

A Critical Research on the Evolution of Indian Law From its Colonial Roots to Modern Technology with Free Legal Aid and Mediation Laws

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Abstract: *Everyone wants Budhha (Peace) and not Yudhha (Anarchy) ” at the world widetherefore the concept of harmonious construction of judicial restraint and judicial activism in judicial process pertaining to free legal aid and mediation laws in India is for access to justice to all victims, undertrial prisoners, all parties whose rights are violated and who are involved in criminal justice system in India during ancient time, medieval time, British rule (colonial period), and early (modern) development in judicial process through technology with the help of free legal aid and Mediation laws for access to justice to all whose rights are violated i.e. Undertrial Prisoners, Victims, police, cross – border persons, Extradition persons, international norms on victims’ rights and restorative justice*

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I. INTRODUCTION

Man is social and political animal and for living in the Indian society he has certain rights and duties imposed by society, customary laws, statutory law and constitution of India and if the said man performed the said duties then no disputes arose at all, but if he failed to performed the said duties then the consequences of the said non-performance of duties leads towards disputes and for peaceful resolution of the said disputes some persons are acting as a middleman but sometimes the said disputes got settled, but sometimes the disputes not settled peacefully then the disputes and differences started among all the parties which ultimately leads to serious battle and therefore the impact of the said battle after the loss of life and property of human beings again lastly leads to peace at the cost of loss of life, limb and property of human beings therefore after getting deep knowledge about the consequences of the battle everyone out of love and affection towards there near and dear ones decided to settled the matter with the help of third person i.e. middleman at the ancient time when the laws of kings and kinships were there at the relevant time the said middleman was performing the duty of peaceful settlement of disputes which was the subject matter of proposed battle. Ultimately therefore “ Everyone wants Budhha (Peace) and not Yudhha(Anarchy) ” at the world wide therefore the concept of harmonious construction of judicial restraint and judicial activism in judicial process pertaining to free legal aid and mediation laws in India is for access to justice to all victims, undertrial prisoners, all parties whose rights are violated and who are involved in criminal justice system in India during ancient time, medieval time, British rule (colonial period), and early (modern) development in judicial process through technology with the help of free legal aid and Mediation laws for access to justice to all whose rights are violated i.e. Undertrial Prisoners, Victims, police, cross – border persons, Extradition persons, international norms on victims’ rights and restorative justice.



II. LITERATURE SURVEY

A. Research on free legal aid services laws, welfare and protection of human rights and any other statutory rights in India for development of our Country India reveals a complex landscape. Primary legislative in India includes the Legal Services Authorities Act of 1987 that provides free legal aid which ensures free legal aid is a constitutional rights supported by Articles 21 and 39–A of the constitution of India, which aims that no person shall be deprived of his life or personal liberty except according to procedure establish by law and which ensure for protection of every Indians fundamental human rights of free legal aid according to Indian Constitution during pre-litigation and during litigation in judicial process by way of effective implementation of principle of judicial restraint in judicial process so as to maintain a balance between the three branches of Government in India i.e. the Judiciary, Executive, and legislature.

B. Research on free legal aid services laws by proactive role of judiciary in protecting the free legal aid rights of citizens / Prisoners by way of judicial activism in developing country i.e. India just as like the practice of Judicial activism first originated in developed country like USA so as to examine the constitutionality of law which involves the judiciary playing a role in formulating social and welfare policies in India.

C. Wide Scope – Mediation and Free legal aid service laws in India for access justice for all litigants and undertrial prisoners are need of hour in our developing Country like India – Paper presents a comprehensive analysis on limitations, problems in modern society and the study evaluate performance of institution of mediation and free legal aid committee in terms of recent trends for improvement in speedy justice through mediation so as reduce the overburden of matters pending with Hon’ble Belapur Court and also effective free legal aid through trained advocate to undertrial prisoners with institutional framework.

III. RESEARCH GAPS

The literature reveals that significant progress has been made in mediation and free legal aid laws with Hon’ble Belapur Courts and Talaja Central Prisons and also reforms also has been made concerning to The Mediation Act, 2023 and Legal Services Authorities Act, 1987 in India with a view to ensure for protection of every Indians fundamental human rights of equal justice and free legal aid according to Article 39 A of the Indian Constitution but certain research gaps persist -

- (1) Lack of comprehensive analysis about public awareness and educational initiatives pertaining to Mediation in India for access to speedy justice for all litigants of Hon’ble Belapur Court and Free Legal Aid Laws for undertrial Prisoners of Talaja Central Prison, Navi Mumbai.
- (2) Neglect of regional perspectives on the point enforcement mechanisms at Taluka Free Legal Aid committee for Access To speedy Justice For all undertrial Prisoners of Talaja Central Prison.
- (3) Inadequate exploration of international comparisons pertaining to Mediation and Free Legal Aid Laws in India for settlement of litigation at pre-litigation stage itself for all litigants and for access to speedy Justice to undertrial prisoners of Talaja Central Prison.

IV.OBJECTIVES OF THIS STUDY –

Harmonious Construction by way of use of modern technology i.e. AI and digital innovation for criminal justice and procedural reforms through free legal aid and mediation laws in India. critical analysis of evaluative study of role of mediation in promoting access of speedy justice to eligible litigants of Hon’ble Belapur court with special emphasis on laws of mediation in India as well as role of Taluka legal aid services committee for undertrial prisoners of Talaja central prison with special emphasis on laws of free legal aid in India.

V. PROPOSED STUDY METHODOLOGY AND COLLABORATIONS

The proposed legal research plan focuses on the following steps research methodology of both Doctrinal and Non-Doctrinal methods.



VI. EXPECTED OUTCOME FOR REFORMS IN CRIMINAL JUSTICE AND PROCEDURAL REFORMS

The mediation for nation is a need of this time and also need of future time and also “To settle the battle through mediation” will be the movement in the near future to resolved the disputes by amicable way of settlement of disputes and differences of all the eligible litigants of Hon’ble Belapur Courts and on the other hand also just like medical aid to patient “ a free legal aid to litigants’ is an another movement which will widely start in the near future so as to get equal justice to undertrial prisoners of Taloja Central Prison, Navi Mumbai.

1. The research emphasis on reducing the overburden of pendency of litigation with CBD Belapur Courts, Navi Mumbai.
2. This research has emphasis on preserving the relationship between the parties by way of amicable settlement of disputes by way of win-win situation to both the parties without a further appeal because the said voluntarily decision taken by both the parties are binding on both the parties for promoting collaboration to encourage early settlement of disputes through mediation.
3. This research has significance implications for both policy making by the Government of state and union and practice in India during the judicial process of administration of justice concerning to free legal aid service to eligible poor citizen of India, eligible Litigants of Belapur Court, undertrial prisoners of the concern Taloja Central Prison.
4. This research pertaining to compulsory online Mediation centre has significance implications for saving the procedural costs and administrative procedure in commercial disputes etc.
5. The recommendations for amendments, reformations or new effective legislation to strengthen Mediation centres at taluka level to eligible litigants of Belapur Courts for welfare and to prevent the misuse of the existing legislation pertaining to Mediation laws in judicial process at different stages and for protection of all undertrial prisoners of Taloja Central Prison under any detention or imprisonment.
6. To provide effective free and speedy legal aid to all eligible litigants of Hon’ble Belapur Courts to avoid lengthy proceeding and undertrial Prisoners of a Taloja Central jail for equal effective justice for all so as to effective administration of judicial process by way of reducing the judicial restraint and increasing the mediation by way of judicial activism in India for equal justice to all litigants of Hon’ble Belapur Court.
7. Compulsory incorporation of community mediation and free legal aid services centres in various state and central Government departments, Semi – Government and Local Self-Government and bodies of union and state levels and also Agriculture, Pharmaceuticals, entertainment, tourism, transportation etc., with a view to accomplish the objective of distributive justice.
8. Establishment of permanent compulsory mediation centres to undertrial Prisoners at Taloja central Prison for balanced life till the period of releasing on bail and till the period of disposal of cases through free legal aid defence counsel, so as to avoid suicidal attempts and death of the prisoners in Taloja Central Prison and for protection of undertrial prisoners right to life, liberty and dignity and for the purpose to reduce the length of court proceeding, procedural delay which are due to various unforeseen factors.
9. Imparting legal education about mediation and free legal aid services in Indian education system at pre-school, School, High School, College, Institutional, Prison level, University level for students for legal awareness to public at large from the inception of their life and also for eradication of judicial restraint through mediation for effective speedy, timely justice in judicial process during pre - litigation stage for faster turnover of cases, for uplifting the trust of litigants in mediation, for strengthening the legal practice and free legal aid during judicial proceeding of litigation for reformation and proper implementation of free legal aid services laws in our developing Country India for access to justice for all undertrial prisoners of Taloja Central Prison for protection of every Indians fundamental human rights according to Indian Constitution and according to relevant legislation on it.
10. The Mediation Act, 2023 formalized mediation in India for the first time giving legal recognition to compulsory pre-litigation mediation, Voluntary mediation, Online mediation, Community mediation, and also enforceable mediated settlement agreements. To Enhance support for providing mediation for settlement of disputes of Hon’ble Belapur Courts and enhance support for providing free legal aid services undertrial prisoners of Taloja Central Prison, Navi



Mumbai for their welfare, research and scholarship so as to fulfil the basic aim of the constitution i.e. equal justice for all and free legal aid to eligible all undertrial prisoners in Talaja Central Jail which may prevent long, costly and emotionally draining court battles and ensuring less formal process which effects on primary goal – access of justice.

VII. WORK PLAN AND TIMELINE (GANTT CHART)

Sr.	Research Project stage	Year 2		Year 3	
		Sem1	Sem 2	Sem 1	Sem 2
	Semester start from 2024				
1	Topic Finalization and problem definition pertaining to research	█			
2	Literature Review, interview of litigants, advocates, Mediators, judges, proper survey of Law books, journal, Websites, Survey, literature, Legal Articles, Case Laws, research papers, News Papers, Dictionaries, Jail and legal aid committees, visits, etc on research topic.		█		
3	Critical analysis of research design		█		
4	Implementation of Research work			█	
5	Evaluation, validation of Research			█	
6	Results of analysis and interpretation			█	
7	Report writing / Thesis writing				
8	Final Presentation and submission				█

VIII. CHAPTER WISE CONCLUSIONS AND SUGGESTIONS.

The abovesaid study in the light of the evolution of Indian laws from its colonial roots to a modern technology with free legal aid and mediation laws for speedy and just amicable and appropriate settlement of disputes and differences among the aforesaid parties to disputes ultimately so as to permanently settle the legal battle between the parties through institutional Mediation and so as to give access of justice to all without any discrimination on any basis for maintaining ultimate peace and order, where everyone wants Budhha (Peace) and not Yudhha (Battle) in this huge judicial and democratic country in India.

REFERENCES

- [1]. Dissertation on ‘‘ Judicial Restraint in Judicial Process’’ during my master’s 2010 journey in Human Rights concerning to National and international Laws is submitted to Bharati Vidyapeeth University, Pune.

