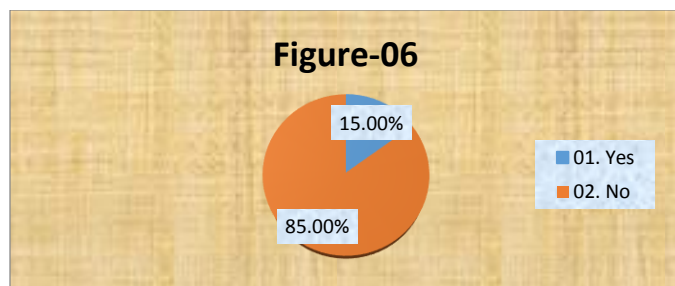


(Figure- 05)

Result: 20 out of 40 respondents **50.00%** gave the opinion that they know about the **District Legal Service Authority** and gave the answer 'Yes' and 20 out of 40 respondents **50.00%** gave their opinion that they don't know about the **District Legal Service Authority** and gave the answer 'No' this has been shown on the table- 05 & Figure- 05.

Table - 6

S. No.	Did you ever attend any Legal Literacy or Para-Legal Camps or Programs?	Number of respondents	Percentage %
01	Yes	06	15.00%
02	No	34	85.00%
Grand Total		40	100%

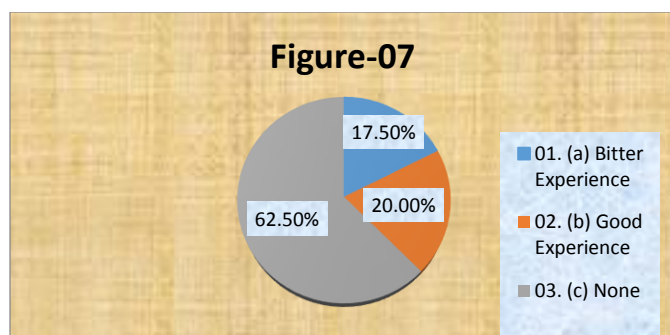


(Figure- 06)

Result: 06 out of 40 respondents **15.00%** gave the opinion that they have attended Legal Literacy or Para-Legal Camps or Programs? and gave the answer 'Yes' and 34 out of 40 respondents **85.00%** gave their opinion that they did not ever attend any Legal Literacy or Para-Legal Camps or Programs and gave the answer 'No' this has been shown on the table-06 & Figure- 06.

Table - 7

S. No.	Are you having any experience about any Legal Procedure?	Number of respondents	Percentage %
01	(a) Bitter Experience	07	17.50%
02	(b) Good Experience	08	20.00%
03	(c) None	25	62.50%
Grand Total		40	100%

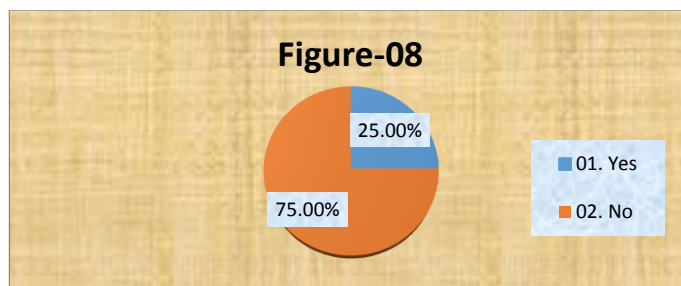


(Figure- 7)

Result: 07 out of 40 respondents **17.50%** gave the opinion that they have got **bitter experience** and gave the answer (a) 'Bitter experience' and 08 out of 40 respondents **20.00%** gave their opinion that they have got good experience and gave the answer (b) 'Good Experience' and 25 out of 40 respondents **62.50%** gave their opinion that they don't have got any type of experience about **any Legal Procedure** and gave the answer (c) 'None' this has been shown on the table-07 & Figure- 07.

Table - 8

S. No.	Do you know about any Legal-Aid Clinic at College and University level?	Number of respondents	Percentage %
01	Yes	10	25.00%
02	No	30	75.00%
Grand Total		40	100%

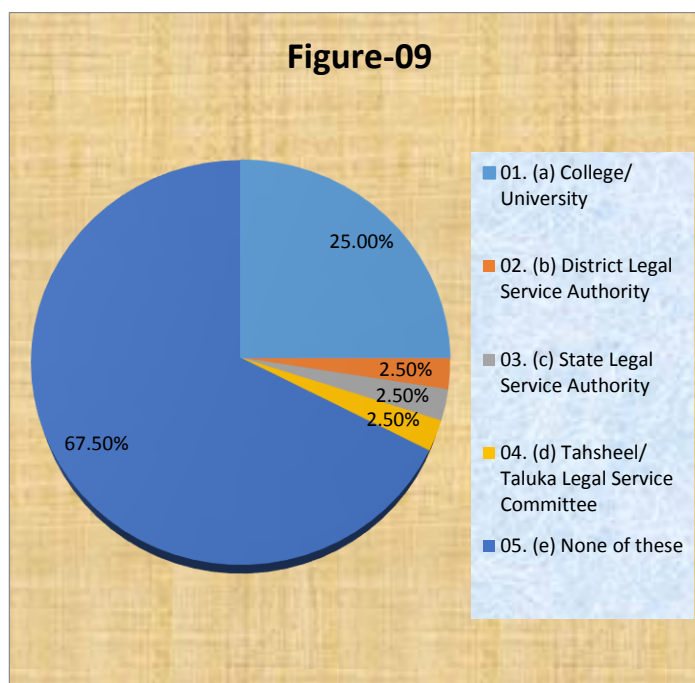


(Figure- 8)

Result: 10 out of 40 respondents **25.00%** gave the opinion that they know about the **Legal-Aid Clinic at College and University level**, and gave the answer 'Yes' and 30 out of 40 respondents **75.00%** gave their opinion that they don't know about the **Legal-Aid Clinic at College and University level**, and gave the answer 'No' this has been shown on the table-08 & Figure- 08.

Table - 9

S. No.	Do you know about any Legal-Aid Clinic which is providing you legal aid?	Number of respondents	Percentage %
01	College/ University	10	25.00%
02	District Legal Service Authority	01	2.50%
03	State Legal Service Authority	01	2.50%
04	Tahsheel/Taluka Legal Service Committee	01	2.50%
05	None of these	27	67.50%
Grand Total		40	100%



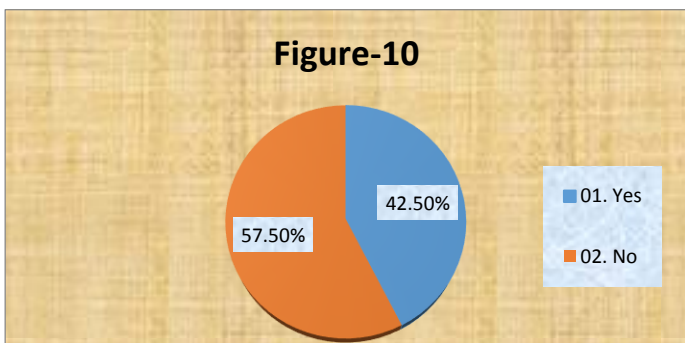
(Figure- 9)

Result: 10 out of 40 respondents **25.00%** gave the opinion that they know about the **Legal-Aid Clinic which is providing you legal aid**, and they gave the answer '(a) **College/ University**', and 01 out of 40 respondents **2.50%** gave their opinion that they know about the **Legal-Aid Clinic**

which is providing him/her legal aid, and they gave the answer ‘(b) District Legal Service Authority’, and 01 out of 40 respondents 2.5% gave their opinion that they know about the Legal-Aid Clinic which is providing him/her legal aid, and they gave the answer ‘(c) State Legal Service Authority’, and 01 out of 40 respondents 2.5% gave their opinion that they know about the Legal-Aid Clinic which is providing him/her legal aid, and they gave the answer ‘(d) Tahsheel/Taluka Legal Service Committee’, and 27 out of 40 respondents 67.50% gave their opinion that they don’t know about the Legal-Aid Clinic which is providing him/her legal aid, and they gave the answer ‘(e) None of these’, this has been shown on the table- 09 & Figure- 09.

Table - 10

S. No.	Do you know about Administration of Justice in Gwalior and Chambal Division?	Number of respondents	Percentage %
01	Yes	17	42.50%
02	No	23	57.50%
Grand Total		40	100%



(Figure- 10)

Result: 17 out of 40 respondents 42.50% gave the opinion that they know about the Administration of Justice in Gwalior and Chambal Division, and give the answer ‘Yes’ and 23 out of 40 respondents 57.50% gave their opinion that they don’t know about the Administration of Justice in Gwalior and Chambal Division, and give the answer ‘No’ this has been shown on the table- 10 & Figure- 10.

Remedies & Suggestions:

“The Remedies and Suggestions with regard to protection, preservation, development, promotion, education, research, literacy, respect, honour, Enforcement, implementation, and other required things as per requirements, time and circumstances of Legal-Aid & Para-Legal Services for the interest of world human and living creatures which are as follows:-

1. Para-Legal Services should be thought in syllabus of LL.B./B.A.LL.B./B.B.A.LL.B./B.Com.LL.B./Law/Legal studies etc. compulsorily.
2. Para-Legal Services should be thought in syllabus of LL.B./B.A.LL.B./B.B.A.LL.B./B.Com.LL.B./Law/Legal studies etc. compulsorily as a practical subject.
3. There should be compulsory organize the legal literacy and Legal-Aid camp by the

LL.B./B.A.LL.B./B.B.A.LL.B./B.Com.LL.B./Law/Legal studies students and teachers.

4. The Law/ Legal education system should be varied/alterd, amended and reformed as required by time & circumstances.
5. Law Students as paralegals should be made curious, skilled, trained, efficient, proficient and educated more to more.
6. The Certificates/Diplomas and other related things of Legal-Aid & Para-Legal services should be initiated and developed.
7. The Govt. should be providing the reservation or some marks in government jobs and promotions for Para-Legal volunteers & organizers certificate holders.
8. Legal-Aid Clinics & Para-Legal Clinics should be established and functioned separately.
9. Legal-Aid & Para-Legal literacy, knowledge and education should be promoted, developed researched more to more at the earliest for the same pamphlets, Newspapers, Magazines, T.V., Radio, Booklets, Hand books, Dairies, Posters and other related things also should be distributed to people or masses for its awareness and accessibility.
10. Awareness, literacy, knowledge Accessibility towards masses or people should also be by electronic means as e-media, social media, social sites etc.
11. The experienced, eligible, proficient, skilled and efficient trainers should be available to train of Paralegals.
12. The system of Legal-Aid & Para-Legal Services clinics and etc. should be reformed, established, reconstituted and amended at the earliest on the grass root level firstly.
13. NALSA/SALSA/DALSA/Legal-Aid Committee, Governments, Departments, Organizations and establishment must take all required necessary steps measures for the same with the co-ordination and help of all above and society collectively.

Conclusion:

It can be concluded that NALSA/SALSA/DALSA/Legal-Aid Committee, Governments, Departments, Organizations and establishment are functioning but the same is not sufficient in proportion to population of Shivpuri district. The conditions of college and other authorities are worst and most miserable and anxious. Our conducted survey reveals that few persons/masses are having very little information at around 57.50% about only Lok Adalat it is shown on the table no.2, and 35.00% persons/masses are having the information about the Legal-Aid services it is shown on the table no. 01, and 47.50% persons/masses are having the information about the National Legal Service Authority it is shown on table no. 03, and 42.50% persons/masses are having the information about the Madhya Pradesh State Legal Service Authority it is shown on the table no. 04, and 50.00% persons/masses

are having the information about the District Legal Service Authority it is shown on the table no. 05, and 15.00% persons/masses are having the information about the Legal Literacy or Para-Legal Camps or Programs it is shown on the table no. 06, and 17.00% bitter experience and 20.00% good experience are having to the persons/masses about the legal procedure in Shivpuri district, 25.00% persons/masses are having the information about the Legal-Aid clinic at college and University Level it is shown on the table no. 08, and 25.00% respondents said that college or university provide the Legal-Aid, and 2.50% respondents said that District Legal Services authority provide the Legal-Aid, and 2.50% respondents said that State Legal Service Authority provide the Legal-Aid, and 2.50% respondents said that Tahsheel/Taluka Legal Service committee provide the Legal-Aid, and 67.50% respondents said that no one provide the Legal-Aid it is shown on the table no. 09 and saying the respondents that officers are not coming in my villages only time of election they are coming here and pressurize for cast the vote only, and 42.50% persons/masses are having the information about the administration of justice in Gwalior and Chambal division it is shown on the table no. 10. And hence it appears that Legal-Aid, Para-Legal services, Clinics, Literacy, Awareness, accessibility, implementation and other related things are in documents only because the required things /facts/activities/ are not being conducted as per requirements, time, necessity, laws and circumstances. The aforesaid must be reformed, amended, varied, altered, reconstituted and done the needful in this matter at the earliest from the very grassroots level for the interest of people/masses and delivery of the required and satisfactory justice to bridge the gap among people/masses, advocates/legal practitioner, judiciary, court an administration of justice in welfare state.

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