

HISTORY

History of Legal Services can be traced back to 1944 in England, when a Committee under the Chairmanship of Lord Rushcliffe was appointed to ascertain the facilities provided for giving legal advice and assistance to poor and neglected citizens in England and Wales. After extensive discussion the Committee proposed certain measures for providing legal advice to the poor and also to expedient the existing system whereby legal aid is available to persons. The Committee submitted its Report in 1945, and after being accepted by the British Parliament, The Legal Aid and Advice Act, 1949 came into existence.

In light of the above recommendations and its noble and realistic approach, in India also the Bombay Legal Aid Society proposed that a committee be set up in India to examine the question of legal aid to the poor. In 1949, under the Chairmanship of late Justice N.H.Bhagvati, "The Committee On Legal Aid And Legal Advice In Bombay" was set up to consider the question of grant of legal aid to certain category of people. The Committee submitted its report in October, 1949. The same year, a Committee under the Chairmanship of Sir Arthur Trevelyan, then the Chief Justice of Calcutta High Court, was constituted in West Bengal to examine this question and the said committee also recommended legal aid to the poor litigants.

However, inspite of such recommendations, nothing substantial happened in the area of legal aid for over a decade. However, in 1958 the Law Commission of India in its report (Reform of Judicial Administration) strongly advised the need for legal aid to poor litigants. Its most important point was that, *"...rendering of legal aid to the poor litigants is not a minor problem of procedural law but a question of fundamental character"*.

In 1972, a Committee chaired by Hon'ble Mr. Justice V.R.Krishna Iyer, was constituted to consider the question of making available to the weaker sections of the community and persons of limited means in general and citizens belonging to the socially and educationally backward class in particular, facilities for -

- i) Legal advice so as to make them aware of their constitutional and legal rights and obligations;
- ii) Legal aid in proceedings before Civil, Criminal and Revenue Courts so as to make justice more easily available to all sections of the community.

Subsequently, in a Committee under Chairmanship of Hon'ble Mr. Justice P.N.Bhagwati was constituted by the Government of India for 'Implementing Legal Aid Schemes (CILAS)'. The objective of constituting this Committee was to recommend as how best to fulfill the constitutional obligations of the State under Article 39-A. This Committee formulated the syntax of the legal aid programme for the country that will ensure that not only legal aid is provided to the needy but also measures be taken for creating legal awareness amongst the people. It proposed measures to promote community mobilization and ability to enforce rights through public interest litigations. The Committee also formulated a model scheme for establishment of State Legal Aid and Advice Boards.

Based on the above recommendations, the Legal Services Authorities Act was promulgated by the parliament in 1987. One of the objectives of the Act was to provide free and competent legal services and to ensure opportunity for securing justice to the downtrodden class of the society.

After enactment of the Legal Services Authorities Act, the States have

enacted legislation or adopted Schemes for providing Legal Aid & also to create legal awareness. In Assam, the Assam State Legal Services Authority Rules was adopted in the year 1996.

Until now the Legal Services Authorities Act, 1987 has undergone two amendments, same being –

- The Legal Services Authorities (Amendment) Act, 1994.
- The Legal Services Authorities (Amendment) Act, 2002.