

## CULTURE SENSITIVE JUSTICE MECHANISM FOR THE RURAL POOR

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### I. INTRODUCTION

Rural citizens are most deprived of access to justice infrastructure in almost every legal regime.<sup>1</sup> Legal services including legal aid are virtually cut-off from their reach.<sup>2</sup> Their rural inhabitance is often cited as a reason to shield, State's failure in ensuring door-step justice delivery to the rural poor. This creates a huge disconnect between the rural folks and the formal justice delivery system. Incidentally, it has been happening in India, even though our legal system promises legal services for all. For instance, the Legal Services Authorities Act, 1987 promises legal aid to all, but in reality such an aim of the law has remained an unfinished business. Even despite several schemes rolled out by the National Legal Services Authority, rural poor are still far away from accessing basic legal services for resolving their petty disputes involving cattle theft, drinking water disputes, etc. Such circumstances in no way reduce the State's burden of facilitating access to justice services in the rural societies. Indian case is in fact more critical, given the multi-cultural legal pluralism practiced in different parts of the country. This raises a fundamental issue- What is the tradeoff between State sponsored fair and equal access to justice services, and the traditional methods of justice dispensation already existing among the rural communities? It is a complex problem, which needs a multi-disciplinary approach.

Merely, the disciplines of law, sociology, anthropology and political science may not individually provide a plausible solution. Perhaps, many more fields of study concerning human life, values, traditions and civilization would be needed for finding series of possible ways to handle such social predicament.

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<sup>1</sup> Magdalena Sepúlveda Carmona and Kate Donald, *Access to justice for persons living in poverty: A human rights approach*, Ministry of External Affairs, Finland, pp. 7, 12, 16-20, 26-28, available at <<

<sup>2</sup> Courts are mostly inaccessible by the rural communities. This is simply because, courts are usually located in towns away from the rural poor and the languages and procedures used by them during the proceedings is alien to the illiterate rural poor. See, *Justice and Poverty Reduction*, Department of International Development, p. 13, Available at << [However, for the purpose of this paper, only certain examples of rural Indian societies, practicing traditional methods of dispute resolution will be studied. The paper will also examine an emerging landscape of Gram Nyayalaya as the most modern, State sponsored model of ensuring justice services to the rural folks. This discussion will also address the issue- that how the promise of legal aid to the rural citizens is still an unfinished business. The issues raised in the paper are mainly based on the empirical studies conducted by the author in the States of Rajasthan and Odisha.<sup>3</sup>](http://www.gsdc.org/docs/open/ssaj35.pdf.>> accessed on July 18, 2017.</p>
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### II. INTERSECTION OF LAW AND CULTURE IN RURAL INDIA

Foremost, it is imperative to understand the issue of an intersection of law and culture concerning the rural communities. Thus, based on the first-hand experience<sup>4</sup> of working with the rural folks in the villages across the States of Rajasthan, Uttar Pradesh and Odisha in India, the following concerns seem to most significantly affect justice delivery in rural areas.

#### A. Social and Traditional Practices

Indian society and societies in many similar democracies of South Asia are often segregated into distinct segments principally on account of deeply rooted customary social divisions, which may be reinforced by religion. One such is the caste system in India. Owing to such entrenched divisions, the denial of a life of bare dignity amongst citizens is widespread. The socially well known and often self proclaimed higher castes controlling village resources, have the first and quite often the exclusive right to access basic amenities like safe drinking water. The lower caste people, like artisans, landless farm labourers, village waste cleaners and menials, representing the majority of the village poor, are precluded from this access. Such suppressed and disadvantaged groups of

<sup>3</sup> The author has been conducting empirical studies in the villages of Rajasthan and Odisha since 2009 and his reflections of the intersection of law and culture is based on the results of such field visits.

<sup>4</sup> The researcher/author has spent close to four years working with the civil societies in India's villages. This involved travelling to interior tribal and naxalite insurgency affected jurisdictions. During his stint with the Dehradun based NGO, Rural Litigation & Entitlement Kendra (having Special Consultative Status with the Economic and Social Council of the United Nations), he coordinated the projects on 'legal empowerment for the marginalised communities' in the three States of India (Uttar Pradesh, Rajasthan and Odisha), as the national project coordinator for UNDP- Department of Justice, Government of India. As part of his project duties, the author conducted several field visits to the rural communities in order to empower them about their legal rights and entitlements. Hence, the challenges faced by rural communities in accessing justice are based on such field studies conducted by the author. These findings were arrived at after interviewing hundreds of village persons, administrative authorities, judicial officers, police authorities and NGO workers, all of whom either belong to those villages or have their jurisdiction extended to such far off villages.

communities have to draw water from unhygienic or far off sources.<sup>5</sup> This is rooted in the internalised acceptance of such denial, the lack of any alternative and the futility of seeking an alternative. An aroused consciousness that neutralises the acceptance of this state of affairs then seeks justice for the barest dignity. Disputes become inevitable. The question then is of designing a law that will actually deliver the bare elements of a life of some dignity in the context of the existing distribution of resources and power anchored by custom. The law is not usually so designed. The imperfect law visits unexpected consequences for the poor, including violence. The question then arises whether the extant legal machinery is capable of preventing and dealing with these consequences. Are there courts available for setting in motion processes that will ensure protection for the poor peacefully asking for elementary existence as human beings? Or, does the formal legal system treat the very asking for such existence, as a law and order problem to be tackled by the State's force. Access to justice within the framework of the inherited formal structures of Anglo-Saxon law in developing countries like India poses novel problems of legal thought, design and implementation rooted in the local. As a result, it is now a common knowledge that in most of the developing countries the law is often found to be discriminatory and legal processes are expensive, time consuming and procedurally complex. Resultantly, rural folks in particular, do not enjoy fair and equal access to justice delivery services through the formal legal system. This often compels them to resort to their traditional customary practices for settling disputes and dispensing justice within a community. However, such customary justice practices are often discriminatory in nature. Therefore, the entire scheme of providing access to justice to the rural communities needs to harmonise both the formal and customary systems in order to ensure that the justice mechanism works justly and equitably in favour of these disadvantaged communities living in rural societies.<sup>6</sup>

<sup>5</sup> Water crisis is a universal problem. But greater challenge lies in State's inability to ensure free access to safe drinking water to all as well as equitable distribution of water resource for irrigation and agriculture purposes. Owing to such a peculiar problem in India, there emerged a concept of Pani Panchayat. This was actually a name first given to a movement by Mr. Vilasrao Salunke for motivating farmers of Naigaon village of the drought-prone Purandhar taluka of Maharashtra in 1974. The government's inability to deal with the drought situation prompted him to take a 40 acre land on lease from the village temple trust and develop a recharge pond in the recharge area of the village, a dug well in the discharge zone and a lift irrigation system. Pani Panchayat principles covered equity, demand management, rights of landless, community participation and sustainability of the resource. In order to streamline the concept of Pani Panchayat, the State of Odisha in India has provided statutory colour to this movement. State legislature of Odisha has enacted the Orissa Pani Panchayat Act of 2002 to provide farmers' participation in the management and maintenance of the irrigation system for equitable and dependable supply and distribution of water resource.

<sup>6</sup> It is therefore, much needed to improve the mechanism of access to justice which includes

### B. Customary Practices of Resolving Disputes

Several rural communities in the rural areas in India still follow methods of resolving disputes that are unacceptable and illegal in modern representative democracies. One such classic example can be seen in the villages<sup>7</sup> of Rajasthan. In these villages and similarly<sup>8</sup> in other parts of southern Rajasthan, people follow traditional and strange practices of resolving disputes. Two such practices are eye-opener for every law researcher wanting to study application of law and access to justice at the rural level India.

*Firstly*, the tribal population largely dominates these villages. And they practice a unique tradition called *chadautra* to claim compensation in matters of motor accident<sup>9</sup> and dowry death. In such cases, dead body of the deceased is put in the house of the accused person and the last rites are not conducted till the accused pays the compensation. Such compensation is called as *mautarna*. To claim *mautarna* family members of the deceased usually assemble in large number and virtually attack the house of the person who is liable to pay compensation, if such person does not agree accordingly. Can the modern formal legal system inherited from British India resolve this predicament in terms of its legality and legal processes?

*Secondly*, there is a prevalence of *nata pratha*. There are different kinds of *nata pratha*. But one peculiar kind, of such a tradition that was witnessed by the researcher during the field visit relates to a practice where- if a woman wants to leave her husband for any reason (usually to enter into relationship with another man), then her father or any other person who supports her has to pay compensation to the first and separating husband of such a woman.<sup>10</sup> Such compensation is a kind of reimbursement to the first husband for the expenses incurred by him during marriage and maintaining the wife. The village *panchayat*

reforming the legal procedures. This necessarily involves reforming the laws, ensuring litigant friendly environment in the courts, and also maintaining a fine balance between the customary systems and the formal legal system. See *supra* n. 2.

<sup>7</sup> The author conducted empirical study in the Shamolee, Sahri and Torna villages of Kotda/Kotra block in the Udaipur district of Rajasthan.

<sup>8</sup> The author also conducted empirical study in 'Jijola' village of 'Ameth' block; 'Kambleghat' village of 'Bhim' block and 'Sathiya' village of 'Kelwara' block in the district of 'Rajsamand' in Rajasthan.

<sup>9</sup> This is especially true in matters wherein the victim's family raises allegations of negligent driving. One such case was discussed with the Superintendent of Police (SP) of Udaipur District in whose jurisdiction fall these villages of Kotda block. The SP of Udaipur shared with the author, that, such a dispute, which is necessarily legal in character often, leads to a violent clash between people belonging to different castes or villages if the victim and the accused belong to different castes of the village panchayats.

<sup>10</sup> This 'nata-pratha' is practices in various forms across the State of Rajasthan. But the parts of Rajasthan surveyed by the author practices this peculiar tradition.

usually decides the amount of compensation. But on the contrary, if the husband wants to leave a woman, he need not give any reason or explanation for doing so. Such a practice is quite in vogue in different parts of Rajasthan.<sup>11</sup>

The reference to the empirical study<sup>12</sup>, clearly indicates that the village communities in Rajasthan still prefer their indigenous methods over the court processes for resolving disputes and settling claims. This raises very significant question. Whether the State enacted laws lack the cultural touch, which the rural communities find more deeply embedded in their methods of dispute settlement? Or is it simply a reflection of State's failure in connecting, rural folks indulged in traditional practices, to the formal dispute resolution system.

### C. Unquestioned cultural practices

In the eastern part of India, there is a prevalence of cultural practices that directly conflict with the evolved democratic idea of the social status, dignity and safety of women. This is quite similar to the reflections seen from the empirical study conducted in Rajasthan.

One such peculiar cultural practice prevalent in the villages<sup>13</sup> of naxalite insurgency prone Pulbani district of State of Odisha is called *jhinka pratha*. As part of this traditional practice, a boy elopes with a girl with mutual consent and keeps a girl in 'concubinage' for a short period of two to four months. Resultantly, in most of the cases a girl conceives during this period and then she is abandoned without marriage. She is often not accepted back even in her paternal house. This is quite comparable with the evils of domestic violence and human trafficking. It is completely bizarre and raises strong concern about the socio-legal condition of women. Recourse to legal rights is taken either by such a woman or her parents in these matters. But the money-time lost and the unquantified consequences of social stigma put almost impossible hurdles in accessing the formal modern legal system.<sup>14</sup>

<sup>11</sup> Similar and other localised forms of '*nata-pratha*' is practiced in some parts of Madhya Pradesh as well.

<sup>12</sup> This empirical study was conducted by the author between 2009 and 2011 in different parts of Rajasthan. This also involves empirical study in the villages of 'Amrapura', 'Narabdaya', and 'Parlaaya' in the 'Bhadesar' block of 'Chittorgarh' district in Rajasthan. Besides, the author also studied villages of Sambhalpur and Sawai Madhopur districts. The field study in all the villages of these districts also testify the prevalence of similar customary practices for settlement of disputes within the communities and also between the communities, by by-passing the court processes.

<sup>13</sup> These were 'Sukrukumpa' and 'Kaaladi' villages of 'Khajuripada' block of Phulbani district of Odisha.

<sup>14</sup> Similar customary practices are also observed in 'Urla Dhani' and 'Singpur' villages of 'Madanpur-Rampur block and 'Dorasarli' village of 'Lanjigarh' block in the 'Kalahandi' district of Odisha. Author also found observance of alike traditional practices in 'Jhirpani', 'Jalda' villages of 'Bisra' and 'Lathkata' blocks respectively in the district of 'Sundergarh' of Odisha.

The question therefore is of advance homework before enacting a law, which will take such customs into account and design the law as a cultural weapon rather than merely a police-court-jail weapon which ensures that the seeker of justice suffers either way, leaving it to her to weigh the customary practice against the modern dispute resolution methods.

### III. CULTURALLY SENSITIVE JUSTICE MECHANISM FOR THE RURAL POOR

Under such circumstances, application of law and access to justice both is a matter of deep concern across spectrum of studies including socio-legal, politico-legal, and anthropological-legal perspective. The diversity of population and their social orientation makes it further complicated for access to justice institutions to enhance their reach ability, acceptance and affordability in these most backward and interior even insurgency affected jurisdictions in India. The critical debate of widening the cover of legal aid and legal services even to the rural areas, therefore, needs a second thought. Would formal method of advancing legal aid work, especially in such cases, where some rural communities are still indulged in practicing traditional methods for settling disputes? Also, we may need to address an issue of adequate courts infrastructure and availability of sufficiently trained lawyers, both of which according to the empirical study are still away from the territorial boundaries of the *gram panchayats* and the villages therein.

Intersection of law, society and cultures at the grass-root as highlighted by the case of Rajasthan and Odisha indicate a need to develop equilibrium between these elements. On the basis of the findings above, it can be argued that the promotion of democracy and furtherance of the rule of law is quite unachievable at the grass-root without ensuring access to legal services to the rural folks. At the same time, we must take a cue from the above-referred empirical studies of Rajasthan and Odisha that a culture sensitive judging at the grass-root level is essential and critical to connect the rural communities with the mainstream justice delivery system. This is very significant because the rural communities are extremely sensitive in terms of gender issues; cultural issues of castes and class; traditional inheritance issues over property; matrimony issues, and many others. Merely, erecting a technical as well physical infrastructure like that of a 'formal court' in the villages may not yield desired result. For instance, one of the cardinal reasons for the failure of *nyaya panchayat*<sup>15</sup> was promotion of legal principles in dispute resolution amongst indigenous communities for whom law was an alien concept.<sup>16</sup> This was done without ensuring a balance between law and culture at the rural level.

Hence, it is indisputable that legal aid and legal services are as much a necessity of the rural citizens as of the urban justice seekers. This can possibly be done by taking justice closer to the people even in the rural societies including the last person in the village who may not be able to access legal services due to physical or mental disability or any other unforeseen social condition. Gram Nyayalayas Act, 2008 has generated a ray of hope in this regard for it clearly lays down an agenda of doorstep justice delivery including the right to legal aid and legal services.<sup>17</sup> The next section will examine this law and the promise it makes towards enhancing access to justice to the rural poor.

#### IV. GRAM NYAYALAYAS: PROMISE OF ACCESS TO JUSTICE AT THE DOOR-STEP

India recently saw a rise of fresh legal infrastructure in rural India in the form of Gram Nyayalayas Act 2008 (hereinafter Act, 2008)<sup>18</sup>. This law envisions creation of one or more *gram nyayalayas* (Village based courts) for every *panchayat* at intermediate level or a group of contiguous *panchayats* at intermediate level in a district.<sup>19</sup> The law also clearly stipulates that in case there is no *panchayat* at intermediate level in any State, then a *gram nyayalaya* shall be established for a group of contiguous *gram panchayats*.<sup>20</sup> In order to make *gram nyayalayas* culturally sensitive and widely acceptable across all

<sup>15</sup> See, *The Nyaya Panchayats: Road to Justice* (Ministry of Community Development & Co-operation, Government of India, 1964). This report conducted a detailed examination of the working of *nyaya panchayats* in India. This study studied the recommendations of the 'Study Team on *nyaya panchayats*' and particularly reflected upon the suggestion of the Study Team to prepare a manual for *nyaya panchas* to conduct the proceedings of the *panchayat* courts in a judicial manner and also to help the *nyaya panchas* in discharging their judicial duties by all fairness and in a non-arbitrary manner.

<sup>16</sup> See, Catherine S. Meschievitz and Marc Galanter, *In Search of Nyaya Panchayats: The Politics of a Moribund Institution*, in Richard L. Abel (ed.), *THE POLITICS OF INFORMAL JUSTICE* (Academic Press, II, 1982). This work examines the functioning of *Nyaya Panchayats* especially in context of the State of Uttar Pradesh (UP) and makes an assessment of the reasons of both, their influence among people as righteous institution for rural justice and also the factors responsible for the decline of *Nyaya Panchayats*. This study drawn upon the earlier filed work of one of the authors and in detail makes an assessment as to why *Nyaya Panchayats* became moribund and got severely affected by the local political inequality.

<sup>17</sup> Objects and Reasons of Gram Nyayalayas Act, 2008: An Act to provide for the establishment of *Gram Nyayalayas* for the purposes of providing access to justice, both civil and criminal, to the citizens at the grass-roots level and to ensure that opportunities for securing justice are not denied to any citizen by reason of social, economic or other disabilities and for matters connected therewith or incidental thereto.

<sup>18</sup> See, Law Commission of India, Report No. 114: GRAM NYAYALAYA (August, 1986). This law commission report laid down the conceptual framework for the establishment of *Gram Nyayalayas* in the country. This work is an assessment of *Nyaya Panchayats*, which faded away, with the passage of time and paved way for improving the rural justice in villages of India. This study made several recommendations to re-invent the wheel in the form of *Gram Nyayalayas*. The recommendations of this report made attempt to embrace some features of *Nyaya Panchayats* and also suggested participatory model of justice delivery by including laypersons as lay judges along with the trained judicial officer on the panel of *Gram Nyayalayas* for deciding the disputes. This report paved a way for enactment of Gram Nyayalayas Act, 2008.

<sup>19</sup> See Gram Nyayalayas Act, 2008, s 3(1). The law also provides that such Gram Nyayalayas shall be established by the State Government but in consultation with the High Court of the respective State.

kinds of rural communities, the Law Commission of India<sup>21</sup> carefully examined the issue that quality of justice would depend on the nature and structure of an institution created to administer justice. Accordingly, on one hand, the LCI recommended that the structure of *gram nyayalayas* should be such that it comprises of persons with technical expertise to appreciate the principles of law. On the other hand, LCI advocated for representation from the community who would be able to appreciate the local customs, traditions and inherent problems of the villages.<sup>22</sup> Hence, it was prescribed that the *gram nyayalayas* should be composed of one *panchayati raj* Judge<sup>23</sup> and two lay judges. It was also asserted that such a composition of the *gram nyayalaya* will not only lead to effective justice delivery based on the principles of law but according to common-sense, equity and good conscience. This was therefore, proposed by the LCI as unique institution having advantages of both the State Courts approach and the participation of the public in the administration of justice.<sup>24</sup>

However, when the *gram nyayalaya* law came into existence, there was a clear departure from the recommendations of the law commission. The Act, 2008 did not include the concept of lay judges as contemplated by the LCI. On the contrary, this law prescribes that only a person who is eligible to be appointed as the Judicial Magistrate of the First Class (JMFC) shall be appointed as the *nyayadhikari*.<sup>25</sup> And such a *nyayadhikari* shall be the presiding officer of the *gram nyayalaya*, who shall be appointed by the State Government in consultation with the concerned High Court.<sup>26</sup> This kind of structure of *Gram nyayalaya* seems to be in contrast to the village courts, which could be sensitive to the local traditions and cultures prevalent in the villages.

Also, mere structuring of a law suiting the local and rural communities isn't enough. It has to be also ensured that such an institution like a *gram nyayalaya* reaches the most neglected sections of the society, especially the rural folks, in the far off villages of the country. An empirical study conducted by the author in the villages of Odisha and Rajasthan also revealed that the justice institutions in the form of courts were not within the reach of the rural communities. This in turn adds to the continuance of their customary practices for resolving disputes like motor accident and dowry death. An attempt has

<sup>20</sup> *Ibid*.

<sup>21</sup> Hereinafter referred to as 'LCI'.

<sup>22</sup> Law Commission of India, GRAM NYAYALAYA (Law Com No. 114, 1986) pp. 18-19.

<sup>23</sup> Such judge should be from the sub-ordinate judiciary cadre in the State. And in order to nominate the judge for the *gram nyayalayas*, the State government would maintain a *panchayati raj* cadre of judges.

<sup>24</sup> *Supra* n. 22.

<sup>25</sup> The Gram Nyayalayas Act, 2008, s 6(1).

<sup>26</sup> The Gram Nyayalayas Act, 2008, s 5.

been made in this direction by the Act, 2008 which mandates organizing mobile courts in the close proximity where the parties concerned with the case ordinarily reside or the cause of action would have arisen.<sup>27</sup> However, an empirical study in Odisha doesn't indicate its true implementation. A field study of the *gram nyayalayas* in Odisha<sup>28</sup>, show that mobile courts are organised in some villages but only once in six months. This reflects the weak implementation of the well thought out provision of this law.

Besides, another fundamental concern was raised in the beginning of this paper, about the availability of legal aid to the rural folks. In this context, the obligatory role of the State *vis-a-vis* legal aid was succinctly narrated by the division bench<sup>29</sup> of the Delhi High Court almost a decade ago in the following words:

Where an indigent accused cannot defend himself effectively and adequately, the inbuilt right to equality, life and liberty envisaged under Article 14 and 21 of the Constitution becomes instrumental. Further, Article 39-A makes it obligatory on the State to ensure that legal system promotes justice on the basis of equal opportunity and works towards providing effective legal aid in order to ensure that no citizen is denied opportunities of securing justice by reason of economic or other disabilities.<sup>30</sup>

Even on this count, the *gram nyayalayas* in Odisha have so far failed in providing timely legal aid services to the persons in need<sup>31</sup>. This is in stark contrast to the original objective for which the *gram nyayalayas* law was enacted. Eventually, the rural folks are still awaiting adequate legal services at their doorstep, despite the institutional presence of *gram nyayalayas* in some districts of Odisha.

Finally, when the functioning of *gram nyayalayas* is put to test, a sample case of Odisha reveals that the implementation of the law is not satisfactory. One of the major findings reflect that the *nyayadhikaris* in Odisha have been placed under a dual charge to also discharge the duties of a regular JMFC<sup>32</sup> from the same premises of the *gram nyayalayas*. Due to this, the primary functioning of *gram nyayalayas* has begun to suffer adversely. The people now often want their cases to be heard by *nyayadhikari* as JMFC and not in capacity of a *nyayadhikari* under the aegis of *gram nyayalayas*. Moreover,

<sup>27</sup> The Gram Nyayalayas Act, 2008, s 9(1).

<sup>28</sup> The author conducted empirical study in five *gram nyayalayas* of Odisha. These were namely, Gram Nyayalayas of Tangi in Khurda district; Sanakhemundi in Ganjam district; Oadgaon in Nayagarh district; Rajnagar in Kendrapada district and Puri in Puri district.

<sup>29</sup> Justice Mukul Mudgal and Justice Reva Khetrpal, the then judges of the Delhi High Court.

<sup>30</sup> See generally, *Jai Shankar v. State* [2007] Supp.(6) ILR 136 (Delhi).

*nyayadhikaris* who are from the regular cadre of sub-ordinate judiciary also find it convenient to perform their additional and dual duty of JMFC court.<sup>33</sup> This has led to diluting an institution of *Gram nyayalayas* in Odisha. Consequently, the functioning of *gram nyayalayas* and its acceptability at the rural level has already begun to see a declining phase.

## V. CONCLUSION

It is quite clear from the empirical investigation and the evidences examined that the rural folks in most parts of India are the greatest sufferers in terms of accessing justice delivery services and adequate legal representation. What can be called as an 'Achilles Heel' is the fact that this is happening despite the enactment of legislations like Act, 2008 which according to the rule book is rural societies friendly. However, empirical evidences force us to draw certain inferences which indicate that even the *gram nyayalaya* law was not designed embracing the local culture values, traditions and customs that could increase the wider acceptability of such a law.

Thus, unless, culture sensitive-localized village courts will be established for the rural folks, no other State action alone would be able to achieve, desired results in this direction. That is, a single formula cannot be used to provide legal aid and legal services to all categories of citizens in a multi-cultural India. Intersection of law, people and cultures is most essential to be understood in designing a law and policy for advancing the rule of law in the rural societies and to the marginalized-cum-vulnerable groups.

Therefore, cross-fertilization of legal knowledge is necessary in ensuring wider out reach of legal services to the poor and especially rural poor. Perhaps there is a need to revisit the existing framework of legal aid and legal services, which is usually implemented through State, and District Level Legal Services Authorities. We must nevertheless, not forget that – an expansion of access to justice is an ongoing process and collectively, we shall constantly strive to improvise on our methods of legal aid and legal services for the rural poor in this country.

<sup>31</sup> The author's findings from an empirical study of Gram Nyayalayas in Odisha reflect such poor availability of legal aid services at the village level. Even till date, most of the persons in need of legal aid have to claim legal representation from the Taluka District Legal Services Committee, access to which is geographically as well as economically challenging for them.

<sup>32</sup> Odisha High Court Notification, dated 14<sup>th</sup> March, 2014, Cuttack. The author obtained a copy of the order during an empirical study from the High Court of Odisha.

<sup>33</sup> This is simply because the JMFC is trained basically in the adversarial system of justice dispensation. On the contrary, the Act, 2008 does not make it mandatory to follow the Code of Criminal Procedure, 1973 and Indian Evidence Act, 1872 for the proceedings.