

IN THE HIGH COURT OF ORISSA, CUTTACK
(Original Jurisdiction Cases)

W.P. (C) (PIL) No. 16643 _____ of 2026

Code No.: 219900

IN THE MATTER OF:

An application under article 226 of Constitution of India.

AND

IN THE MATTER OF:

An application for Public Interest Litigation.

AND

IN THE MATTER OF :

An application for seeking issuance of an appropriate writ directing activation and operational of the Middle Income Group Legal Aid Society established under the aegis of the High Court for ensuring access to justice to middle-income litigants.

AND

IN THE MATTER OF:

An application for a direction to the Opposite Parties to immediately formed a society under the Hon'ble High Court of Orissa as per the Supreme Court Middle Income Group Legal Aid Society to protect the Middle Class Income Group of Orissa to provide legal service to the middle income group citizens of Orissa as it was inaugurated by Hon'ble Former Chief Justice Of India Deepak Mishra on 30.04.2016.

AND

IN THE MATTER OF:

An application seeking for a direction to consider the representation of the petitioner as Supreme Court of India And other High Courts are already registered a society for the middle income group litigants but inspite of the same was inaugurated by **Hon'ble Former Chief Justice Of India Deepak Mishra on 30.04.2016 at Cuttack but no such effective steps was taken to create/establish middle income group legal aid society.**

AND

IN THE MATTER OF:

Smt. Jayanti Das, aged about 65 years, W/o-Sri Kumuda Bandhu Das, At-Mahamadia Bazar, Po-Chandinichowk, Ps-Lalbag, Town/Dist-Cuttack

. . .Petitioner

-Versus-

1. State of Odisha Through its Principal

Secretary, Law Department, Bhubaneswar.

2. Orissa High Court through the Registrar
General, Cuttack

3. Odisha State Legal Services Authority
Through its Member Secretary,Cuttack

. . .Opp. Parties

The matter out of which this writ application arises was before this Hon'ble Court in WP(C) PIL 15147 of 2012 as per the instruction supplied by the petitioner.

To

The Hon'ble Chief Justice of the High Court of Orissa and His Lordship's Companion Justices of the said Hon'ble Court.

The humble petition of the petitioner
named above aforesaid.

MOST RESPECTFULLY SHEWETH

1. That the instant writ petition under Article 226 of the Constitution of India is being filed by way of Public Interest Litigation by the petitioner questioning the seer inaction of the Opp. Parties in not taking appropriate steps **to create/establish** middle income group legal aid society (MIGLS), as it was already registered a society for the middle income group litigants by Supreme Court of India And by other High Courts.
2. That the petitioner is a citizen of India and resides within the territorial jurisdiction of this Hon'ble Court and the cause of action for filing of the present Public Interest Litigation also arose within the jurisdiction of this Hon'ble Court.
3. That the petitioner is a social activist and always fights for the well-being and development of the general people at large and more concerned for the overall development of the middle Class people of the society. Hence she has taken the shelter of this Hon'ble Court in aggrieved to, that there is no such legal aid service authority in the State of Orissa or under the Hon'ble High Court of Orissa to protect the interest of the Middle Income Group citizens of Orissa as per the Supreme Court Middle Income Group Legal Aid Society which provide legal service to the middle income group citizens as it **was inaugurated by Hon'ble Former Chief Justice Of India Deepak Mishra on**

30.04.2016 but has remained substantially non-functional/inactive, thereby defeating the very object for which it was constituted and for which the present petitioner has taken the shelter of this Hon'ble High Court of Orissa in the present petition in the interest of the people who belongs to the Middle Income Group.

4. That it is humbly submitted that the petitioner is filing the present writ petition on her own and not at the instance of someone else. The litigation cost, including the Advocate's fee and the Travelling Expenses of the lawyer, if any, are being borne by the petitioner herself.

5. That the facts of the case in brief as follows:-

(5.1) That, Article 21 of the Constitution of India guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law. The expression "life" under Article 21 has been expansively interpreted by the Supreme Court to include the right to live with dignity, fairness, and meaningful access to justice. The constitutional mandate is further reinforced by Article 39A of the Constitution, which obligates the **"State to secure that the operation of the legal system promotes justice on the basis of equal opportunity and, in particular, to provide free legal aid so that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities"**, whereas the middle-income segment constitutes a large and vulnerable class of litigants including salaried employees, pensioners, small agriculturists, teachers, lower professionals, retired persons, and middle-class families who face enormous financial hardship in pursuing litigation before constitutional courts.

(5.2) That the constitution of India promotes equal justice to all its citizens and Article 14 of the Constitution of India provides that the State shall not deny to any person equality before Law or equal protection of laws within the territory of India and Article-38 further envisages that the **"state shall strive to promote the welfare of the people"** by securing and protecting as effectively as it may a social order in which justice, economic and political shall inform all institutions of national life and in spite of such constitutional

promise the poor, illiterate, weaker section in our country suffer day in and out in their struggle for survival and they are unable to approach the appropriate courts of law on account of their poverty and ignorance of their legal rights even though they suffer injustice and in such situation they feel that equality and freedom are the rights which are to be enjoyed by the privileged and few and keeping in view the above scenario of the society the Law Commission of India in its 14th Report (1958) observed as follows:

“equality before the law necessarily involves the concept that all the parties to a proceeding in which justice is sought must have an equal opportunity of access to the court and of presenting their cases to the court but the access to the courts is by law made dependent upon the payment of court fees and the assistance of skilled lawyers is in most cases necessary for the proper presentation of a party’s case in account of law. In so far as a person unable to obtain access to a court of law for having his wrongs redressed or for defending himself against a appropriate court due to financial condition, justice becomes unequal and laws which are meant for his protection have no meaning and to that extent fall in their purpose. Unless some provision is made for assisting the poorman/Middle class people to pay court-fee and lawyers fees and other incidental costs of litigation, they are denied equality in the opportunity to seek justice.” All the above are being provided in the website of the Orissa State Legal Aid Service.

(5.3) That in order to overcome such situation and to provide access to justice for all the Parliament by its 42nd amendment incorporated Article 39-A in the Constitution which directed Government for providing equal justice and free Legal Aid to indigent persons who are unable to fight for justice by reason of economic and other disabilities.,

Article 39-A. Equal justice and free legal aid –The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizens by reason of economic or other disabilities.” Accordingly the State Government

established/introduced Orissa State Legal Aid and Advice Scheme under Orissa State Legal Aid and Advice Program and constituted Orissa Legal Aid and Advice Board for providing free legal services to the weaker sections of the Community but no such legal aid service authority in the State of Orissa or under the Hon'ble High Court of Orissa to protect the interest of the Middle Income Group citizens of Orissa as per the Supreme Court Middle Income Group Legal Aid Society which provide legal service to the middle income group citizens as it was **inaugurated by Hon'ble Former Chief Justice Of India Deepak Mishra on 30.04.2016.**

(5.4) That keeping in mind the Hon'ble Supreme Court of India formulated a scheme for the Middle Income group persons as “ **the Supreme Court Middle Income Group Legal Aid Scheme**” with an intended to provide legal services to the middle income citizen i.e. citizen whose gross maximum income per month does not exceed Rs.20,000/- or Rs. 2,40,000/- per annum and in appropriate case even allow applicant having income up to Rs.25,000/- per month or Rs.3,00,000/- per annum. The scheme is self supporting and the initial capital of the Scheme shall be contributed by the First Executive Committee.

(5.5) That though a progressive and laudable scheme has been formulated under the aegis of the Supreme Court for extending legal aid and legal assistance to persons belonging to the Middle Income Group category, no effective or functional mechanism of a similar nature is presently operating at the level of the Hon'ble Orissa High Court Middle Income Group Legal Aid Society, as a result of which litigants belonging to such middle-income background are compelled to suffer immense hardship, financial distress, and denial of meaningful access to justice. In absence of an effective institutional mechanism, such litigants are unable to adequately pursue or defend their legal remedies before the Hon'ble Orissa High Court, thereby causing serious prejudice to their rights guaranteed under Article 21 of the Constitution of India. The continued inaction in operational and strengthening such legal aid framework amounts to denial of equal access to justice and

frustrates the constitutional mandate embodied under Article 39_A of the Constitution of India.

(5.6) That even after more than seven decades of Independence, the constitutional vision and mandate relating to equal access to justice and effective legal aid have not been implemented in their true spirit and substance, particularly for persons belonging to the Middle Income Group category. While free legal aid mechanisms are available for economically weaker sections, a large section of litigants belonging to the middle-income strata remains neglected and deprived of institutional legal assistance despite their genuine inability to bear the exorbitant expenses of litigation before constitutional courts. Consequently, such persons are compelled to face exploitation, denial of proper legal representation, and unequal access to justice, thereby defeating the constitutional objectives enshrined under Articles 14, 21, and 39A of the Constitution of India

(5.7) That even though the petitioner submitted representation on 04.07.2025 & 08.07.2025 before the Opp. Party ventilating her grievances not only with regard to the matters but no such legal aid service authority in the State of Orissa or under the Hon'ble High Court of Orissa to protect the interest of the Middle Income Group citizens of Orissa as per the Supreme Court Middle Income Group Legal Aid Society which provide legal service to the middle income group citizens as it **was** inaugurated by Hon'ble Former Chief Justice Of India Deepak Mishra on 30.04.2016 but the authority could not taken any action subsequent the petitioner again submitted further representation on 08.04.2026 but the authority sat upon and does not taken any action.

Copies of the representations submitted by the petitioner dtd. 04.07.2025, 08.07.2025 & 08.04.2026 are annexed herewith as **Annexure-1(series)**.

(5.8) That when the Hon'ble Supreme Court of India has already recognized the necessity of extending legal assistance to persons belonging to the Middle Income Group by formulating an appropriate legal aid scheme, the same constitutional spirit and welfare objective ought to have been effectively implemented at the level of the High Courts

throughout the country. However, in the present case, despite the existence of such a beneficial framework at the apex level, no effective and functional mechanism has been established or operationalized at the High Court of Orissa level for safeguarding the interests of litigants belonging to the Middle Income Group category. The absence of such an institutional legal aid society or mechanism has resulted in denial of meaningful access to justice to a substantial section of society who neither falls within the conventional category of free legal aid beneficiaries nor possess sufficient financial capacity to bear the heavy expenses of litigation before the High Court of Orissa. Such inaction defeats the constitutional mandate of equal justice and access to legal remedies guaranteed under Articles 14, 21, and 39A of the Constitution of India.

(5.9) That when the Hon'ble Supreme Court of India has already formulated and recognized a scheme for providing legal aid and legal assistance to persons belonging to the Middle Income Group category, the same constitutional philosophy and welfare objective ought to have been implemented by several High Courts across the country in order to ensure equal and effective access to justice. However, in the present case, no such effective and functional Society or mechanism has been established at the level of the Orissa High Court for protection and assistance of litigants belonging to the Middle Income Group category. It is further submitted that several other High Courts, including the Jharkhand High Court, have already taken steps for implementation of similar legal aid mechanisms for middle-income Group Category. Despite such precedents and the constitutional mandate flowing from Articles 14, 21, and 39A of the Constitution of India, the absence of a corresponding institutional framework in the Orissa High Court has resulted in grave hardship, financial burden, and denial of meaningful access to justice to a substantial section of society belonging to the Middle Income Group. Copy of the Circular relates to Jharkhand High Court (Middle Income Group) Legal Aid Scheme is annexed herewith as **Annexure-2**

6. That the present Writ petition has been file on the following amongst others;

GROUND

(a). That as there is such a beautiful and appreciating scheme has been formulated in the apex court to give legal aid to the persons who are coming from the background of Middle Class Income Group, there is no such legal aid authority has been set up in the High Court level for which the litigant who are coming from such background are being harassed and suffer and theirs basic fundamental rights and their Constitutional rights are being violated.

(b). That after the Independence of sixty six years the provision of Indian constitutions has not been implemented properly for which the persons who are coming behind the Middle Class Income Group are being ignored so far the free legal aid is concerned and for which they are being exploited.

(c). That Part IV of the Indian Constitution is having the Directive Principle of State Policy and under the said Part in Article 39-A it has mentioned as “Equal Justice and Free legal aid” but particular section of the society are being side line from the said and for whom it is most essential to provide free legal aid to protect their constitutional rights.

(d). That when the Hon’ble Apex court has formulated a scheme for the Middle Class Income Group to provide legal aid in the same respect the Hon’ble High Courts should implemented such scheme but in the present case neither the Apex Court nor the High Courts has done so in the High court level to protect the Middle Class Income Group by forming such a society.

(e). That for the which the present petitioner without getting any other way has taken the shelter of the Hon’ble Court and most respectfully prays that this Hon’ble Court may be pleased to pass the following orders:

PRAYER

In view of the facts and circumstances stated herein above, it is therefore most humbly prayed that this Hon'ble Court may graciously be pleased to:

1. Issue an appropriate writ, order or direction directing the Opposite Parties to constitute, establish, register, and operationalize a Society/ Committee in the Orissa High Court on the lines of the Supreme Court Middle Income Group Legal Aid Society, to be known as the "Orissa High Court Middle Income Group Legal Aid Society", within a stipulated time frame, for the purpose of providing affordable and effective legal aid and legal assistance to litigants belonging to the Middle Income Group category;
2. Issue further appropriate directions for framing of guidelines, modalities, and regulatory mechanisms for effective functioning of such Society so as to ensure meaningful access to justice for middle-income litigants before the High Court of Orissa;
3. Pass such other order(s), writ(s), or direction(s) as this Hon'ble Court may deem fit and proper in the interest of justice, equity, and good conscience.

And for this act of kindness, the Petitioner as in duty bound shall ever pray.

**IN THE HIGH COURT OF ORISSA, CUTTACK
(ORIGINAL JURISDICTION CASE)**

W.P. (C) (PIL) No. _____ of 2026

Jayanti Das Petitioner

Vrs

State of Odisha & others..... Opp parties

AFFIDAVIT

1. Name: Jayanti Das, aged about 65 years, W/o - Kumudabandhu Das,
AT - Chintamani Niwas, Mahammadia Bazar, PO - Chandinichowk,
PS - Lalbag, Dist - Cuttack,
2. Occupation-House wife.
3. Husband's name- Kumudabandhu Das,
4. Number of proceeding(s) pending in the High Court or would be
instituted (Caveat)- No.
5. Statement of facts- As per averments in the writ petition.
6. That, the facts stated above are true to the best of my knowledge and
belief.

Declaration

I, Jayanti Das, aged about 65 years, W/o - Kumudabandhu Das, AT - Chintamani Niwas, Mahammadia Bazar, PO - Chandinichowk, PS - Lalbag, Dist - Cuttack the deponent above named do hereby solemnly affirm that facts stated in paragraph 1 to 6 were read over and explained to me in Odia language that I understood to be true to my knowledge and in paragraph 1 to 6 are true to the best of my information which I obtained from my personal sources and I put my signature.

I believe the information to be true for the following reasons; official records and information solemnly declare at the above said this day May, 2026.

Identified By

Advocate

Deponent

This the day May, 2026.

Certificate/Undertaking

Due to non-availability of cartridge paper this writ petition has been computerized in thick white papers. I undertake to file English translated copy of Odiya annexure as and when required by the Hon;ble Court.

Advocate

IN THE HIGH COURT OF ORISSA: CUTTACK

(Original Jurisdiction Case)

W.P. (C) (PIL) No. of 2026

Code No.219900

Jayanti Das Petitioner

Vrs

State of Odisha & others..... Opp parties

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	<u>VAKALATANAMA</u>	
8.		

CUTTACK

Date:. 05.2026

Advocate for the Petitioner

APPENDIX.A

IN THE HIGH COURT OF ORISSA : CUTTACK

(Original Jurisdiction case)

W.P. (C) (PIL) No. _____ of 2026

Jayanti Das Petitioner

Vrs

State of Odisha & others..... Opp parties

SYNOPSIS

That the instant writ petition under Article 226 of the Constitution of India is being filed by way of Public Interest Litigation by the petitioner questioning the seer inaction of the Opp. Parties in not taking appropriate steps **to create/establish** middle income group legal aid society, as it was already registered a society for the middle income group litigants by Supreme Court of India And by other High Courts

Date:. 05.2026

Advocate for the Petitioner

APPENDIX.B

IN THE HIGH COURT OF ORISSA : CUTTACK

(Original Jurisdiction case)

W.P. (C) (PIL) No. _____ of 2026

Jayanti Das Petitioner

Vrs

State of Odisha & others..... Opp parties

Date Chart

SL. NO	DATE	FACTS	ANNEXURE
1	30.04.2016	Hon'ble Former Chief Justice Of India Deepak Mishra Cuttack Met.	
1	04.07.2025 08.07.2025 & 08.04.2026	Copies of the representations submitted by the petitioner	<u>Annexure-1</u> <u>(Series)</u>
	18-03-2021	Circulation relates to Jharkhand High Court (Middle Income Group) Legal Aid Scheme	<u>Annexure-2</u>

Cuttack

Date:. 05.2026

Advocate for the Petitioner