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“EXAMINING THE RELATIONSHIP BETWEEN ECONOMIC INEQUALITY AND ACCESS TO LEGAL SERVICES”

AUTHORED BY - SHREYA SHARMA & NIKAIAH MARIA DA SILVA

INTRODUCTION

Economic inequality is the term used to describe the unequal distribution of income, wealth, and opportunities across and among social groups. This concept may also be used to explain how income and riches are not distributed evenly among all countries. It demonstrates how the earnings of some households fall below the poverty threshold while those of other households exceed it. Basically, the differences in income and wealth. It is a worry for almost every country in the globe, and many individuals are locked in poverty with little prospects to rise in society. Economic equality is primarily measured by the wealth distribution within a society and the incomes of the least and most wealthy individuals..¹

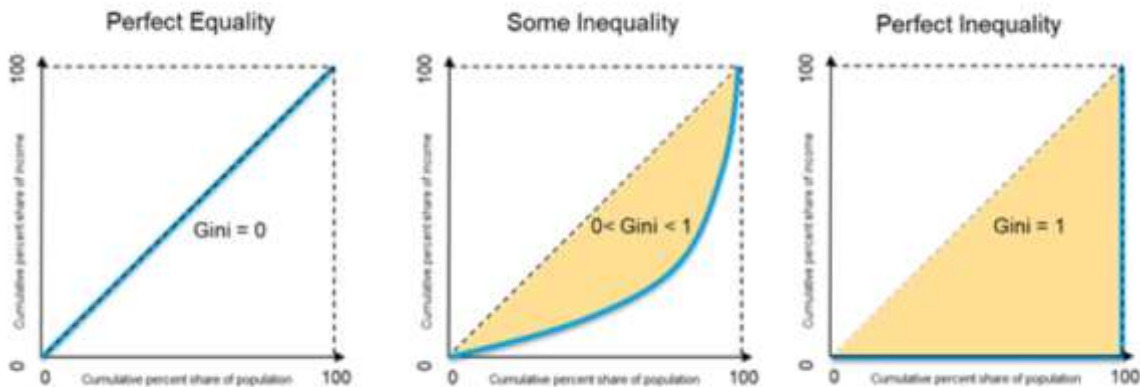
Lifetime Inequality (inequality in an individual's income over the course of their lifetime) and Inequality of Opportunity (effect on income of factors over which people have little influence, such as family socioeconomic position, gender, or ethnic origin) are related ideas. The distribution of wealth among families or people at a specific moment is known as inequality of wealth. These theories on inequality are interconnected and each one gives a distinctive viewpoint on the causes and effects of inequality. Governments are therefore better advised when creating specific initiatives to reduce inequality.

The Gini coefficient is a popular tool for measuring income inequality. It has a value between 0 and 1, with 0 signifying perfect equality and 1 signifying total inequality. The majority of the study is focused on the concept of income inequality as it is reflected by the Gini coefficient, which is available for a large number of countries and relatively lengthy periods of time. Comparing the population's cumulative proportions of income with the population's cumulative proportions of the population yields the Gini coefficient. S80/S20 represents the average

¹ “Kuznets, S. (1955). Economic Growth and Income Inequality. *The American Economic Review*, 45(1), 1–28. <http://www.jstor.org/stable/1811581>”

income of the 20% wealthiest to the 20% lowest persons. Unless otherwise noted, gini income inequality refers to disposable income or consumption, which already takes into account any redistribution brought about by taxes and transfers.

FIGURE. GINI COEFFICIENT OF INEQUALITY



NEED FOR THE STUDY

- For the aim of this study, having a thorough grasp of income disparity, in addition to its causes and repercussions, is crucial.
- In addition, one of the goals of this study is to evaluate the impact that pre-existing inequities and economic inequality have on a person's ability to receive legal services.
- Further, this study also aims to contribute to the development of policies for the ones affected by income inequality such that there is no hindrance in their ability to secure justice.

SCOPE AND LIMITATION OF THE STUDY

This research paper shall focus on examining the relationship between income inequality and access to legal services. It investigates how inequalities in wealth and income affects an individual's ability to gain access to legal services and assistance for the purpose of obtaining justice. This study further aims to discuss the implementation of potential policies based on the findings of the researcher and recommendations for policy makers to curb economic inequality and the factors which cause barriers for an individual to access legal aid.

The limitations are as follows:-

This research may not address the cultural and social factors' influence on access to legal services as the former varies among population and communities. Additionally, this study is

conducted on the basis of the already available data and hence may not provide an adequate representation of the present situation. Legal frameworks and guidelines could differ substantially among places which could hinder the study's relevance to areas with distinct legal structures.

REVIEW OF LITERATURE

This literature review aims to analyse the important studies and findings in this area, thus highlighting the complex relationship between economic inequality and an individual's ability to access legal services. The following journal articles and research papers have been thoroughly reviewed for the purpose of this study:-

There can be detrimental effects of increasing income inequality when it comes to accessing justice. This article (*Frank, 2019*²), highlights the issues faced by individuals who earn a low-income and lays an emphasis on the importance of affordable legal representation. Additionally, it studies how the legislations for consumer protection and the forces of demand and supply play a crucial role in aggravating the problem.

The role of organizations that provide legal aid have been thoroughly explored by many research scholars in reducing the economic inequality while accessing legal aid services. In this study (*Skolnik, 2016*)³, it has been argued that these programmes play a vital role in bridging the gap between the disadvantaged populations and their ability to access free or low-cost legal services.

This study (*Brooks, 2019*)⁴, discusses the constraints of making legal services and legal education more affordable. It lays an emphasis on the key concept of Baumol's cost disease which causes a significant increase in price in these industries. Further, it highlights the need for legal services and legal education to be made more accessible to promote justice.

The notion of income or wealth inequality and the significance of quantifying it are introduced

² "Frank, R. H. (2019). How Rising Income Inequality Threatens Access to the Legal System. *Daedalus*, 148(1), 10–18. <https://www.jstor.org/stable/48562959>"

³ "Skolnik, A. (2016). The effects of legal aid on family and housing outcomes: Experimental evidence from New York City. *American Economic Review*, 106(5), 435-439."

⁴ "Brooks, J. R. (2019). Curing the Cost Disease: Legal Education, Legal Services, and the Role of Income-Contingent Loans. *Journal of Legal Education*, 68(3), 521–547. <https://www.jstor.org/stable/27072333>"

in the first sections of the article (*Fujita,2023*)⁵ It demonstrates how the income distribution may be described by a single number, the Gini coefficient, which runs from 0 (perfect equality) to 1 (complete inequality).It is underlined the importance of the Gini coefficient as a tool for understanding and addressing income inequality.

It is quite common to link income disparity with economic inequality. and the two are frequently seen as being functionally synonymous in the literature on economics.As seen in the paper (*Sen, 1997*)⁶ The variance between the two is crucial. Numerous objections against economic egalitarianism as a principle or objective apply considerably more readily to the specific idea of income disparity than they do to the more general concept of economic inequality. It could be argued, for instance, that providing a larger income share to someone with greater needs, such as those brought on by a disability, violates the principle of equalising incomes, but it does not violate the more general principles of economic equality because the greater demand for economic resources brought on by the disability must be taken into account when determining the requirements of economic equality.

OBJECTIVES OF THE STUDY

The study's goals were to provide answers to the following research questions;

1. What are the causes that lead to income/economic inequality in developing nations like India?
2. What are the specific barriers and challenges that economically disadvantaged individuals face in accessing legal services? Are there systemic, financial, or cultural factors that contribute to these disparities?
3. What policies, initiatives, or interventions exist or have been proposed to mitigate the impact of economic inequality on access to legal services? How effective have these measures been in addressing the issue?
4. What are the consequences of limited access to legal services for economically disadvantaged individuals and communities? How does this impact their ability to exercise their rights, seek justice, and address legal issues effectively?

⁵ “Fujita, S. (2023, September 18). Income inequality in terms of a Gini coefficient: a Kaleckian perspective. *Cambridge Journal of Economics*. <https://doi.org/10.1093/cje/bead036>”

⁶ “Sen, A. K. (1997). From Income Inequality to Economic Inequality. *Southern Economic Journal*, 64(2), 384–401. <https://doi.org/10.2307/1060857>”

RESEARCH METHODOLOGY

Research technique entails a systematic process of gathering data from many sources, interpreting it, analysing it, and drawing conclusions. Research methodology incorporates a variety of methodologies.

This paper is based on qualitative and quantitative research since it will examine many journal articles on Economic inequality and access to legal service before drawing a conclusion. Journals and articles are the document's major source, and they are also the source of its data.

ANALYSIS AND FINDINGS

With the annual release of publications from the World Inequalities Database (WID) and wealthy lists issued by Forbes and Hurun, popular conversations on inequality in India gain recurrent attention. Discussions regarding consumption levels (or consumer expenditure) are less common, mostly due to a lack of statistics, whereas these tend to concentrate on income and wealth.

The nationwide Statistical Organisation (NSO), originally known as the "National Sample Survey Organisation (NSSO)", has published nationwide consumer expenditure surveys every five years since 1972-1973 and up to 2011-2012. The findings of the 2017–18 survey were withheld due to "data quality" problems. Since 2014, the Consumer Pyramid Household Survey (CPHS) performed by the Centre for Monitoring Indian Economy (CMIE) has helped fill this gap to some extent. However, several academics have questioned the sample frame's representativeness, particularly when it comes to the extremely poor.

Different data sources, which are often gathered in various ways and assess various elements of economic activity, can frequently cause economists to reach diverse conclusions on the development of economic inequality. Due to this, debates about developments in Indian inequality during the previous ten years tend to stir up some controversy.

For instance, data from the just-released "World Inequality Report 2022" shows that income and wealth inequality in India have been growing over the last few decades and have continued to rise in more recent years. Particularly since 1990, the percentage of the lowest 50% of earners

has continuously fallen while the share of the top 10% and top 1% of earners has constantly increased..⁷

I. What are the causes that lead to income/economic inequality in developing nations like India?

India is currently one of the world's most unequal nations, the survey claims. The richest 10% of earners in India account for 57% of the country's total revenue. The exceedingly wealthy top 1% of the top 10% makes 22%. In contrast, the proportion of the poorest 50% of earners in the country has decreased to 13%.

Despite recent significant progress made by the nation, financial inequality remains a major concern. In order to understand the reasons of income disparity, it is essential to first take into account the numerous factors that contribute to it.

1. **Unemployment** is one of the main reasons behind economic disparity. The economic divide between the affluent and the poor deepens as more individuals lose their jobs. The high unemployment rate in India, which is still hovering around 6%, is evidence of this.
2. **Inflation** is another element that contributes to income disparity. While people with higher earnings may afford to buy more products and services without experiencing the same squeeze, those with lower incomes find it difficult to keep up with the expense of living as prices rise.⁸
3. **Tax evasion** is another element of India's crooked economy that contributes to wealth disparity. The rich may frequently avoid paying taxes or pay only a small portion of what they owe, which further disadvantages the less fortunate.
4. **Regressive tax policies** have a part in enlarging the wealth divide as well. Taxing lower-income families more heavily than richer households results in lower-income households having to pay a larger percentage of their income in taxes, widening the wealth gap between them and the wealthy.
5. **Underemployment** contributes to the rise of economic disparity. Numerous employees are underemployed, which means they are putting in less hours than they would want

⁷ “Neckerman, K. M., & Torche, F. (2007). Inequality: Causes and Consequences. *Annual Review of Sociology*, 33, 335–357. <http://www.jstor.org/stable/29737766>”

⁸ “Kuznets, S. (1955). Economic Growth and Income Inequality. *The American Economic Review*, 45(1), 1–28. <http://www.jstor.org/stable/1811581>”

- to and earning less money than they require. Increased levels of poverty may result among individuals who work yet struggle to make ends meet.
6. **Right of private ownership of Property** India's issue with income inequality has arisen as a result of the crucial factor of being able to have a right to private ownership on poverty. In general, the problem of economic inequality in India would worsen as a result of privately owned physical goods such as land, buildings, vehicles, etc
 7. **Private ownership of Industries** Since its inception, India has maintained the private ownership of industrial system. As a result, there is now a significant concentration of assets under the control of a small group of individuals who are vying for a monopolistic position. Income disparities have resulted as a result.
 8. **Dis-similar Treatments** Due to different treatment of people based on their education, training, and other factors, economic disparities have emerged in India. Higher education is accessible to children who belong to higher social classes, which can significantly worsen the issue of economic inequality.
 9. **The law of Inheritance** The law of inheritance is widely practised in India, which results in a significant income and wealth difference between the affluent and the poor. It's because, in accordance with this law, an owner's property is passed down to his sons and daughters, which causes the affluent to grow further richer.
 10. **Increasing trend of Unempt** In India, the issue of unemployment has made economic inequality worse in both urban and rural sections of the nation. It might be said that poverty has become riskier in recent years as a result of greater levels of unempt, particularly hidden and seasonal unempt.
 11. **Faulty tan System** Despite being progressive in character, the Indian tan system is unable to lessen the severity of economic inequality. The government has failed to stop tax evasion trends, widening the gap between the wealthy and less fortunate sections of society.
 12. **Ineffective credit Policy** All banking institutions' credit policies are not very successful. Financial institutions neglected the modest homes and the unorganised part of the economy while providing a variety of services to big houses. As a result, the wealthy get richer and the poor get poorer.
 13. **Ineffective licensing Policy** The government's licencing programme is discriminatory in nature. The Indian government has made an effort to safeguard just the largest industrialists. Government has therefore failed to safeguard the interests of small-scale industries.

India's expanding wealth gap has led to a growing level of financial inequality in the nation. Income inequality has a big influence on society and has been linked to social instability, increased poverty, and slower economic growth. The whole Indian economy is being impacted by this mismatch. As the rich become richer and the poor get poorer, the gap in living standards between the wealthy and the poor expands tremendously.⁹ Because of this mismatch, many Indian citizens lack access to necessary resources, such as adequate health care and education. It is more difficult for those in poverty to achieve their goals since they are unable to benefit from the same opportunities as those who have more money.

II. What are the consequences of limited access to legal services for economically disadvantaged individuals and communities?

“The Poor man looks upon the law as an enemy, not as a friend. For him the law is always taking something away.”

India has a large population and a high percentage of illiterates. The vast majority of individuals are ignorant about both their constitutional rights and the legal processes in place in the nation. Although individuals are aware of it, their economic and social backwardness prevents them from being able to buy it. They have no choice but to hire legal counsel, which has turned into an expensive endeavour Article 39-A, a specific Directive Principle, was incorporated into the 42nd Amendment to the Indian Constitution, which was ratified in 1976, with the goal of giving qualifying populations free legal aid. Legal assistance is promoted as a fundamental right under Articles 21 and 39-A of the Indian Constitution.

The common law recognises "access to justice" as a fundamental human right, and it does not exist until it is restricted by the government as a legitimate use of its statutory or constitutional jurisdiction. Legal aid for the poor is necessary for maintaining the rule of law, which is necessary for the existence of an organised society.

To handle a case or legal action in any court, tribunal, or before an authority, it entails providing free legal services to the poor and needy who cannot afford to hire a lawyer. Free legal representation may have a big impact on the lives of the impoverished. Poor people may not be able to defend their legal rights or seek justice in court without access to legal help. inequity

⁹ “Sen, A. K. (1997). From Income Inequality to Economic Inequality. *Southern Economic Journal*, 64(2), 384–401. <https://doi.org/10.2307/1060857>”

in access to justice and continued social and economic inequity may come from this. Many times, attorneys hired to offer legal assistance and compensated with public resources do not honestly represent their clients, thereby undermining the legitimacy of the programme for providing legal aid to society's most vulnerable groups.. Some attorneys who work for legal aid agencies employ delay tactics to threaten the cases of their clients. These attorneys push their clients—many of whom are innocent—to pay them additional amounts of money, despite the fact that they are supposed to get their fees from the legal aid committee. This may be due in part to the legal aid committee's pay for solicitors, which is relatively low and does not even cover incidental expenses. Another significant obstacle is how poorly functional India's system is for distributing legal aid. Free legal assistance should be made more widely known, and more lawyers should be encouraged to offer it. The legal aid movement will not succeed as long as people are not informed of their basic rights. The impoverished are vulnerable to exploitation and eventually denied the rights and advantages that the law is supposed to provide them with when they are unaware of their legal rights.

Thus, raising public awareness and improving delivery methods are essential for a successful free legal aid programme. It is crucial for guaranteeing that everyone, regardless of circumstance, has equal access to justice. By giving underprivileged people the legal counsel and training they need to assert their legal rights, it can aid in addressing social and economic injustice. But it's crucial to make sure it's appropriately financed and available to everyone who needs it.

III. *The types of Barriers and Challenges in Accessing Legal Services for Economically Disadvantaged Individuals.*

Accessibility to legal assistance is essential for promoting justice and equality in society. However, obtaining these services can be very challenging for individuals who are economically disadvantaged. This analysis aims to identify the types of barriers that economically disadvantaged individuals face when it comes to accessing legal services.

1. Financial Barriers¹⁰: One of the major financial barriers is the high cost of legal representation; the fees charged by private legal professionals or law firms, which can be prohibitively expensive, are frequently out of reach for many people who are economically disadvantaged. The price barrier is made worse by the inadequate funding

¹⁰ Financial Barriers: Hadfield, G.K. & McDonald, D. (2017). Toward comprehensible benchmarks: Estimating minimum cost of legal infrastructure for ordinary Americans. *Vanderbilt Law Review*, 70(5), 1599-1652.

for legal aid programmes and organisations that provide free or affordable legal services.

2. **Systemic Barriers¹¹:** The legal system may be scary and complex, making it challenging to understand and manage for persons without a background in law. This complexity can deter those who are less fortunate economically from seeking legal counsel. Many economically disadvantaged people live in underserved or rural areas where access to legal services may be limited. Some people may be deterred from seeking help by this distance. Due to eligibility criteria, certain people who are economically disadvantaged but do not meet specific income thresholds may not be able to get legal assistance.
3. **Cultural Barriers¹²:** Those who are economically disadvantaged frequently are not aware of the resources that are available to them or of their legal rights. They might not be able to find legal representation when it is needed because they don't understand the circumstances of the case. Due to terrible past experiences or perceptions of unfairness, some people from economically poor backgrounds may have a dread of the legal system. People may be less inclined to seek legal counsel as a result of this. Language and cultural barriers that cause communication problems between clients and lawyers may make it more challenging for them to deliver quality legal services.
4. **Stigmatization and Social Factors:** The stigma that is occasionally associated with poverty may discourage those who are economically disadvantaged from seeking assistance. Out of concern that their employers, landlords, or other parties would retaliate against them, some people choose not to use legal services. The ability to effectively pursue legal remedies, such as access to transport or time off work, may be limited for those who are economically disadvantaged.

For those who are economically disadvantaged, institutional, financial, and cultural barriers make it difficult to get legal assistance. More financing, simplification, legal education, stigma reduction, equitable access to justice, and equality are all required to overcome these issues.

IV. The policies, initiatives, or interventions which mitigate the impact of economic inequality on access to legal services and their effectiveness in addressing the issue.

Everyone must have access to legal services in order to protect their rights and, if necessary, seek reparation in a just and equitable society. However, access restrictions brought on by

¹¹ Systemic Barriers: Hagan, J. & Heflin, C.M. (2016). Legal capability and access to civil justice in America: Evidence from the 2014 survey of legal consciousness. *Law & Society Review*. 50(4), 936-971.

¹² Cultural Barriers and Stigmatisation and Social Factors: Sandefur, R.L. (2018). Access to justice and the sociology of inequality. *Annual Review of Sociology*, 4, 189-207.

economic inequality disproportionately harm low-income individuals and marginalized groups. The researchers further aim to explore and determine the effectiveness of the policies, initiatives, and interventions, established to curb the effect of economic inequality on an individual's ability to access legal services.

1. Legal Aid Programmes¹³: These are government funded or run by NGOs that provide free and subsidized legal services to individuals who receive low income. Significant studies have proved that various legal aid programmes across the world have helped curb the issue of economic inequality when it comes to a person being able to access legal services.
2. Pro Bono Services¹⁴: The phrase "Pro Bono" literally means for the public good. Such work is often undertaken by many law firms, and eminent legal professionals offering their services to those who are not able afford legal representation. It thereby boosts the morale of those who cannot afford legal services and also boosts the reputation of such professionals.
3. Legal Clinics¹⁵: Many law schools across the world have legal aid clinics which provide hands-on experience to their students who offer free legal assistance to underprivileged communities. Studies show that legal clinics have helped contribute to the improvement of justice.
4. Means Tested Fee Waivers¹⁶: The impoverished can file lawsuits without having to pay filing fees in some jurisdictions where courts grant means-tested fee exemptions. This policy lowers the cost of using the legal system.

To lessen the detrimental consequences of economic disparity on access to legal services, a comprehensive approach is required. To improve vulnerable populations' access to justice, pro bono work, legal clinics, means-tested fee exemptions, and legal aid programmes are all crucial. Even though these initiatives have shown to be effective, ongoing oversight and support are necessary to ensure that economic disparities do not prohibit everyone from having fair access to the legal system.

¹³ Legal Aid Programmes: Gill, M.A. (2019). Legal Aid and Access to Justice: Empirical Evidence from Civil Courts. *Harvard Law Review*, 132(9), 1437-1480.

¹⁴ Pro Bono- Services: Hansmaan, H.B. (2017). Lawyers Who Do Well While Doing Good: A New Source of Public Interest Law. *Journal of Empirical Legal Studies*, 14(3), 555-590.

¹⁵ Legal Clinics: Maranville, D., et al. (2016). Access to Justice as a Policy Objective: A Conceptual Framework. *Fordham Law Review*, 84(5), 1977-2018.

¹⁶ Means Tested Fee Waivers: Horton, J. (2020). Access to Justice and Poverty Law: The Need for Legal and Systemic Reform. *Ohio State Law Journal*, 81(4), 857-886.

SUGGESTIONS AND CONCLUSION

In this study, the researchers have thoroughly analysed the complex nexus between economic inequality and access to legal services. This analysis displays a complex relationship between the various components which highlights the variations in accessibility to justice faced by people from various socio-economic regions. Economic disparity substantially interferes with access to legal aid, which causes an unfair system in which those with more financial resources have a distinct edge over their less affluent peers. One of the main outcomes of this study is the major hurdles that economic inequality creates in the way of obtaining legal representation. Low-income persons often fail to pay for legal services, which leaves them without enough legal representation and can negatively affect their ability to successfully navigate the legal system. The legislation governing families, jobs, and housing may be significantly impacted by the gap in access to legal representation. Our research demonstrates the necessity to address the structural issues with the judicial system that underpin these injustices. Pro bono services should be expanded, legal aid should be developed, and the legal system should be streamlined to minimise some of the hardships faced by persons with inadequate financial resources. Additionally, having a better understanding of one's legal rights and options might help one hire legal advice when needed.

The researchers also put forth certain suggestions for future research which are as follows:-

1. An investigation into the technological solutions such as virtual legal resources and assistance may overcome the gap for those who are economically disadvantaged and their access to legal services.
2. Future research ought to examine the influence of social and cultural aspects on how people view legal services and how likely they are to seek legal representation. Understanding these links can make it simpler to adjust outreach and educational activities.
3. Future research ought to examine the influence of social and cultural aspects on how people view legal services and how likely they are to seek legal representation. Understanding these links can make it simpler to adjust outreach and educational activities.

Therefore, It is crucial to tackle the association between economic inequality and access to legal services since achieving so has substantial impacts for justice and equality in society. While impediments undoubtedly are present, continuous research and focused legislative initiatives can help create a more just court system where access to justice is not based on one's

ability to pay.

