

**REPORT OF THE PREPARATORY COMMITTEE FOR LEGAL AID SCHEME GOVERNMENT OF MADHYA PRADESH: A PROTECTING ARM OF THE STATE (1982). R. K. Nayak, (Chairman). Under the auspices of M.P. Legal Aid and Legal Advice Board, Government of Madhya Pradesh, Bhopal. Pp. xvi+299. Price Rs. 50.**

*THIS IS a comprehensive report, which makes a convincing case for the Government of Madhya Pradesh (M.P.), one of the states in India to accept its responsibility for providing free legal aid to the needy in the state. Article 14 of the Indian Constitution provides that everybody is equal before the law and is entitled to equal protection of laws and article 22 (1) states that no arrested person shall "be denied the right to consult, and to be defended by a legal practitioner of his choice."*

The report was prepared by a committee of three members, established by the M.P. Government. The committee chairman, R.K. Nayak, who is the author of this *Report*, deserves special credit and congratulations, for unlike many such studies which merit serious consideration but are lost in bureaucratic shuffles, the recommendations of this report were accepted by the state government and implemented by the M.P. Legal Aid and Advice Act.

The *Report* discusses the legal aid movement in India and in selected countries from the developed and developing world in an historical context. A philosophical undertone pervades the study, which is broad in scope as a survey highlighting the various legal aid models attempted in several countries, while at the same time suggesting a specific scheme for the state of Madhya Pradesh. The author suggests that the implementation of this scheme "will be an experiment to bring law nearer to the poor and to build human relations, and in this regard, there is plenty of room for education and exploration of new ways of fulfilling man's yearning for equality before the law and equal protection of laws since the dawn of legal order reflected in human civilization."

After presenting the contemporary philosophy and practice of legal aid in several countries, the author suggests that legal aid to the indigent litigant is a social necessity and should be organized and financed statutorily by the state of Madhya Pradesh." He finds ample bases for the provision of legal aid in the Constitution of India and in several judicial pronouncements. Questions related to its scope and the eligibility for applicants are examined. Specific tests are suggested to determine eligibility. It is recommended that legal aid be available in civil, criminal and labour matters and before administrative tribunals. Also, several alternatives for administrative infrastructure are examined.

The *Report* recommends the creation of a "State Legal Aid Fund", to be financed by the Federal and the state governments, contributions

from partially aided persons, cost realized by the aided person from his opponent and private contributions. The *Report* examines the financial implications of establishing an effective legal aid mechanism in the state and makes specific recommendations toward that end. Other issues examined in the *Report* include : legal advice as a positive step to prevent litigation ; award of costs in legal aid matters ; legal aid and the lawyer ; and the role of voluntary organizations in providing legal aid.

As other states in India experiment with legal aid schemes, this useful study will provide the necessary background and a rich source of analysis for the decision-makers.

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## BOOKS RECEIVED FOR REVIEW

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*Rural Development and Human Rights in South Asia* (Seminar papers) (1983). International Commission of Jurists and Human Rights Institute, Lucknow. Pp. vii+280. Price Rs. 25.

KEITH HODKINSON, *Muslim Family Law : A Sourcebook* (1984). Croom Helm Ltd., Provident House, G-20 Burrell Row, Beckenham, Kent BR3 1AT, UK. Pp. 401. Price £14.95.

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M. RAMA JOIS, *Legal and Constitutional History of India* (1984). vol. I—*Ancient Legal, Judicial and Constitutional System*. vol. II—*Modern Legal, Judicial and Constitutional System*. N.M. Tripathi Pvt. Ltd. Pp. xxiv+723 (vol. I); xx+388 (vol. II). Price Rs. 32.50 (vol. I); Rs 21 (vol. II).