



EQUAL ACCESS TO JUSTICE (1993). By P.C. Juneja. The Bright Law House, Rohtak. Pp 375. Price Rs. 360.

IN THIS book, the author has attempted to review the role played by the judiciary, the legislature as also the government through legal aid scheme and participation of lawyers, students in providing 'Equal Access to Justice' to the common man. Role of voluntary agencies has also been highlighted.

The book has been divided into seven chapters dealing with, (i) problem of access; (ii) judicial activism; (iii) legal aid; (iv) role of lawyers, students *etc.*; and (v) alternatives to formal court system.

In chapter I, *i.e.* 'Problem of Access', the author has discussed the inequalities based on caste, wealth, social retrogression, *etc.*, in India, notwithstanding existence of constitutional provisions of equality of status and opportunity for all citizens.

Although the rights are there, poor women and children are being exploited. A concern for this has been shown discussing viability of different strategies. A pragmatic approach has to be developed to help the poor. How law of bail as also law of punishment is discriminatory in practice against the poor, has been well exemplified by the author, who has also suggested certain ways to avoid such discrimination. Barriers of access to justice, economic, geographical and psychological also find commensurate discussion.

The 2nd and 3rd chapters deal with 'Judicial Activism,' amplifying the scope of article 21 (personal liberty), liberalising the law relating to *locus standi*, *etc.* Comparative analysis with the trends in England and USA has been made. Public interest litigation has been discussed alongwith limitations, within which the judicial machinery has to work. The author has also discussed the right to enforce the constitutional rights of third parties in USA as also in India with certain concrete examples. Sufficient case law has been discussed to assess the role of the judiciary as protector and to check malpractices in the administration.

Chapter IV discusses the origin and development of legal aid in UK, USA, Canada, France, Germany and Sweden and various legal aid schemes prevalent there, with the object of adopting good points from every scheme and introducing them in the Indian social and legal scenario.

In chapter V the author has traced the origin and progress of legal aid in India. This chapter needs revamping in view of the decision rendered by the Supreme Court of India in *S.C. Legal Aid Committee v. UOI*,<sup>1</sup> as the Legal Services Authorities Act 1987 has come into force. The Legal Aid Services Authorities of State, District and *Taluk* level with legal aid schemes have become functional. These legal aid schemes are the result of various Central and State Committee Reports on legal aid.

Chapter VI, manifests that only with the collective effort of different sections of society like lawyers, students and voluntary agencies, equal access to all can be made a reality. The main object is to reduce the dependent status of poor and down-

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1. Cr. W.P. 312 of 1994.



trodden to enable them to fight for themselves instead of someone fighting for them. Each and every aspect has been minutely examined with relevant case law and suitable examples.

In chapter VII, the author has analysed the alternatives to supplement the formal court systems by tribunals, arbitration, mediation, *nyaya panchayats*, negotiations, *Lok Adalats*, legal aid camps or conciliation courts, which can render cheap, speedy, informal and effective justice to the common man.

Finally, the author has drawn certain conclusions and offered some suggestions to improve the system of justice, to make it equally accessible to all. The Legal Services Authorities Act 1987, the Legal Services Authorities (Amendment Bill) 1991 and list of State legal aid advice boards is also provided in the book. A list of persons who benefitted from such schemes has also been included. The Legal Services Authorities Act 1987 was amended in 1994 and the Legal Services Authorities (Amendment) Act 1994 was published on 29 October 1994. This latest amendment Act also needs to be incorporated in the book.

This is a very well researched book and will provide an excellent reference work for the students, the Bar, the Benches as also for voluntary organisations and all concerned since it gives enough material in easy to follow style in simple language. The book gives analytical and comparative research work on the subject "Equal access to Justice" in comparison to UK, USA, Canada, France, Germany, etc., and will be a valuable addition to the existing literature on the subject.

The author has spared no pains to make the book useful by including exhaustive case law but it requires to be updated, specifically chapter V relating to the Legal Authorities Act 1987. Latest rules and orders and decisions of various High Courts and of the Supreme Court of India need to be included.

The first edition of the book under review came out in 1993 and in the period of 8 years, a lot of important decisions were rendered by the Supreme Court. Some such important verdicts are as under:

### I Right to life for undertrials/arrestees

- (1) *Joginder Kumar v. State of U.P.*<sup>2</sup>
- (2) *State of M.P. v. Ram Kishna Balothia & another.*<sup>3</sup>
- (3) *Citizen for Democracy through its President v. State of Assam & others.*<sup>4</sup>
- (4) *Shaheen Welfare Association v. UOI & others.*<sup>5</sup>
- (5) *People's Union for Civil Liberties v. UOI.*<sup>6</sup>
- (6) *Smt. Postsangbam Ningol Thokcham and another v. General Officer Commanding and others.*<sup>7</sup>

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2. AIR 1994 SC 1349.

3. AIR 1995 SC 1198.

4. AIR 1996 SC 2193.

5. AIR 1996 SC 2957.

6. AIR 1997 SC 1203.

7. AIR 1997 SC 3534.



## II Right to health

- (1) *Consumer Education and Research Centre v. UOI*.<sup>8</sup>
- (2) *State of Punjab v. Mohinder Singh Chawla*.<sup>9</sup>

## III Socio-economic empowerment for tribals

*Samatha v. State of A.P.*<sup>10</sup>

## IV Right to life, liberty, safety and fair trial

- (1) *Commissioner of Police, Delhi v. Registrar Delhi High Court, New Delhi*.<sup>11</sup>
- (2) *D.K. Basu v. State of U.P.*<sup>12</sup>
- (3) *Vineet Narain v. UOI*.<sup>13</sup>

## V Education an obligation of state

*K. Krishna Macharyulu v. Srivenkateswara Hindu College of Engineering*.<sup>14</sup>

## VI Sexual harassment of working women

*Vishaka v. State of Rajasthan*.<sup>15</sup>

## VII Equality

*National Human Right's Commission v. State of Arunanchal Pradesh*.<sup>16</sup>

## VIII Right to privacy

*R. Rajagopal alias R.R Gopal v. State of Tamil Nadu*.<sup>17</sup>

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8. AIR 1995 SC 922.  
9. AIR 1997 SC 1225.  
10. AIR 1997 SC. 3297.  
11. AIR 1997 SC 95.  
12. AIR 1997 SC 610.  
13. AIR 1998 SC 889.  
14. AIR 1998 SC 295.  
15. AIR 1997 SC 301.  
16. AIR 1996 SC 1234.  
17. AIR 1995 SC 264.



**IX Rape—crime against woman**

*Bodhi-Sattwa Gautam v. Subhra Chakraborty.*<sup>18</sup>

**X Legal aid**

*State of Maharashtra v. Manubhai Pragaji Vashi.*<sup>19</sup>

**XI Right to die**

*Gian Kaur v. State of Punjab.*<sup>20</sup>

**XII Reasonable restriction**

*Gauri Shankar v. UOI.*<sup>21</sup>

**XIII Speedy justice**

*S.C. Advocates on Record Association v. UOI.*<sup>22</sup>

Table of cases and abbreviations with select bibliography at the end of the book will be useful to the readers. The book is reasonably priced, keeping in view the quality of paper, printing, readability. It is expected that this will reach all those for whom it is meant. Thus the book though a good effort and a promising addition to the existing literature on the subject would be more useful to its readers, if an immediate revision is undertaken by the author.

*Bharat Bhushan Parsoon\**

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18. AIR 1996 SC 922.

19. AIR 1996 SC 1.

20. AIR 1996 SC 946.

21. AIR 1995 SC 55.

22. AIR 1994 SC 268.

\*LL.M., Ph.D., Addl. District and Sessions Judge, Gurgaon.



BOOKS RECEIVED FOR REVIEW

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