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THE ORIGIN AND EVOLUTION OF RIGHT TO LEGAL AID IN INDIA: AN ASSESSMENT

AUTHORED BY - MIRZA ADEEB JIAN

ABSTRACT

This study provides a comprehensive assessment of the origin and progression of the right to legal aid in India. The objective of this research is to examine the historical progressions in legal aid activities in India, with a specific emphasis on the legal precedents established by the country's Judiciary. Additionally, the project will assess the efficacy of current frameworks for delivering legal assistance. The aim is to emphasise the accomplishments and obstacles in providing legal assistance, with the objective of guaranteeing equitable access to justice, fairness, and equality for all individuals, particularly those who are socially disadvantaged.

Keywords: Legal Aid, Evolution, Law, Justice, Challenges

CHAPTER 1

INTRODUCTION

Legal Aid entails offering pro without charge or free legal counsel to indigent individuals who lack the financial means to hire an attorney to advocate for them in a court, tribunal, or any other legal entity. Legal aid plays a vital role in making sure that everyone has access to justice regardless of what their social or economic background might be. It is necessary to provide legal aid to the disadvantaged sections of society if the rule of law is to be prevailed in the society. By bridging the gap between the legal system of society and the disadvantaged sections of the society, legal aid aims to uphold the ideals of Justice, Equality and fairness. Constitutional provisions, Legislative reforms and judicial precedents have led to the evolution of the concept of legal aid in India over the years and still continue to do so in the country.

India's legal aid structure comprises of several components, including statutory bodies like the National Legal Services Authority (NALSA) and State Legal Services Authorities (SLSAs), as well as Para-Legal Volunteers and Legal Aid clinics in law schools. Additionally, legal aid

committees established by the Indian judiciary are also part of this structure. Moreover, various clauses in the Constitution of India, such as Article 14 (guaranteeing the Right to equality), Article 21 (ensuring the Right to life and liberty), and Article 39A (promoting Equal justice and free legal aid), ensure impartiality by granting all citizens of India, including marginalised groups, access to justice. These provisions also grant authority to the judiciary, legislature, and executive to uphold the principles of the rule of law.

The project aims to conduct a comprehensive analysis of the origins, evolution and contemporary developments in right to legal aid in India. Moreover, this project seeks to highlight the complexities of providing legal aid in India, its effectiveness and the challenges faced in providing it to the people of the country.

AIM

The aim of this project is to primarily address the developments which have taken place in the sphere of right to legal aid in India by assessing its evolution in pre-Independent as well as post-Independence India, while highlighting the achievements and challenges it has witnessed.

This project seeks to realize its aim by fulfilling the following objectives:

- Provide a comprehensive analysis of the origin and evolution of right to legal aid in India
- Describe the functioning of the various initiatives actively trying to realize the right to legal aid
- Examine and evaluate the ways in which the Indian Constitution guarantees and safeguards the right to legal aid through different clauses.
- Discuss the difficulties encountered in guaranteeing the right to legal assistance and the ability to get justice.

SCOPE

The scope of this study is limited to the analysis of the developments which have taken place in the sphere of legal aid in India. Additionally, this project concentrates its analysis through historical developments, Constitutional provisions and Judicial decisions in the country. This study seeks to fulfil its aims and objectives through a comprehensive analysis of historical developments, legal frameworks and their effectiveness and challenges faced in the realization of the right to legal aid.

LIMITATIONS

The primary challenge this project is faced with is the availability of reliable data to conduct its analysis due to the inadequate documentation of the various legal aid initiatives taken up in the country in the past and the absence of standardized protocols in the collection of data related to the number of people who have benefitted from these legal aid initiatives. Also, differences in interpretation of the various constitutional provisions and the duties it imposes upon the state may lead to dissimilar conclusions about the evolution of right to legal aid.

REVIEW OF LITERATURE

1. “Legal Aid” by Kush Kalra and Saksham Pradyot

Free legal aid is increasingly seen as a tool to enable the underprivileged and disadvantaged to use the legal system to further their rights and interests as citizens and as participants in the economy. The goal of this book is to encourage upcoming advocates and law students to focus on issues related to justice access. It also serves as a useful resource for legal professionals. All legal professionals who are interested in learning about legal aid and access to justice through the judicial system will find this book to be very helpful.

2. “Comparative Legal Aid Systems and India” by Jeet Singh Mann

The book highlights the structural deficiencies in the legal aid system and sheds light on the challenges faced by individuals in accessing these services, based on real data from 18 states and 36 districts in India. The text acknowledges the deficiencies in the local administration of the legal aid system in India and proposes ideas and solutions to overcome these barriers, enabling the disadvantaged individuals receiving legal aid to access justice promptly, inexpensively, and without any hindrance.

RESEARCH QUESTIONS

1. When did the right to legal aid come to origin in India?
2. How is the right to legal aid being realized in the country?
3. What are the challenges faced in ensuring the right to legal aid in India?

RESEARCH METHODOLOGY

The approach to research in this study has been doctrinal as it focuses on providing a comprehensive assessment of the evolution of the right to legal aid in India by analysing

provisions of the Indian Constitution, verdicts given and precedents set by the Indian Judiciary. For the completion of this project, data has been collected from books, journals and articles across the Internet. All the information taken from these secondary sources have been appropriately cited. The mode of citation is 20th edition Harvard Bluebook.

CHAPTER 2

LEGAL AID IN INDIA BEFORE INDEPENDENCE

The origin of legal aid can be attributed to the transfer of the criminal court system from the Mughal emperors to the East India Company. According to all reports, the transition to this system was challenging. Due of their lack of familiarity with the British judicial system, the Indians had a significant credibility dilemma. The government-licensed lawyers who defended clients in Indian courts were regarded merely as British instruments, utilised to suppress any form of resistance¹.

The problem of credibility surfaced throughout a number of significant political trials, like the one involving Bahadur Shah Zafar immediately following the 1857 uprising, when he was stripped of his right to legal representation and eventually exiled as a result². It is therefore plausible that the original idea behind legal assistance originated from a need to regain the trust of the Indian public in the legal system in order to effectively govern it.

Consequently, the initial establishment of the Code of Criminal Procedure in 1898 included a provision that allowed individuals accused of a serious offence punishable by death to receive legal representation funded by the state throughout their trial in a sessions court. However, this kind of protection was discretionary and mostly dependent on how politically sensitive the issue was. However, many looked for alternatives outside of the legislative frameworks for legal representation for the most economically disadvantaged due to the insufficient protection provided by such legal assistance. An exemplary instance of such a collective was the Bombay Legal Aid Society, established in 1924, with the primary objective of providing indigent individuals with access to justice by covering court expenses and providing pro bono legal aid. It brought the cases of the poor before the Bombay High Court with scant financing from industrial houses and the Bombay government. In actuality, it was this group that suggested establishing a

¹ S. Muralidhar, Law, poverty and legal aid: Access to criminal justice 32 (LexisNexis Butterworths) (2004)

² Noorani Abdul Gafoor Abdul Majeed, Indian political trials 1775-1947 (Oxford Univ. Press) (2008)

nationwide system of legal aid and representation in India³. Due to its court-centric and poverty-focused nature, the understanding of legal aid during this time period obviously suffered from a lack of scope.

LEGAL AID IN INDIA AFTER INDEPENDENCE

India, as a recently established sovereign state, faced numerous challenges, one of which was the issue of severe poverty. A collection of governmental studies provides valuable insights into the chronicle of legal assistance in India after gaining independence. For the purpose of this project, only the relevant parts from those reports have been used and it reveals that a system of structured legal representation or legal aid was established in post-independence India's most developed cities such as Bombay and Calcutta in early 1950's to help individuals who faced economic hurdles⁴. These initiatives laid the groundwork for expansion of legal aid in India which occurred subsequently.

The enactment of the Kerala Legal Aid Rules in 1957 marked a pivotal moment, helping those unable to afford access to Justice by providing them with free legal assistance. However, it was the Law Commission of India's 14th Report in 1958 which led to the trajectory of Legal Aid in India taking a more nuanced turn. The report recommended that focus be given on instituting graded fee schemes for those who came from an economically weaker background and the commission underscored the importance of legal aid⁵. Nonetheless, the establishment of legal aid clinics in the Indian law schools was overlooked despite them playing a very important role in disparaging free legal aid in countries like the United States

The Gujarat government set up the Bhagwati Committee in 1970. The Bhagwati Committee's recognition of the inadequacy of the traditional legal aid model in the court-centric system of India constituted an important development in the evolution of legal aid in 1970. According to it, it was not possible to separate poverty and legal aid. It proposed a shift towards a system of Alternative dispute resolution and preventive legal aid using systems such as negotiated settlements and counselling⁶. By doing so the committee heralded a new era in legal aid in India as earlier the use of alternative dispute resolution mechanisms for legal aid was unheard of in India.

³ S. Muralidhar, Law, poverty and legal aid: Access to criminal justice 36-37 (LexisNexis Butterworths) (2004)

⁴ *Id.* (Page 36-39).

⁵ Austin, Granville, Working a Democratic Constitution (Oxford India Paperbacks, New Delhi) (1999).

⁶ S. Muralidhar, Law, poverty and legal aid: Access to criminal justice 45 (LexisNexis Butterworths) (2004)

The Juridicare Committee was setup by the central government subsequently in 1976 advocated that a comprehensive national legal aid program be established and the importance of law schools in providing legal aid was recognised for the first time. The committee emphasized on the importance of preventive legal aid through negotiation and conciliation outside court at the pre litigation stage and participation from the legal community including law students and various organisations to ensure access to Justice⁷.

However, the political landscape of Emergency prevailing during that time prevented the recommendations made by the committee in being effective⁸. But with passage of time Article 39A, was inserted into the Constitution of India through the 42nd amendment in 1976. It guarantees equal justice and free legal aid for all citizens of India regardless of what their Socio-economic status was. However, the proper execution of these measures was not achieved, and the government transition resulted in the Judicare committee's recommendations being shelved, creating a discrepancy between legal aid policy and practice.

The matter was thoroughly reconsidered in 1987 when the Legal Services Authorities Act, 1987 (LSAA) was passed. This legislation sought to enhance the state's commitment to furnishing legal aid, as outlined in Article 39A of the Indian Constitution. The definition of legal aid was broadened to encompass a broader spectrum of disadvantaged groups, rather than only targeting poverty alleviation as it had done before⁹. Moreover, the enactment of Lok Adalats and permanent Lok Adalats under this Act indicated a shift away from a focus on courts in guaranteeing legal assistance. Consequently, there has been a significant change in the state's perception of legal assistance, resulting in a transformation of its role and influence.

LEGAL AID IN LAW SCHOOLS

The hidden part of the academic discussion about law school's role in providing legal aid, particularly within the context of alternative dispute resolution in India is remarkable. This has also resulted into ongoing challenges with regard to legal aid institutions in the country. In earlier times, legal education was always concerned with theoretical issues whereby practical training was left for apprenticeships under a lawyer. Nonetheless, case book method introduced at Harvard in 1900s led to realization that there must be an element of practice with such studies.

⁷*Id.* (Page 65).

⁸*Id.* (Page 68).

⁹ Legal Services Authorities Act, No. 39, Acts of Parliament, 1987 (India).

Consequently, these gave rise to free legal aid consultation clinics which were like medical dispensaries targeting poverty related issues alone thereby helping individuals get advice from attorneys without any cost attached to them¹⁰. These clinics have evolved over time following the transformation of legal education towards addressing social concerns and today provide various services including taxation law as well as “street legal aid” whereby help regarding day-to-day issues are addressed among others. The primary objective of clinical legal education is to not only provide students with practical experiences but also to advance social justice by aiding individuals facing genuine legal issues.

Legal education in India started off being designed for producing clerks and supporting the financial interest of Britain rather than promoting social justice. There were around 500 law schools in India at the period of independence but the potential of these schools to offer support for social justice through legal aid remained mostly unmet because both the inability of the institutions and the organization governing it, that is the failure of the Bar Council of India in providing funds and infrastructural support. Some initiatives, for instance, Delhi University’s Legal Aid Clinic had tried to tackle some aspects of legal issues such as prison representation but they were limited in scope and lacked institutional support leading to their eventual fade off¹¹. The Ahmedi Report, published in 1994, resulted in the implementation of five-year law courses that have facilitated the advancement of clinical legal aid. However, there has been a lack of enforcement regarding regulations that mandate all law schools to have legal aid clinics, despite the Bar Council of India’s rule requiring such clinics for accreditation¹². Even though attempts have been made at imitating successful models like those at Delhi University, conflation between Clinical Legal Aid and State-supported legal aid hinders flexible and innovative delivery of legal services. Hence, it is imperative to address this merging of concepts and implement improved regulations for clinical legal assistance in order to fully harness its potential inside the Indian legal education system.

¹⁰ Volume 51, Dubin John, “Clinical Design for Social Justice Imperatives”, 1463-1466, Southern Methodist University Law Review 1998. 1461

¹¹ Volume 13, Bloch, Frank and M.R.K. Prasad, “Institutionalizing a Social Justice Mission for Clinical Legal Education: Cross-national Currents from India and the United States”, 165, Clinical Law Review 2006.

¹² Rule 31, Chapter III, Bar Council of India Rules on Legal Education, 2008.

CHAPTER 3

CONSTITUTIONAL PROVISIONS ENABLING ACCESS TO LEGAL AID

Article 39A of the Indian Constitution primarily covers the regulations pertaining to legal assistance in India. This essay highlights the significance of guaranteeing fair and impartial access to legal assistance for every individual, irrespective of their economic standing or any other limitations. The pertinent portion of the constitution is as follows:

Article 39A of the Indian Constitution stipulates:

"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 citizen by reason of economic or other disabilities¹³."

This provision of the constitution highlights India's commitment to promoting justice and providing free legal aid to persons who are economically or otherwise disadvantaged. The article recognises the importance of obtaining justice as an essential human entitlement and emphasises the need to eliminate any barriers that may hinder individuals from accessing justice.

The Indian government enacted the Legal Services Authorities Act, 1987, in compliance with Article 39A, with the aim of establishing the legal infrastructure for the provision of legal aid in India. The objective of this Act is to streamline the implementation of legal aid programmes and services at both the national and state levels. The creation of the National Legal Services Authority (NALSA) and State Legal Services Authorities (SLSAs) was undertaken with the aim of streamlining this process.

Article 39A of the Indian Constitution outlines the framework for the provision of free legal aid in India. It highlights the significance of ensuring equal access to justice and places the onus on the government to remove any barriers that might prevent citizens from seeking justice due to financial constraints or other disabilities.

Article 39-A of the Indian Constitution pertains to the particular provision that outlines the rights and ideals about equal justice and free legal assistance for all citizens. Moreover, this Article acknowledges that the right to a fair trial is a fundamental human right that is closely connected

¹³India Const. art. 39A, amended by The Constitution (Forty-Second Amendment) Act, 1976.

to the right to legal assistance. As a result, Article 39-A was added to the Constitution through the Forty-second Amendment Act in 1976. The State is accountable for formulating suitable legislation and efforts to guarantee the provision of complimentary legal aid in alignment with the ideals delineated in the "Directive Principles of State Policy." The main purpose of introducing this amendment and integrating Article 39A was to guarantee fair and equal access to justice for all individuals, regardless of their financial or other limitations. It aims to achieve this goal by imposing a responsibility on the state to provide such access.

In the case of *Sheela Barse v. State of Maharashtra*, it was determined that one of the essential responsibilities outlined in articles 21 and 14 of the constitution, as well as article 39-A, is to provide legal assistance to an impoverished accused person who has been imprisoned and may lose their life. Therefore, the provisions relating to legal aid in the above-mentioned articles are briefly discussed below:

Article 14 (Right to Equality): Article 14 ensures the equality of all individuals before the law and makes sure that they get equal protection of the laws within the territory of India as entitled¹⁴. As denial of legal assistance to those who can't afford it is violative of Article 14, the right to legal aid is implicitly incorporated in Article 14. The availability of legal aid free of cost ensures that all individuals including those from disadvantaged sections of society have a fair opportunity to protect their rights and defend themselves, thus, upholding the spirit of equality as enshrined in Article 14 of the Constitution of India.

Article 21 (Right to Life and Liberty): Article 21 makes sure that except by procedure established by law, no person is deprived of their life or their personal liberty¹⁵. The Indian Judiciary has included several rights, including the right to legal aid, through a broad reading of this article. Legal assistance is necessary to protect oneself from unjust actions by the government or violations of one's rights by individuals or organisations. Therefore, access to justice and legal counsel are crucial for safeguarding life and personal freedom.

¹⁴ India Const. art. 14.

¹⁵ India Const. art. 21.

LANDMARK JUDGEMENTS

- **Sheela Barse v. State of Maharashtra**¹⁶

Decided on: February 15, 1983

FACTS

This public interest lawsuit was brought about in response to the abuse of female inmates in Bombay's jails.

FINDINGS

The court-imposed mandates stipulating that all incarcerated individuals detained in prisons in Maharashtra must be provided with legal assistance. The court reaffirmed the constitutional requirement for indigent defendants who face the possibility of losing their lives or personal liberties to be provided with legal representation. The statement highlighted the significance of this right in rebuilding trust in the judicial system, safeguarding prisoners' rights against mistreatment and torture, particularly when their imprisonment obstructs their ability to obtain legal counsel. The court has ordered the Maharashtra jails to furnish a full roster of all detainees who are awaiting trial to the Legal Aid Committee of the district. In addition, the court has mandated that the prisons arrange meetings between inmates who are in need of legal assistance and lawyers who have been approved by these committees. The objective of these procedures is to guarantee that inmates have adequate access to legal counsel.

- **Hussainara Khatoun v. Home Secretary, State of Bihar**¹⁷

Decided on March 9, 1979

FACTS

This Public Interest Litigation was filed concerning the rights of undertrial detainees and the management of Bihar's jail system.

FINDINGS

The court addressed the problem of undertrial inmates not being released on bail and emphasised the importance of implementing a comprehensive legal help programme. Article

¹⁶Sheela Barse v. State of Maharashtra, (1983) 2 SCC 96 (India).

¹⁷Hussainara Khatoun v. Home Secretary, State of Bihar, (1980) 1 SCC 98 (India).

21 stipulates those legal services are an indispensable element of a just, equitable, and fair procedure. The court determined that, under certain circumstances, it is the constitutional entitlement of any accused individual who lacks the financial means to get legal representation, due to considerations like as poverty, destitution, or being unable to communicate, to be provided with a counsel appointed by the government.

- **Khatri and Ors. v. State of Bihar and Ors¹⁸.**

Decided on December 19, 1980

FACTS

A public interest litigation about the blinding of inmates in Bihar was filed in this case.

FINDINGS

The court pointed out that these convicts did not have legal representation when they appeared before the magistrate, nor did the magistrate ask if they wanted legal representation at state expense, when considering their entitlement to compensation. The court criticized lower courts for failing to uphold the constitutional right to legal representation and to adhere to the Supreme Court's binding ruling in *Hussainara Khatoon v. Home Secretary, State of Bihar*. It also made clear that the State could not use administrative or financial incapacity as a way out of its constitutional duty to provide an impoverished accused person free legal representation. It was emphasized that this obligation begins the moment the accused appears before the magistrate. Taking note of the defendant's ignorance of his legal rights, the court decided that the magistrate must tell the accused that he is entitled to free legal services at the expense of the State if his poverty prevents him from hiring a lawyer. The court clarified that this only applied in situations where the defendant faced prison time and when it was necessary for him to get free legal representation due to the unique facts of the case and the demands of social justice. The court notes that legal aid is not always necessary in cases involving offenses like economic offenses, prostitution, or child abuse.

These landmark judgments have played an essential part in shaping the legal system for legal aid in India, reaffirming the right to free legal aid as a fundamental right and emphasizing its significance in guaranteeing access to equity for all segments of society.

¹⁸Khatri and Ors. v. State of Bihar and Ors, (1981) 1 SCC 627 (India).

NATIONAL LEGAL SERVICES AUTHORITY

In order to guarantee fair and equal access to justice and offer free legal assistance to those who are disadvantaged, the Indian Parliament passed the Legal Services Authorities Act of 1987. This effectively implemented Article 39-A of the Indian Constitution. Article 39-A of the Indian Constitution is intended to advance justice by providing free legal aid to those who are economically disadvantaged, socially marginalised, and vulnerable. This initiative aims to enhance the overall fairness of the legal system and promote social progress. The legislation was enacted on November 9, 1995, with the aim of facilitating the establishment of a statewide network and providing effective and free legal services to the less privileged and underprivileged. NALSA has created courts around the country that function in accordance with the principles of this Act.

The enactment of the Legal Services Authorities Act in 1987 led to the establishment of the National Legal Services Authority of India (NALSA) on November 9, 1995. The objectives of this organisation are to organise Lok Adalats for expeditious resolution of disputes and to provide pro bono legal aid to eligible individuals (as defined in Section 12 of the legislation). The Executive-Chairman has the second-highest position among the judges of the Supreme Court of India, while the Chief Justice of India acts as the patron-in-chief of NALSA. At the state and district levels, a comparable structure exists, overseen by the chief justice of the high courts and the top judges of the district courts, respectively. The primary objectives of NALSA are to accelerate the resolution of cases and reduce the burden on the courts¹⁹.

Lok Adalat

NALSA and other Legal Services Institutions organise Lok Adalats. Lok Adalat is an alternate method of resolving conflicts that provides a platform for the peaceful settlement of issues that are either currently being tried in court or are in the pre-litigation stage. The Legal Services Authorities Act of 1987 conferred formal recognition to Lok Adalats. The award rendered by the Lok Adalats is regarded, as per the aforementioned Act, as a conclusive civil court decree that is legally binding on all parties and cannot be challenged in any court of law.

While parties cannot appeal a Lok Adalat verdict, they can still assert their right to litigate by approaching the relevant court and initiating a case through the required processes if they are if they are dissatisfied with the result. When a case is submitted to a Lok Adalat, there is no

¹⁹ National Legal Services Authority, <https://nalsa.gov.in/> (last visited May 13, 2024)

requirement for payment of court fees. If a dispute that is being adjudicated in court is referred to the Lok Adalat and subsequently resolved, the original court fees paid by the parties are also reimbursed.

The individuals assigned with the responsibility of making decisions in the Lok Adalats are referred to as Members of the Lok Adalats. They serve as statutory conciliators and do not possess any judicial power. Their role is limited to persuading the parties involved to reach a resolution outside of the court in the Lok Adalat. They are strictly prohibited from exerting any form of pressure or coercion on the parties to make compromises or settle cases, either directly or indirectly²⁰.

Nature of free legal services

Free legal aid refers to the provision of no-cost legal assistance for disadvantaged and marginalised individuals who lack the financial means to hire a lawyer for their civil or criminal matters, enabling them to navigate legal proceedings in any court, tribunal, or authority. The National Legal Services Authority (NALSA) is responsible for overseeing these services, which are regulated under the Legal Services Authorities Act of 1987.

Providing out free legal aid could entail:

- representation in court by an advocate.
- payment of all costs associated with any legal actions, including process fees, witness fees, and other charges that may be due or incurred;
- drafting pleadings, appeal memoranda, and paper books, as well as printing and translating court papers;
- drafting petitions special leave, legal documents, etc.
- Provision of authenticated duplicates of court decisions, rulings, transcripts of testimony, and other records in legal cases.

In addition to helping beneficiaries access benefits under welfare statutes and schemes created by the central or state governments, free legal services also involve advising and supporting them in any other way to guarantee their access to justice²¹.

²⁰ Lok Adalat National Legal Services Authority, <https://nalsa.gov.in/lok-adalat> (last visited May 13, 2024)

²¹ National Legal Services Authority, <https://nalsa.gov.in/> (last visited May 13, 2024)

Paralegal Volunteers

The National Legal Services Authority (NALSA) launched the Para-Legal Volunteers Scheme in 2009 with the goal of providing legal training to volunteers chosen from a variety of backgrounds. This would guarantee that legal aid would reach all demographics through the program, thereby lowering barriers to accessing justice. It is anticipated that Para-Legal Volunteers (PLVs) will serve as go-betweens, bridging the gap between the general public and legal services institutions to remove barriers to accessing the court system. The procedure ultimately attempts to have legal services institutions reach out to people at their doorstep instead of the other way around.

Para-Legal Volunteers (PLVs) are equipped with basic legal knowledge as well as other available welfare measures and legislation to help those in their immediate neighbourhood who require it. This way, someone who is unaware of their rights can be made aware of them and given access to measures that involve their implementation²².

These several channels for free legal aid ensure that everyone, regardless of their socio-economic background, has equal access to justice and legal assistance.

CHAPTER 4

ADDRESSING CHALLENGES IN LEGAL AID PROVISION

The lack of legal awareness among the people and low education levels in general is a significant hinderance in ensuring access to justice through the various initiatives and free legal aid services provided by the state as people are unaware of what there are rights are and what options such as Lok Adalats and legal aid they have. Thus, the objective of the legal aid movement in the nation has not been fully achieved.

Furthermore, many legal professionals, including advocates and lawyers, often charge significant fees for their services and refuse to take part in social justice projects undertaken by the government.

This lack of support from lawyers and advocates in providing aid to those in need acts as a hurdle

²²Government of Assam Legislative Assam State Legal Services Authority Para-Legal Volunteers | Assam State Legal Services Authority | Government Of Assam, India, <https://aslsa.assam.gov.in/portlets/para-legal-volunteers#:~:text=During%20the%20year%202009%2C%20National,process%20of%20Para%2DLegal%20Volunteers> (last visited May 13, 2024)

in the objective of ensuring access to justice and legal aid for everyone. Also, the limited power vested upon Lok Adalats further exacerbate the problem as unlike civil courts they can't compel parties to attend the process often resulting in one of the parties involved not attending and leading to delay in the process of justice. This voluntary nature of participation poses as an obstacle in the effectiveness of alternate dispute resolution avenues such as Lok Adalats.

Moreover, paralegal volunteers who are supposed to reach out to marginalized communities are often not properly trained, supervised and even lack in numbers as compared to the large population size, thus, leading to their underutilization and the objective of ensuring access to free legal aid remains unrealized.

CONCLUSION

The evolution of legal aid in India reflects towards a journey marked by realisation of the foundational principles of justice, equality and fairness as enshrined in the Constitution of India. Beginning from its early stage which consisted of initiatives like the Bombay Legal Aid Society to its contemporary developments which have led to an extensive framework established by Legal Services Authorities Act of 1987, right to legal aid in India has been through significant transformation. In India, the establishment of the right to legal aid has been developed over time through constitutional provisions, legislative reforms, and judicial decisions. All these aims to ensure access to justice, fairness and equality for all citizens of the country regardless of what their social or economic background is. In this regard, Article 39A of the Constitution of India stands out in particular as a mark of commitment to guaranteeing that people have an equal opportunity to secure their rights and defend themselves in courts.

In addition, the creation of the National Legal Services Authority (NALSA) and State Legal Services (SLSAs), which organise Lok Adalats and implement initiatives like the use of Para-Legal volunteers, demonstrates a dedication to bridging the divide between the marginalised populations of the country and the legal system. In addition to offering free legal aid services, these projects also promote legal awareness among the population of the country.

Furthermore, it is crucial to regularly evaluate the efficacy of all legal aid schemes in India and also to spread knowledge among marginalised communities in order to enhance their awareness of their legal entitlements. It is essential to provide adequate training to para-legal volunteers and enhance collaboration between legal professionals and state-led projects. The right to legal aid is

regarded as a vital cornerstone of a fair and inclusive society in India, rather than a mere legal entitlement. A nation must move forward with a steadfast dedication to ensuring equal access to fair and impartial justice, while respecting the principles of equality, fairness, and adherence to the law.

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