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39A, ACCESS TO JUSTICE AND LEGAL AID IN INDIA: CONSTITUTIONAL MANDATE, INSTITUTIONAL FRAMEWORK, AND THE PATH TO JUSTICE FOR THE NEEDY

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Abstract

In India, legal aid serves as a tool for empowering the marginalised, bridging the gap between legal rights and social realities. Access to justice is a fundamental human right and a vital element of democracy. Citizens under the law and ensures a fair and impartial legal system. In 1976, the Indian Parliament integrated Article 39A into the Indian Constitution, thus establishing the provision of free legal assistance as a basic right. The concept received official endorsement with the passage of the Legal Services Authorities Act in 1987 and the later establishment of NALSA in 1995 on 9th November. In the landmark case of Hussainara Khatoon v. Home Secretary, State of Bihar (1979), the Court held that free legal aid is a fundamental right of the accused person, flowing from Article 21's right to life and personal liberty. This judgment established that a trial by an experienced lawyer is part of the basic structure of the Constitution. Subsequent judgments in M.H. Hoskot v. State of Maharashtra (1978) and Khatri v. State of Bihar (1981) further cemented the constitutional status of legal aid in India. UN Principles and Guidelines on Access to Legal Aid, which were adopted in 2012, this document sets the global standard, urging nations to establish state-funded, affordable, and accessible legal aid for both criminal and civil matters. This article demonstrates the significance of free legal aid and the framework. The legal institutional mandate, as part of the BCI, mandates that several law schools and law colleges are underperforming the expectations of the legal clinics. This article provides field data and the reality of the status of free legal aid with reference to Maharashtra.

Keywords: Free Legal Aid, Legal Clinics, Access to Justice, Article 39A, SDG Goal 16, and Global Legal Aid

1.Introduction

'Just one cannot let them suffer from injustice or arbitrary power just because legal aid might prove costly. People's aspirations for democracy and development require a 'true' rule of law, which is impossible if justice is not accessible to all. You are poor not only because you don't have money, but also because you cannot read the Civil Procedure Code, or the penal code, or you don't know what action to take in the face of injustice. You are poor when, instead of seeing the judge as someone who is going to protect you, you fear him and dread his judgment. Yes, when you are poor, you are also afraid. Poverty has many faces, and legal aid can help address many of them.'-
Statement from the global study on legal aid- 2026

Legal aid is a cornerstone of justice in any democracy, ensuring that even the most vulnerable members of society can access the legal system. In India, legal aid serves as a tool for empowering the marginalised, bridging the gap between legal rights and social realities. This article explores the evolution, framework, challenges, and impact of legal aid in India, with a focus on how it empowers marginalised communities. Access to justice is a fundamental human right and a vital element of democracy. In India, with its vast population and deep-rooted socio-economic disparities, ensuring access to justice for all is a significant challenge. Legal aid acts as a bridge, providing essential legal services to those who lack the resources to pursue justice independently. For the marginalised, such as Scheduled Castes, Scheduled Tribes, women, children, religious minorities, and the economically disadvantaged, legal aid is not just a service but a transformative force that can empower and uplift.

Legal aid in India refers to the provision of free legal services to individuals who are unable to afford legal representation or access to the justice system. This fundamental mechanism serves as an essential component of India's judicial framework, aimed at ensuring justice for all irrespective of socio-economic status. In a country where approximately 80% of the population qualifies for legal aid under the Legal Services Authorities Act, the system remains critical yet faces significant implementation challenges. The concept of legal aid embodies the principle that justice should not be a commodity available only to those who can pay for it. Instead, it represents a constitutional commitment to equality before the law and ensures that lack of money does not become a barrier to justice for vulnerable sections of society. For marginalised communities, including women, children, Scheduled Castes, Scheduled Tribes, persons in

custody, disabled individuals, and those living below the poverty line, legal aid represents their only realistic pathway to access the formal justice system.

2. Statutory Foundation

To promote and uphold the values of the legal system, so strengthening the democratic essence of the people's government, it is essential to ensure equitable access to justice for all individuals, particularly the impoverished, the marginalised, and the economically disadvantaged. Article 14 of the Indian Constitution mandates that the state ensures equal treatment for all citizens under the law and furnishes a fair and impartial legal system. In 1976, the Indian Parliament integrated Article 39A into the Indian Constitution, thus establishing the provision of free legal assistance as a basic right. The concept received official endorsement with the passage of the Legal Services Authorities Act in 1987 and the later establishment of NALSA in 1995. It now functions as a symbol of hope for folks who previously lacked it. The following laws have been implemented to enhance the provision of legal assistance: The text pertains to the Indian Bar Council Legal Aid Rules, established in 1983 by the Bar Council of India. The text also mentions the Legislators Bill of 2010, which pertains to Safeguarding Client Interests, Encouraging the Rule of Law, and Control and Maintenance of Standards in Practice. Notwithstanding the implementation of these standards, legal aid services in India continue to fall short of the requisite criteria. In *Sheela Barse v. State of Maharashtra*, it was established that a fundamental duty articulated in Articles 21 and 14 of the Constitution, along with Article 39-A, is to provide legal assistance to an impoverished accused person who is imprisoned and facing a capital penalty.

Legal aid in India is firmly grounded in the Constitution, particularly through Article 39A, which was inserted through the 42nd Constitutional Amendment Act of 1976. This article explicitly provides for free legal aid to the poor and weaker sections of society and ensures justice for all. Article 39A is part of the Directive Principles of State Policy and mandates that the State shall secure that the operation of the legal system promotes justice on a basis of equal opportunity. Articles 14 and 22(1) of the Constitution further reinforce this commitment. Article 14 guarantees equality before the law and equal protection of the laws to all citizens, while Article 22(1) makes it obligatory for the State to ensure a legal system which promotes justice based on equal opportunity to all. Together, these constitutional provisions establish legal aid not merely as a welfare scheme but as a fundamental right implicit in the right to life and personal liberty under Article 21.

The Supreme Court of India has interpreted these provisions expansively. In the landmark case of *Hussainara Khatoon v. Home Secretary, State of Bihar* (1979), the Court held that free legal aid is a fundamental right of the accused person, flowing from Article 21's right to life and personal liberty. This judgment established that a trial by an experienced lawyer is part of the basic structure of the Constitution. Subsequent judgments in *M.H. Hoskot v. State of Maharashtra* (1978) and *Khatri v. State of Bihar* (1981) further cemented the constitutional status of legal aid in India.

3. Legal Aid Genesis

Legal aid in India has evolved from colonial times to become an integral part of the justice delivery system. The earliest recognition of the need for legal assistance to the poor can be traced back to the British era, but structured legal aid emerged post-independence. Law Commission of India (1958): The 14th Law Commission Report recommended the provision of free legal aid to ensure fair trials. Justice P.N. Bhagwati Committee (1971): Advocated for state-sponsored legal aid, emphasising its role in social justice.

The journey toward institutionalised legal aid in India began well before the constitutional amendment. The 1949 Bombay Government Committee was among the first to emphasise the government's duty to provide free legal aid, including coverage for court fees and lawyer fees. The National Conference on Legal Aid in 1970 marked a pivotal moment, bringing together legal professionals, academics, and policymakers to discuss the need for a comprehensive legal aid system. This conference was followed by the Expert Committee Report of 1973, chaired by the renowned Justice V.R. Krishna Iyer. The committee advocated unequivocally for a statutory basis for legal aid, recognising that constitutional provisions alone were insufficient without implementing legislation. The year 1976 witnessed the formalisation of legal aid under the Constitution with the insertion of Article 39A, transforming what was previously a policy recommendation into a constitutional mandate. This amendment reflected India's commitment to social justice and egalitarian principles enshrined in the Constitution's Preamble.

In 1980, the Committee for Implementing Legal Aid Schemes (CILAS) was established under the chairmanship of Justice P.N. Bhagwati to manage legal aid programs nationwide. This committee played a crucial role in designing the framework that would eventually become the Legal Services Authorities Act. The culmination of these efforts came in 1987 with the enactment of the Legal Services Authorities Act, 1987, which came into force on November 9,

1995. This landmark legislation established a nationwide uniform network for providing free and competent legal services to weaker sections of society based on equal opportunity.

4. International Commission of Jurists, established in 1959

The "global order" on free legal aid consists of an interconnected web of international human rights treaties, United Nations guidelines, and Sustainable Development Goals that establish access to justice as a fundamental right. Rather than a single global governing body, a collective international framework requires member states to provide state-funded counsel to indigent individuals. Universal Declaration of Human Rights (UDHR): Articles 8 and 10 establish that everyone has the right to an effective remedy by competent national tribunals and a fair, public hearing. International Covenant on Civil and Political Rights (ICCPR): Article 14 guarantees the right to legal assistance in criminal cases, requiring states to assign counsel free of charge if the "interests of justice so require" and the individual lacks sufficient means. European Convention on Human Rights: Article 6(3)(c) makes legal representation for indigent individuals facing criminal charges legally binding across all signatory European nations.

UN Principles and Guidelines on Access to Legal Aid, which was adopted in 2012, this document sets the global standard, urging nations to establish state-funded, affordable, and accessible legal aid for both criminal and civil matters. Global Study on Legal Aid, jointly published by the United Nations Development Programme (UNDP) and the United Nations Office on Drugs and Crime (UNODC), global research demonstrates how countries worldwide deliver justice and recommends improvements. UN (SDG) Sustainable Development Goal 16: global framework mandates the promotion of the rule of law and equal access to justice for all. A committee on 'judicial and legal profession under the rule of law' at the New Delhi Congress of the International Commission of Jurists asserted that the State has an obligation to furnish legal aid to individuals unable to afford it, to ensure that the rights and remedies of individuals under the rule of law are rendered practically effective.

5. Institutional Framework

The Legal Services Authorities Act, 1987 established a comprehensive three-tier institutional structure to deliver legal services across India. At the apex stands the National Legal Services Authority (NALSA), headed by the Chief Justice of India. NALSA serves as the nodal agency for coordinating and monitoring legal aid programs nationwide. Its primary functions

include: 1. Monitoring and evaluating the implementation of legal aid programs. 2. Laying down policies and principles for making legal services available under the Act. 3. Drawing up programs and designing schemes for legal aid. 4. Taking necessary steps to utilise funds and grants received from the government. 5. Organising national-level legal awareness camps and Lok Adalats. NALSA's leadership by the Chief Justice of India underscores the judiciary's commitment to access to justice and provides the authority necessary to influence policy at the highest levels.

The second tier comprises State Legal Services Authorities (SLSA) in each state and union territory, headed by the Chief Justice of the respective High Court. SLSAs are responsible for: 1. Implementing NALSA's policies and programs at the state level. 2. Coordinating with District Legal Services Authorities within the state. 3. Organising state-level Lok Adalats. 4. Allocating funds to district and taluk-level authorities. 5. Monitoring the quality of legal services provided. The heading by Chief Justices of High Courts ensures judicial oversight and maintains the independence of legal aid delivery from political interference.

The third and most critical tier consists of District Legal Services Authorities (DLSA) in every district, headed by the District Judge. DLSAs serve as the primary interface between the legal aid system and beneficiaries, with responsibilities including: 1. Providing free and competent legal services to eligible persons. 2. Organising Lok Adalats for amicable settlement of disputes at the district level. 3. Organising legal awareness camps in rural areas. 4. Identifying eligible beneficiaries. 5. Appointing advocates for legal aid cases. The District Judge's leadership ensures that legal aid delivery is integrated with the district court system, facilitating efficient case management. Beyond the three-tier structure, Taluk Legal Services Committees operate at the sub-district level, extending the reach of legal aid to rural and remote areas. These committees work under the supervision of DLSAs and are instrumental in organising legal literacy camps and identifying beneficiaries in hinterlands.

6. Eligibility Criteria for Legal Aid

Section 12 of the Legal Services Authorities Act, 1987 specifies the categories of persons eligible for free legal services. The eligibility criteria are designed to prioritise the most vulnerable sections of society: 1. Women and children-recognising their particular vulnerability in the justice system. 2. Members of Scheduled Castes (SC) and Scheduled Tribes (ST - Addressing historical discrimination and marginalisation. 3. Industrial Workmen-

Protecting workers' rights in labour disputes. 4. Victims of mass disaster, violence, flood, drought, earthquake, or industrial disaster - Providing support during crises. 5. Disabled persons - Ensuring accessibility for persons with disabilities. 6. Persons in custody - Including undertrials, convicts, and detenues. 7. Victims of trafficking in human beings or begar - Addressing modern forms of slavery. 8. Mentally ill persons - Protecting those unable to advocate for themselves.

Income-Based Eligibility: For persons not falling under the mandatory categories, eligibility is determined by income thresholds: 1. General cases: Persons whose annual income does not exceed ₹1 lakh. 2. Supreme Court cases: The limit is ₹5 lakh for cases before the Supreme Court. 3. State variations: States can decide the threshold for eligibility under the Act, which varies from ₹1 lakh to ₹3 lakh depending on the state's economic conditions. This flexible approach acknowledges regional economic disparities while maintaining a national framework.

7. Services Provided Under Legal Aid

The Legal Services Authorities Act mandates comprehensive legal services for eligible beneficiaries: 1. Core Legal Services. A. Payment of court fees, process fees, and all other charges payable or incurred in connection with any legal proceedings. B. Providing service of lawyers in legal proceedings, including appointment of competent advocates. C. Obtaining and supplying certified copies of orders and other documents in legal proceedings. D. Preparation of appeals, paper books, including printing and translation of documents in legal proceedings. 2. Legal advice and consultation - Helping beneficiaries understand their rights and legal options.

8. What kind of cases can be applied for free legal aid?

The notion of "legal aid" is intrinsically linked to its role as an essential pathway to justice. Access to justice is characterised as “the capacity of individuals to pursue and secure a remedy through formal or informal justice institutions, in alignment with human rights standards,” and is regarded as essential for the safeguarding of human rights. Legal aid is essential for assisting individuals in navigating the legal system, making informed decisions, and securing remedies for justice. Legal aid establishes a vital link between communities and their judicial systems, offering assistance in navigating the frequently complex legal framework. The objective of legal aid originates from the progressive norms of justice and equity, as outlined in the UN

Principles and Guidelines.

According to Section 13 (1) of the Act, any individual who satisfies any criteria under Section 12 is entitled to receive legal services, provided that the concerned Legal Services Authority is satisfied that such person has a genuine case to prosecute or defend the matter. There is hence no bar as to which kind of cases one can apply and not apply for. All kinds of cases are included as long as the applicants satisfy the eligibility under Section 12 of the Act.

Types of Legal Aid: Legal aid in India encompasses three main types: 1. Legal Advice: Helping poor citizens understand their rights, legal options, and the implications of various legal actions. 2. Legal Representation: Providing competent lawyers to represent beneficiaries in courts, tribunals, and other legal forums. 3. Legal Literacy: Educating marginalised communities about their rights and the legal system through awareness campaigns. Additional Services: a. Lok Adalats: Alternative dispute resolution mechanisms that facilitate amicable settlements without formal court proceedings. B. Legal awareness camps: Educational programs in rural and underserved areas. C. Para-Legal Volunteers (PLVs): Trained community members who assist in identifying beneficiaries and providing basic legal information

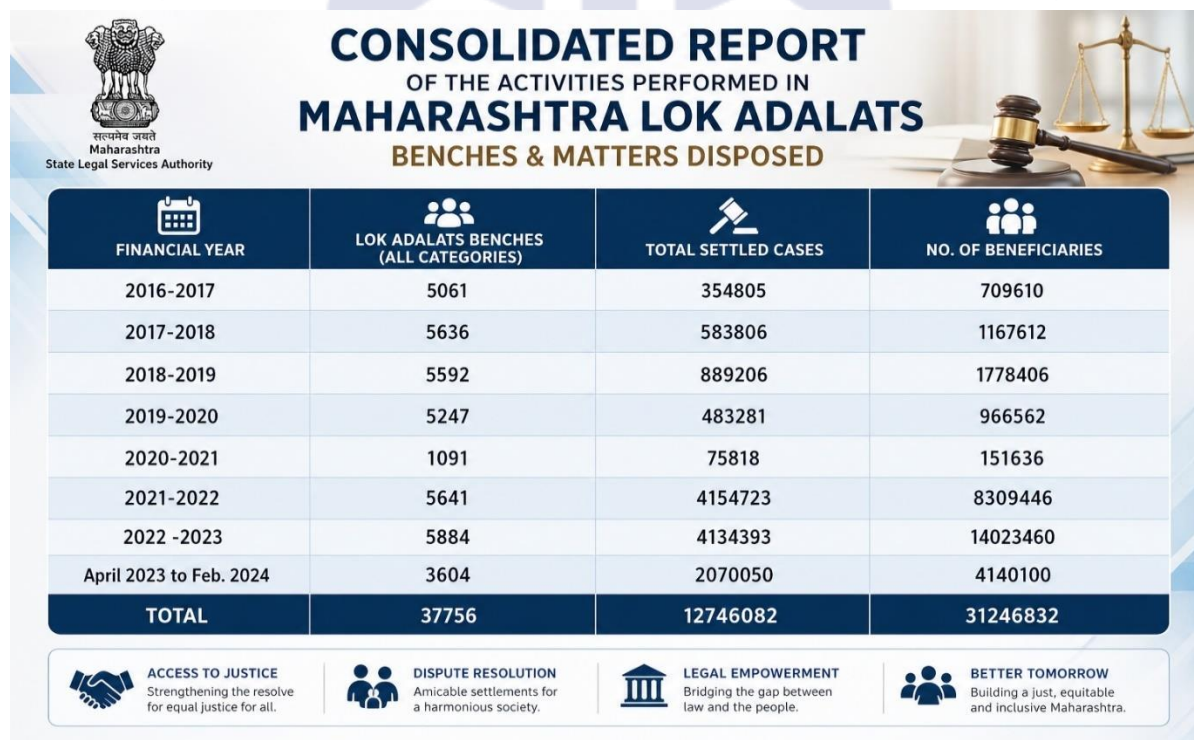
Lok Adalats: Lok Adalats (People's Courts) represent India's innovative approach to reducing case backlogs and providing accessible justice. These are statutory forums where disputes are settled amicably through mediation and conciliation rather than adversarial litigation. Key Features of Lok Adalats: No court fees: Cases filed in Lok Adalats do not require payment of court fees. Legally binding awards: Settlements reached in Lok Adalats have the status of a decree of a civil court. No appeal: Awards are final and not subject to appeal, promoting finality. Speedy resolution: Cases are typically resolved in a single day. Informal procedure: Less formal than regular courts, making them accessible to laypersons. Lok Adalats have proven particularly effective in resolving: a. Motor accident claim cases. B. Labour disputes. C. Matrimonial and family disputes. D. Land acquisition cases. E. Public utility service disputes. National Lok Adalats are organised periodically across all districts, often achieving record-breaking settlements. However, critics note that Lok Adalats sometimes prioritise settlement over justice, potentially pressuring vulnerable parties into unfavourable compromises.

9. Current Scenario and Statistical Overview

The legal aid system in India serves a vast population but faces significant gaps in implementation and awareness. According to available data, legal aid is mandated for nearly 80% of India's population under the Legal Services Authorities Act. This expansive eligibility reflects India's commitment to inclusive justice but also highlights the scale of the challenge.

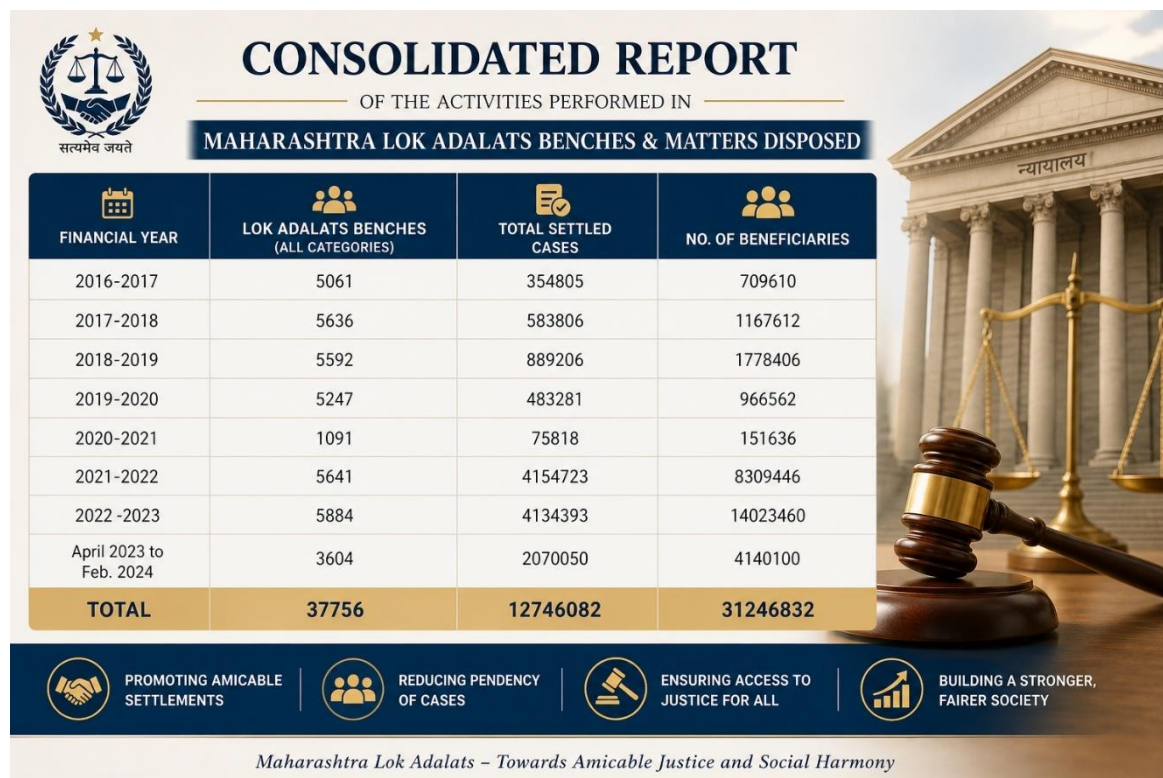
10. The Maharashtra State Legal Services Authority (MSLSA)

The Maharashtra State Legal Services Authority was established under the Legal Services Authorities Act, 1987 (39 of 1987), to implement the constitutional provisions outlined in Article 14 and 39-A of the Constitution of India. The objective is "Access to Justice for All," ensuring that citizens are not denied justice due to poverty or other impairments. The fundamental principle of our Constitutional philosophy, as indicated in the preamble, is the dignity of the individual, which embodies human rights and necessitates not only civil and political rights but also economic, social, and cultural rights. The primary aim, inclination, and directives of the Legal Services Authority are to implement tangible, pragmatic, and affirmative measures to guarantee equity and fairness for all within the legal system, so fulfilling the mandate of the Constitution of India. It is, undoubtedly, a profoundly burdensome endeavour. The substantial population afflicted by poverty and illiteracy underscores the critical need for the Legal Services Authority.



From 2016-2017 to Feb 2024, 37,756 Lok Adalat benches were constituted in Maharashtra,

resulting in the settlement of 12,746,082 cases and benefiting 31,246,832 people. While there was a significant decline in benches and cases during 2020-2021 (likely due to the pandemic), there has been remarkable growth in subsequent years, with record numbers of cases settled and beneficiaries in 2021-2022 and 2022-2023. The data show the increasing impact and reach of Lok Adalats in delivering accessible justice to the public.



10.1. Cases settled in National Lok Adalat from 2020 to 2025

Subject	2020	2021	2022	2023	2024	2025
Pre-litigation	12,64,935	72,06,294	3,10,15,215	1,75,98,095	9,646,088	8,05,7311
Pending Cases	12,83,433	55,81,743	1,09,10,795	30,25,724	10,45,26,119	5,082,181

10.2. Consolidated Report of the Activities Performed in Maharashtra Lok Adalats Benches & matters disposed

Financial Year	Lok Adalats Benches (All Categories)	Total Settled Cases	No. of Beneficiaries
2016-2017	5061	354805	709610

2017-2018	5636	583806	1167612
2018-2019	5592	889206	1778406
2019-2020	5247	483281	966562
2020-2021	1091	75818	151636
2021-2022	5641	4154723	8309446
2022 -2023	5884	4134393	14023460
April 2023 to Feb. 2024	3604	2070050	4140100
Total	37756	12746082	31246832

10.3. Legal Literacy Camps organised

Financial Year	Legal Literacy Camps organized	No. of Beneficiaries
2016-2017	7275	577660
2017-2018	7335	724102
2018-2019	6933	650466
2019-2020	8537	955199
2020-2021	3405	172868
2021-2022	25147	16042014
2022-2023	16743	4988930
April 2023 to Feb. 2024	11601	2059860
Total	86976	26171099

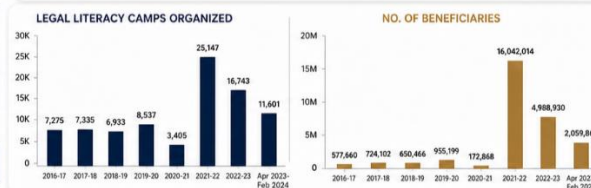


LEGAL LITERACY CAMPS ORGANIZED

A Summary of Outreach and Impact

FINANCIAL YEAR	LEGAL LITERACY CAMPS ORGANIZED	NO. OF BENEFICIARIES
2016-2017	7,275	577,660
2017-2018	7,335	724,102
2018-2019	6,933	650,466
2019-2020	8,537	955,199
2020-2021	3,405	172,868
2021-2022	25,147	16,042,014
2022-2023	16,743	4,988,930
April 2023 to Feb. 2024	11,601	2,059,860
TOTAL	86,976	26,171,099

KEY HIGHLIGHTS



OVERALL IMPACT

Through consistent efforts over the years, legal literacy camps have empowered millions with knowledge and awareness of their rights.



8
Financial Years

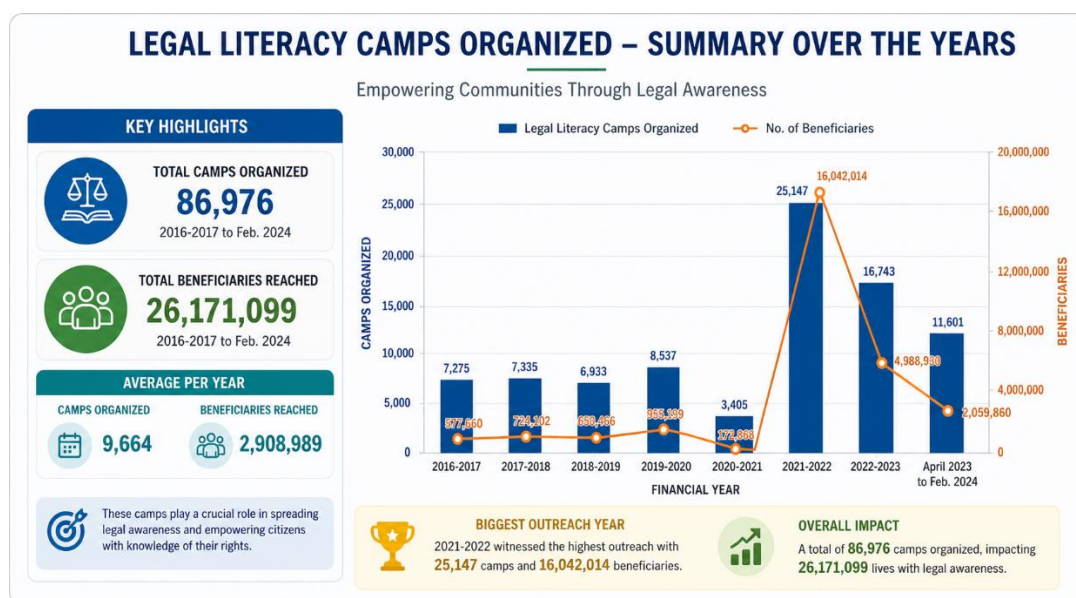


86,976
Camps Organized



26,171,099
Beneficiaries Reached

Between 2016-2017 and Feb 2024, a total of 86,976 Legal Literacy Camps were organised, benefitting 26,171,099 individuals. The number of camps and beneficiaries varied each year, with notable growth in 2021-2022, when over 25,000 camps reached more than 16 million beneficiaries. Despite a dip during 2020-2021 (likely due to pandemic restrictions), both the number of camps and their reach saw major increases in recent years, reflecting a strong expansion of legal awareness efforts.



10.4. Motor Accident Claims cases settled and Compensation paid in M.A.C.T. cases

Financial Year	MACT Cases Settled	Compensation (Rs.) in MACT cases
2016-2017	6272	1891088218
2017-2018	6946	2280866430
2018-2019	7614	2979732175
2019-2020	4798	3346783141
2020-2021	2155	1112450759
2021-2022	8114	5852259338
2022-2023	6308	6308842978
April 2023 to Feb. 2024	7127	4384900216
Total	49,334	28,15,69,23,255

MOTOR ACCIDENT CLAIMS CASES SETTLED AND COMPENSATION PAID IN M.A.C.T. CASES

FINANCIAL YEAR	MACT CASES SETTLED	COMPENSATION (RS.) IN MACT CASES
2016-2017	6272	₹ 18,91,08,21,218
2017-2018	6946	₹ 22,80,86,64,30
2018-2019	7614	₹ 29,79,73,21,75
2019-2020	4798	₹ 33,46,78,31,41
2020-2021	2155	₹ 11,12,45,07,59
2021-2022	8114	₹ 58,52,25,93,38
2022-2023	6308	₹ 63,08,84,29,78
April 2023 to Feb. 2024	7127	₹ 43,84,90,02,16
TOTAL	49,334	₹ 28,15,69,23,255

The Motor Accident Claims Tribunal (MACT) ensures timely justice and fair compensation to the victims of road accidents and their families.


Between 2016-2017 and Feb 2024, a total of 49,334 Motor Accident Claims Tribunal (MACT) cases were settled, resulting in a total compensation payout of ₹28,156,923,255. The number of cases settled and the amount of compensation paid fluctuated annually, with the lowest activity seen in 2020-2021—likely due to the pandemic—and the highest compensation paid in 2022-2023. The data demonstrates a general upward trend in both cases settled and compensation paid over the period, with notable spikes in recent years.

MOTOR ACCIDENT CLAIMS


Cases Settled and Compensation Paid in M.A.C.T. Cases

FINANCIAL YEAR	MACT CASES SETTLED	COMPENSATION (RS.) IN MACT CASES
2016-2017	6272	1891088218
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April 2023 to Feb. 2024	7127	4384900216
TOTAL	49,334	28,15,69,23,255


Ensuring Justice. Compensation for Victims.




Justice Delivered



Support for Victims and Families



Stronger Law, Safer Roads



Compassion Today, Security Tomorrow

10.5. Pre-litigation Status in Maharashtra

Financial Year	Pre-litigation Matters settled
2016-2017	242489
2017-2018	427527
2018-2019	724852
2019-2020	367860
2020-2021	46300
2021-2022	3878230
2022-2023	3813128
April 2023 to Feb. 2024	1773592
Total	1,12,73,978

10.6. Applications in which advocates were provided

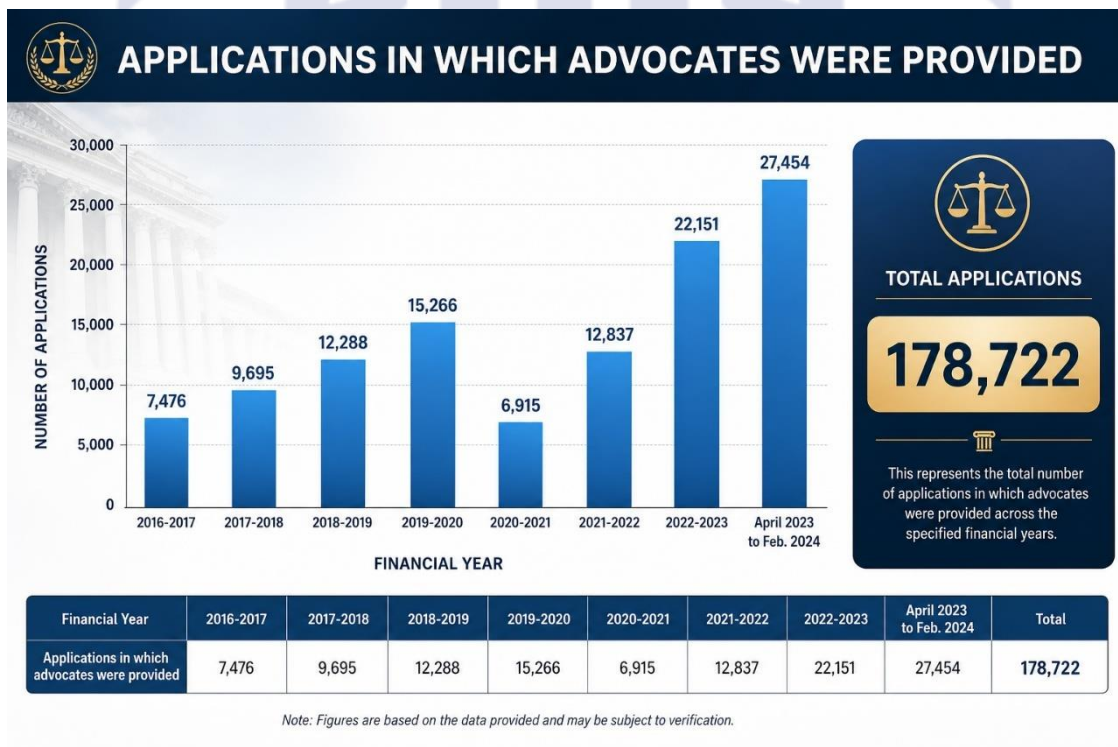
Financial Year	Applications in which advocates were provided
2016-2017	7476
2017-2018	9695
2018-2019	12288
2019-2020	15266
2020-2021	6915
2021-2022	12837
2022-2023	22151
April 2023 to Feb. 2024	27454
Total	178722

APPLICATIONS IN WHICH ADVOCATES WERE PROVIDED

Year-wise Summary of Applications

FINANCIAL YEAR	APPLICATIONS IN WHICH ADVOCATES WERE PROVIDED
2016-2017	7,476
2017-2018	9,695
2018-2019	12,288
2019-2020	15,266
2020-2021	6,915
2021-2022	12,837
2022-2023	22,151
April 2023 to Feb. 2024	27,454
TOTAL	178,722

From 2016-2017 to Feb 2024, advocates were provided in a total of 178,722 applications. The number of applications increased steadily over the years, with the lowest figure in 2020-2021 (6,915, likely due to the pandemic) and the highest in the period from April 2023 to February 2024 (27,454). The data reflects a significant upward trend, particularly in recent years, highlighting the growing demand for legal aid services.



10.7. Statistical Information in Respect of Para Legal Volunteers

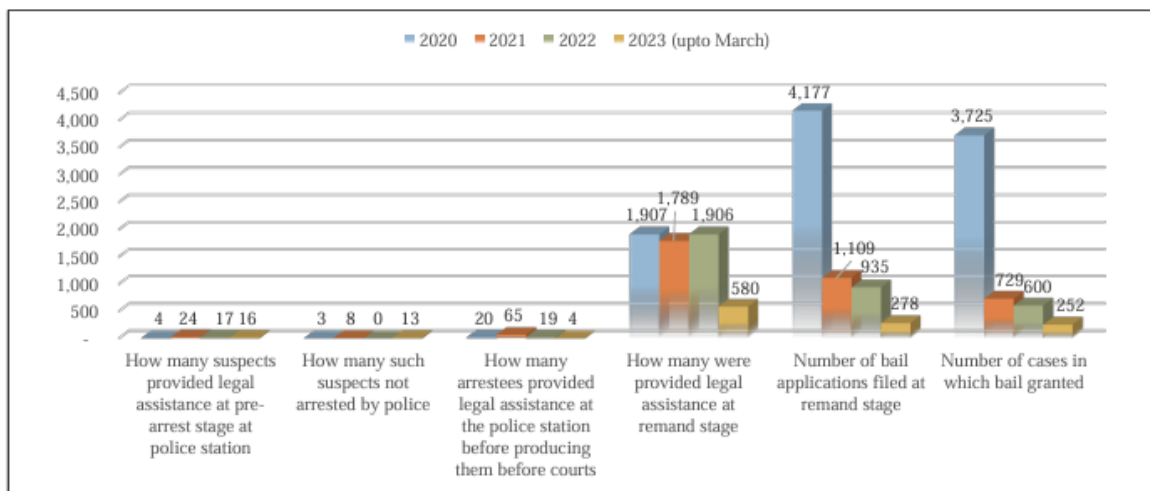
Total No. of PLVs trained	No. of PLVs deployed					
	Police Station	Front Offices	Jails/ Observations Homes	JJBs/ Child Welfare Centres (CWCs)	Other Legal Services (Pl. specify)	Total
4758	108	143	66	45	765	1126

10.8. Statistical Information in R/O Legal Services Clinics and Support Centre & Other

Colleges/ Universities	Village Legal Care and support Centre's	Community Centre	Courts	Jails	Others	Total
85	210	41	94	73	155	658

The document provides a comprehensive overview of legal aid activities, data, and initiatives across various Indian states, including legal services infrastructure, case statistics, legal awareness programs, and funding details.

10.9. Legal Assistance -Pre Arrest, Arrest, Remand Stage in Maharashtra



11. Justice Reality

Ensuring access to justice for all and establishing effective, responsible, and inclusive institutions at all levels is one of India's Sustainable Development Goals for 2030, as agreed by the United Nations General Assembly in 2015. An effective legal aid system will facilitate the attainment of this objective while also fulfilling the aims of the legal aid statute and the legislative intent. The law may have established an optimal framework for ensuring legal services are available to all in accordance with constitutional standards; nevertheless, the actual execution has yet to achieve this purpose. According to the 2019 Annual Report of the National Legal Services Authority, the groups receiving the least assistance included the transgender community, victims of human trafficking, industrial workers, and individuals with disabilities. In 2019, a mere 184 individuals from the transgender community received legal assistance through various legal services authorities, the lowest figure among all demographics, whereas 1,419 victims of human trafficking obtained legal aid. The data reveal that around 280,000 women received complimentary legal assistance, in addition to 116,000 individuals from Scheduled Castes and 132,000 individuals from Scheduled Tribes. Additionally, 204,000 individuals in custody received free legal assistance at the state and/or district level.

Legal clinics and Legal Services Clinics (LSC) in Indian law schools and colleges function under the National Legal Services Authority (Legal Aid Clinics) Scheme of 2010. Established under the directive of the Bar Council of India (BCI), these student-operated, faculty-guided initiatives address the justice disparity for marginalised populations while offering students practical Clinical Legal Education.

11.1. Legal Clinics Functions and Activities of Law Colleges in India

Activities	Northen Region	Southern Region	Western Region	Eastern Region	Average Pan India
Pro Bono Legal Assistance	36%	38%	27%	25%	31.5%
Legal Literacy Awareness	45%	42%	30%	25%	35.5%
Nukkad Nataks /Street Plays	12%	15%	21%	14%	15.5%

Posters, exhibitions and curation	22%	19%	24%	17%	10.5%
Mediation and ADR	11%	12%	15%	14%	13%
Lok Adalat	5%	6%	9%	4%	6%
Legal aid in Prison	43%	39%	51%	23%	39%
ToT/Para Legal Training	9%	11%	13%	11%	11%
Community Legal Literacy Camps	4%	3%	8%	6%	5.5%
Seminars and Conferences on Free Legal Aid	2%	5%	4%	4%	3.5%

Source: Field data collected from legal clinics in selected Law Colleges in April 2026.

A scientific survey was conducted in 25 legal clinic units in colleges in each region, with 100 targeted students employing simple random sampling techniques. It tested the mandate of legal clinics and their functions to provide free legal aid and clinical legal education. The table outlines the participation rates of law colleges' legal clinics in India across different activities and regions: 1. Northern, 2. Southern, 3. Western, and 4. Eastern, along with a cumulative average for each activity.

Pro Bono Legal Assistance: Engagement is strongest in the Southern (38%) and Northern (36%) regions, with a cumulative average of 31.5%. This suggests these regions prioritise offering free legal help. **Legal Literacy Awareness:** The Northern Region leads with 45%, followed by the Southern at 42%. The overall average is 35.5%, showing that spreading legal awareness is a key focus, especially in the North and South. **Nukkad Nataks / Street Plays:** Participation is relatively low across all regions, with the highest in the Western Region (21%). The cumulative average is 15.5%, indicating this creative method is less frequently used. **Posters, Exhibitions, and Curation:** This activity sees high involvement, particularly in the Western (44%) and Northern (42%) regions, yielding a strong cumulative average of 40.5%. **Mediation and ADR:** Participation is modest, with averages around 11-15% across all regions

and a cumulative average of 13%. This suggests limited integration of mediation and alternative dispute mechanisms in clinic activities. Lok Adalat: This has the lowest engagement, averaging 6% overall, with slightly higher involvement in the Western Region (9%). Legal Aid in Prison: The Western Region stands out at 51%, contributing to a high cumulative average of 39%. This reflects a strong emphasis on prison legal aid, especially in the West.

ToT/Para Legal Training: Participation is relatively uniform and low, ranging from 9-13% across regions, with an average of 11%. Community Legal Literacy Camps: Engagement is lowest in this activity, with a cumulative average of just 5.5%. Seminars and Conferences on Free Legal Aid: These are the least common, with an average participation rate of only 3.5%. There were no significant activities conducted in legal clinics in the law colleges; they are just established as one of the physical structures as per the BCI.

Key Insights: 1. Activities focused on direct legal assistance and awareness (Pro Bono, Legal Literacy, Posters/Exhibitions) see the highest engagement. 2. Creative outreach (Street Plays) and institutional/legal training (ToT, Seminars) are less emphasised. 3. There are significant regional differences, with the North and West generally demonstrating higher engagement in most activities. 4. The data highlights opportunities for growth in underrepresented activities, especially Lok Adalat, community camps, and legal aid seminars, to ensure more holistic legal outreach.

11.2. Prominent law school clinics serve the purpose of legal aid; they are

- ❖ TISS Law School has a collaboration with MSLSA and conducts several outreach programmes in the deserving districts of Maharashtra. Innovatively, LLM in Access to Justice students have been placed in district legal services authorities, and they conduct legal literacy camps, community legal clinics, train para-legal volunteers, and do street plays and visual documentaries as part of the coursework.
- ❖ National Law School of India University (NLSIU) features the Legal Services Clinic (LSC), which manages public interest projects and collaborates with specialised divisions such as the Human Rights Lawyering Clinic.
- ❖ Indian Law Society (ILS) Law College: Maintains a comprehensive ILS Legal Aid Centre addressing a diverse range of civil and criminal issues six days a week.
- ❖ The Legal Aid Clinic at the Institute of Law, Nirma University, is administered by student committees and actively engages in legal awareness initiatives.
- ❖ KIIT School of Law: The Legal Aid Service Clinic conducts community outreach projects, encompassing street vendor empowerment and literacy programs.

- ❖ Presidency University School of Law collaborates with the District Legal Services Authority (DLSA), serving as a direct liaison with the community.

Activities are predominantly directed by faculty advisers and practising solicitors, with execution managed by advanced law students. Jurisdiction: Clinics frequently engage with local communities or collaborate with district-level statutory bodies to enhance their outreach.

11.3. Cumulative Analysis

An analysis of the data plainly reveals that specific segments of society remain uncontacted and uninformed about the free legal services available to them. The primary objective for local legal services authorities is to enhance their operations to broaden their accessibility. But in many districts, it is not functioning as per the mandate. Legal Aid and Access to Justice for Marginalised Communities: For the user's research focus on access to justice and marginalised groups, legal aid represents the critical interface between constitutional promises and ground-level reality.

- ❖ In tribal and rural areas, legal aid faces unique challenges: 1. Geographic isolation and poor infrastructure. 2. Limited access to courts and legal professionals. 3. Language and cultural barriers. 4. Traditional justice systems conflicting with the formal legal system
- ❖ Legal aid must be contextualised within broader rural governance and development frameworks, integrating with: 1. Panchayati Raj institutions. 2. Tribal self-governance mechanisms. 3. Land rights programs. 4. Social welfare schemes. 5. Rural development initiatives. 6. Labour Law and Workforce Issues.
- ❖ Legal aid plays a crucial role in labour justice: 1. Industrial workmen are explicitly eligible under the Act. 2. Labour disputes often involve power asymmetry favouring employers. 3. Migrant workers face compounded vulnerabilities. 4. Automation and the gig economy create new legal aid needs. 5. Implementation of new labour codes requires legal aid support
- ❖ Legal aid is fundamental to human rights protection: 1. Prevents arbitrary detention and torture. 2. Ensures fair trial rights. 3. Protects against discrimination. 4. Facilitates access to remedy for rights violations. 5. Enables participation in democratic processes.
- ❖ Digital Evidence and Technology, as the user's expertise includes digital evidence, legal aid increasingly intersects with technology: 1. Digital evidence requires technical expertise often unavailable to legal aid lawyers. 2. Cybercrime victims need specialised legal assistance. 3. The digital divide affects legal aid access. 4. Technology can both enable and hinder legal aid delivery

12. Conclusion: Justice for All as Constitutional Imperative

The concept of legal aid is ancient, but our contemporary understanding of it is a recent development. Legal aid is designed to cover the expenses of impoverished individuals and vulnerable groups within the general populace, enabling them to safeguard their legal rights through appropriate support and implementation. The law is seen as a mechanism to achieve equality under the legal framework established by our Constitution, as well as in the constitutions of various other nations. To ensure that the disadvantaged, oppressed, and marginalised segments of society do not miss out on benefits, there must be enough awareness of the law and legal procedures. Pandit Jawaharlal Nehru asserted that 'the rule of law must closely align with the essence of life; it cannot deviate from the fundamental issues of existence. It must address contemporary challenges.' The law is designed to serve the general populace and uphold the spirit of the Constitution, which can be sustained through social justice. Despite numerous difficulties, the legal system effectively refrained from addressing issues concerning such vulnerable groups with a pragmatic approach to safeguarding their interests. The citizens of India have elevated the judiciary to a prominent status. The legal system has been able to extend its reach to the most impoverished individuals.

Legal aid in India represents one of the most ambitious attempts to realise constitutional promises of equality and justice for all. The constitutional mandate through Article 39A, the comprehensive statutory framework under the Legal Services Authorities Act, 1987, and the three-tier institutional structure demonstrate India's commitment to accessible justice. However, the gap between constitutional vision and ground reality remains stark. With only 15% rural awareness, ₹0.75 per capita spending, and persistent quality issues, the system falls short of its mandate. Nearly 80% of the population qualifies for legal aid, yet weak outreach renders the system ineffective for many vulnerable groups. The path forward requires recognition that legal aid is not merely a welfare scheme but a constitutional imperative essential for democracy's legitimacy. A stronger legal aid system demands:

- ❖ Substantial increased funding matching the scale of need
- ❖ Massive legal literacy campaigns addressing the awareness gap
- ❖ Quality improvement mechanisms ensuring competent representation
- ❖ Technology integration expanding reach and efficiency
- ❖ Institutional strengthening at all three tiers
- ❖ Specialised programs for different marginalised groups
- ❖ Political will to prioritise justice over other competing demands

Recommendations for Improving Access to Legal Aid Across the Country:

1. Enhancement and Expansion of Institutions

- ❖ Implement a minimum of one operational PLA in each district to guarantee comprehensive coverage.
- ❖ Implement comprehensive monitoring systems, encompassing monthly reports on hearings, case resolutions, settlement rates, and backlog status.
- ❖ Implement digital file systems, mobile applications, and online portals for case submission, tracking, and monitoring.

2. Appointments and Leadership

- ❖ Appoint Chairmen and Members based on their dedication to social justice, responsiveness, and empathy, rather than as post-retirement positions.
- ❖ •Establish a framework for the selection, orientation, and performance assessment of PLA Chairmen and Members, enabling States to adjust to local conditions.
- ❖ Encourage active Bar members to periodically participate in PLA sessions to promote professional engagement and community trust.

3. Training and Capacity Development

- ❖ •Facilitate ongoing mediation and conciliation training for PLA members and officers of Public Utility Services.
- ❖ Conduct sensitisation programs for Chairpersons and Members regarding the scope, jurisdiction, and limitations of PLAs, encompassing updates on statutory requirements.
- ❖ Facilitate the exchange of knowledge and exemplary practices among PLAs across States to improve institutional learning and operational efficiency.

4. Public Awareness and Outreach

- ❖ •Implement extensive awareness efforts utilising media, social platforms, and community activities to inform individuals about PLA functions, jurisdiction, and advantages.
- ❖ •Recruit Paralegal Volunteers (PLVs) to serve as ambassadors for Public Legal Awareness (PLA), especially in rural and underserved regions.
- ❖ •Exhibit PLA information, encompassing jurisdiction, contact information, and sitting schedules, at public offices, banks, insurance firms, and public sector undertakings.

5. Engagement with Public Utility Providers

- ❖ •Facilitate regular meetings with PLAs, SLSAs, and PSU leaders to promote active engagement and resolve issues.

- ❖ •Facilitate joint seminars and capacity-building sessions for PSU officers and PLA members to promote collaborative dispute settlement.
- ❖ •Broaden the scope of PLAs to encompass supplementary citizen-centric public utility services, including Aadhaar enrolment, ration card issuance, pensions, municipal services, and educational services.

6. Fiscal Efficiency and Resource Optimisation

- ❖ •Regularly assess the cost per case resolved and extract best practices from high-performing states to enhance expenditure efficiency.
- ❖ Implement a performance framework comprising the "four R's": Reach, Regularity, Responsiveness, and Results, for the evaluation of PLAs.

7. Transparency, Credibility, and Public Trust

- ❖ •Exhibit annual sitting calendars at PLA facilities and online to enhance predictability and transparency.
- ❖ Implement feedback and grievance systems that allow citizens to submit concerns and enhance accountability.
- ❖ •Encourage the consistency of sessions and prompt resolution of cases to bolster credibility and public confidence.

For India's marginalised communities' women, children, SC/ST members, tribal populations, persons in custody, disabled individuals, and the urban and rural poor, legal aid represents their only realistic pathway to justice. Ensuring its effectiveness is not merely a policy choice but a constitutional obligation and moral imperative. The journey from "justice for the rich" to "justice for all" remains incomplete. But through sustained commitment, adequate resources, innovative approaches, and unwavering focus on the most vulnerable, India can realise the constitutional promise embedded in Article 39A. Legal aid must evolve from a marginalised government scheme to a central pillar of India's justice system, reflecting the nation's commitment to egalitarian democracy and social justice. The ultimate measure of India's democracy will not be the quality of justice available to those who can pay, but the justice accessible to those who cannot. Legal aid remains the critical mechanism ensuring that India's constitutional promises extend beyond paper to become lived reality for millions of citizens. Only when legal aid achieves this transformation can India truly claim to provide justice for all, free and equal, as the Constitution mandates.

13. References

1. Anil Kumar Sharma & Aradhana Parmar, Concept of Free Legal Aid, 18 INT'L J. Advances & Scholarly Res. Allied, no. 7, Dec. 2021.
2. Apparel Export Promotion Council v. A.K. Chopra, (1999) 1 SCC 759; Medha Kotwal Lele v. Union of India, (2013) 1 SCC 297; (2012) 9 SCR 895.
3. Art. 37, Constitution of India. See, Kesavananda Bharati, para 672; Minerva Mills Ltd. v. Union of India, (1980) 3 SCC 625.
4. Cass R. Sunstein. 1996. 'On the Expressive Function of Law', University of Pennsylvania Law Review, 144: 2021–2053.
5. Constituent Assembly Debates, Volume VII (9 December 1948).
6. Felice Batlan & Marianne Vasara-Aaltonen, Histories of Legal Aid: A Comparative and International Perspective 2 (Palgrave Macmillan 2021). 3M.H. Hoskot v. State of Maharashtra, A.I.R. 1978 S.C. 1548 (India).
7. For example, in universities or workspaces, and collectively through sustained engagement with Parliament, which led to a statute being passed in 2013.
8. Global Study on Legal Aid, U.N. Off. on Drugs & Crime (2016)
9. Hilary Sommerlad. 2004. 'Some Reflections on the Relationship between Citizenship, Access to Justice and the Reform of Legal Aid', Journal of Law and Society, 31(3): 345–368, p. 357.
10. Hussainara Khatoon v. Home Secretary, State of Bihar, 1979 AIR 1369, 1979 SCR (3) 532.
11. India Const. Art. 39A, amended by The Constitution (Forty-second Amendment) Act, 1976. The Legal Services Authorities Act, 1987, No.39, Acts of Parliament, 1987
12. Jeet Singh Mann, Comparative Legal Aid Systems and India 9 (Routledge, New York, 2023).
13. Kriti Madan & Swati Gupta, Legal Aid in India, LEGAL SERVICE INDIA 2, (2024)
14. M P Jain, Indian Constitutional Law 1187 (LexisNexis 2018).
15. Mallikarjun, Legal Aid in India and The Judicial Contribution, 7, NALSAR LAW R'VIEW 234, 234-235 (2013).
16. Nishant Gokhale, The Evolution of Legal Aid in India, LEGALLY INDIA (Jan. 4, 2024)
17. People's Union for Civil Liberties v. Union of India, (2003) 4 SCC 399: (2003) 2 SCR 1136.
18. Rakhi, Genesis of Legal Aid in India, Via Mediation & Arbitration Centre (Jan. 2024)

19. Ranville Austin. 1966. *The Indian Constitution: Cornerstone of a Nation*. London: Oxford University Press, p. 50, quoted with approval in *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225
20. S. Muralidhar. 2005. 'Access to Justice', on 27 March 2016.
21. *S.P. Gupta v. Union of India*, 1981 Supp SCC 87 (S.P. Gupta).
22. *The Right to Legal Aid: A Guide to International Law Rights to Legal LAWYERS' RTS*. Watch Can. (2014)
23. UNDP. 2004. *Access to Justice Practice Note*, p. 6.
24. Unique Legal Database, Law Web, Constitutional bench Supreme Court Judgement delineating four main facets of access to justice - part of Article 21.
25. Varun Pathak, *A Brief History of Legal Aid*, LEGAL SERVICE INDIA (Jan. 4, 2024)
26. *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.

