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RIGHT OF FREE LEGAL AID AND NATURAL LAW: BRIDGING THE GAP FOR JUSTICE

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ABSTRACT:

The concept of free legal aid, as seen through the lens of principle of natural Justice, aligns with the idea that certain rights and justice are inherent in nature and required to be available to all individuals, regardless of their socio-economic status. In the context of legal aid, natural law suggests that there are fundamental rights and principles that exist independently of human-made laws. According to natural law, there is a moral and ethical imperative to ensure that everyone has access to justice and legal assistance when needed. This stems from the belief that justice is a fundamental aspect of a just and orderly society. The idea is to bridge the gap between those who may not have the financial means to afford legal representation to seek justice and others who has everything. While the concept of free legal aid may not be explicitly outlined in natural law theories, the underlying principles of justice, fairness, and the protection of basic human rights align with the notion that legal assistance should be accessible to all, irrespective of economic considerations. In the pursuit of a just and equitable society, the concept of free legal aid plays a pivotal role. Rooted in both the principles of natural justice and enshrined within the framework of the Indian legal system, the provision of free legal aid ensures that justice is not a privilege confined to the fortunate few but a right accessible to all.¹ This article delves into the

¹ Dr. Kailash Rai, Public Interest Lawyering, Legal Aid and Para-Legal Services, 178 (4th ed.,2007)

foundations of free legal aid, examining its philosophical underpinnings in natural law theory and its practical implementation in the Indian legal landscape.

Introduction:

The concept of free legal aid is deeply rooted in the principles of justice and fairness, with its foundations often traced back to the philosophical underpinnings of natural law theory. Natural law, as a jurisprudential concept, posits that certain rights and principles are inherent in human nature and can be discovered through reason and moral intuition.

In the context of legal aid, natural law advocates for the idea that access to justice is a fundamental right, and barriers to this access go against the inherent principles of fairness and equity. In this context, the provision of free legal aid aligns itself with the fundamental notion that justice should be accessible to all, irrespective of socio-economic status. That Indian legal system has upheld the concept of free legal aid as paramount aspect and enacted legal provisions in view of providing legal assistance to all who has no means to seek legal representation.²

Natural Law Theory and Access to Justice:

Natural law theory suggests that there exists a universal set of moral principles inherent in human nature. These principles are considered to be discoverable through reason and are not dependent on positive laws enacted by governments. Natural law theory posits that certain rights and principles are inherent in human nature and can be discerned through reason and morality. The pursuit of justice, a central tenet of natural law, demands that every individual has a right to a fair trial and legal representation.

The concept of free legal aid aligns seamlessly with this theory, as it recognizes the inherent dignity and worth of each person, irrespective of their socio-economic status. In the realm of natural law, the provision of free legal aid is not merely a legal obligation but a moral imperative. It reflects the understanding that justice cannot be contingent upon one's ability to afford legal representation. By ensuring access to legal aid, societies uphold the fundamental principles of fairness, equality, and the protection of individual rights as dictated by natural law. Free legal aid, in this sense, becomes a vehicle for ensuring that individuals, regardless of their financial

² Concepts of natural justice, available at https://www.legalserviceindia.com/legal/article-1549-concept-of-natural-justice.html#google_vignette, last seen on 20/04/2024.

means, can access the legal system. This aligns with the natural law principle that justice should not be a privilege reserved for the wealthy but a right extended to all members of society.³

Safeguarding Basic Rights:

Natural law emphasizes the protection of basic human rights, such as the right to life, liberty, and property. Free legal aid plays a crucial role in safeguarding these rights by providing legal assistance to those who may otherwise be unable to navigate the legal system. This ensures that individuals are not deprived of their fundamental rights due to financial constraints.⁴

Promoting Social Justice:

Natural law theory inherently promotes the idea of social justice, wherein the legal system operates to create a fair and equitable society. The provision of free legal aid serves as a practical manifestation of this theory, as it seeks to rectify imbalances and empower marginalized individuals who might otherwise be disenfranchised within the legal framework.⁵

Free Legal Aid in the Indian Legal System:

The Indian legal system, cognizant of the diverse socio-economic landscape, has integrated the concept of free legal aid as a constitutional mandate. Article 39A of the Constitution of India embodies this commitment, proclaiming that the State shall secure that the operation of the legal system and promote justice on the basis of equal opportunity and ensures that opportunities for securing justice should not be denied to any citizen by reason of economic or other disabilities. Article 39A is a pivotal provision within the Directive Principles of State Policy in the Indian Constitution, embodying the commitment of the state to secure justice for all its citizens. Enshrined as part of the Directive Principles in the Constitution's Part IV, Article 39A reflects a visionary approach to justice, emphasizing the principles of equality before the law and the right to legal aid. This constitutional provision underscores the state's responsibility to create a legal framework that facilitates access to justice for all, irrespective of socio-economic backgrounds.

³ Understanding The Principle Of Natural Justice And Its Application In The Indian Legal System, available at, <https://www.legalserviceindia.com/legal/article-8642-understanding-the-principle-of-natural-justice-and-its-application-in-the-indian-legal-system.html>, last seen on 20/04/2024.

⁴ Dr. B.N. Mani Tripathi and Dr. Rajiv Mani, Jurisprudence (Legal Theory), 431 (19th ed., 2012).

⁵ Ibid.

It acknowledges that economic disparities should not be a barrier to obtaining justice and emphasizes the need for affirmative action to address such disparities.

One of the key aspects of Article 39A is the mandate for the state to provide free legal aid. The framers of the Constitution recognized that the inability to afford legal representation should not hinder an individual's access to justice. To give effect to this provision, the government has enacted various legislations and established schemes to ensure the availability of legal aid to those in need.⁶

Article 39-A of Constitution: Equal Justice and Free Legal Aid.

By appropriate legislation or schemes, or in any other way to ensure that opportunities for securing justice are not denied to any citizen because of economic disabilities, the state shall ensure that the operation of the legal system promotes justice, based on equal opportunity. In particular, the state shall provide free legal aid.⁷

In the landmark case that pertains to the principles of justice and legal aid is **Hussainara Khatoon v. State of Bihar**. In this case, the Supreme Court of India emphasized the right to speedy trial and held that the state is under an obligation to provide free legal aid to accused person for whom it is difficult secure legal representation.⁸

In the landmark case of **Khatri v. the State of Bihar**, Hon'ble Justice P.N. Bhagwati made it is mandatory for Session Judges to make aware the accused of their rights to have free legal aid and to give advice to such person if that person unable to appoint a counsel to defend themselves because poverty .⁹

In the case of **Suk Das v. Union Territory of Arunachal Pradesh**, Hon'ble Supreme that India has many illiterate people who are unaware of their rights. And because of which, it is critical to develop legal literacy and awareness among the general public and it is also an essential component behind legal aid. ¹⁰

⁶ Dr.J.N.Panday ,Constitutional Law Of India,391(45th ed.,2008).

⁷ Art. 39A the Constitution of India, Inserted by the constitution (Forty-second Amendment) Act,1976, S.8 (w.e.f .3-1-1977)

⁸ Hussainara Khatoon v. State of Bihar AIR 1979 SC 1322.

⁹ Khatri v. the State of Bihar, 1981 CrLJ470 : (1981) 1 SCC 627.

¹⁰ Suk Das v. Union Territory of Arunachal Pradesh, AIR 1986 SC 991.

In **Centre of Legal Research v. State of Kerala** it has been held that in order to achieve the objectives in article 39A, the state must encourage and support main participation of voluntary organisation and social action groups in operating Legal Aid programme. Legal programme which is mean to bring Social justice to the people cannot remain confined to the traditional or litigation oriented program but it must take into account the social economic conditions prevailing in the country and adopt a more dynamic approach. The voluntary organisations must be involved and supported for implementing legal in programme and they should be free from government control.¹¹

In a notable judgment **State of Maharashtra v. Manubhai Bagaji Vashi** the Supreme Court has held that article 21 read with article 39A cast a duty on the state to afford grants-in-aid to recognised private law colleges, similar to other faculties, which qualify for receipt of grant the wholesale duty cast on the state cannot be whittled down in any manner either by pleading paucity of funds or otherwise.¹²

In the case of **Md. Ajmal Md. Amir Kasab Vs State of Maharashtra** Hon'ble Supreme Court held that : it is the duty and obligation of the Magistrate before whom a person accused of committing a cognizable offence is produced to make accused person aware that he has right to consult with and be defended by a legal practitioner and in case if he has no means to engage a lawyer of his choice, that state must provide such person legal aid at the expense of the State.¹³

Section 304 of the code of the criminal procedure:

reads as under :-

(1) Where, in a trial before the Court of Session, if it appears that the accused is not represented by a pleader, and that the accused has no sufficient means to appoint a pleader, the Court shall order to assign a pleader for his defence at the expense of the State.

(2) The High Court with the previous approval of the State Government may make rule providing for -

(a) the mode of selecting pleaders for defence under Sub-Section (1);

¹¹ Centre of Legal Research v. State of Kerala, AIR 1986 SC 1322.

¹² State of Maharashtra v. Manubhai Bagaji Vashi, (1995) 5 SCC 730.

¹³ Md. Ajmal Md. Amir Kasab Vs State of Maharashtra, (2012) 9 SCC 1.

- (b) the facilities to be allowed to such pleaders by the Courts;
- (c) the fee payable to such pleaders by the Government, and generally, for carrying out the purposes of Sub-Section (1).

(3) The State Government may, by notification, direct that, as from such date as may be specified in the notification, the provisions of Sub-sections (1) and (2) shall apply in relation to any class of trials before other courts in the State as they apply in relation to trials before the Courts of Session.

This section enables Session Court to assign a pleader for the purpose of defence of the accused at the expense of the state provided he is unrepresented and if court is of view that he has no sufficient means to appoint a pleader. The selection of such pleader, the facilities to be provided to him and remuneration are to be governed by the rules framed by the high court with previous approval of the state government.¹⁴

In *Mah.Chand v.State of Delhi*, it was held that "Indigence should never be ground for denying fair trial or equal justice... particular attention should be paid to appoint competent advocates, The accused petitioner was convicted of various offences under the penal code. He was in custody for the entire period of 1 & 1/2 years. No Counsel was provided. It was held that it was a case of grave illegality.¹⁵

In the criminal appeal *State of Harayana v. Ram Diya*, the counsel appointed by the court for the accused was not present at the time of the hearing. The appeal was disposed of without hearing him. It was held that the case be remanded for fresh hearing.¹⁶

The Supreme court of India has held in *Khatri v. Bihar* that the obligation to provide legal aid to the indigent accused does not arise only when trial commences but arises right since the accused produced before the nearest Magistrate as required by section 57 of the code of criminal procedure and Article 22(1) of the Constitution.¹⁷

¹⁴ Ratanlal and Dhirajlal's, *The Code of Criminal Procedure*, 578,579 (17th ed., 2004)

¹⁵ *Mah.Chand v.State of Delhi*, 1990 CrLJ 682 (Del).

¹⁶ *State of Harayana v. Ram Diya*, 1990 CrLJ1327 : AIR 1990 SC 1336.

¹⁷ *Khatri v. Bihar*, 1981 CrLJ470 : (1981) SCC 627.

In *Ranjana Diwivedi v. Union of India*, Hon'ble Supreme Court directed that however the accused cannot obtain a writ of mandamus for enforcing this obligation he must apply for it under section 304.¹⁸ The Supreme court of India has held that a conviction of an accused given in a trial in which accused was not provided legal aid would be set aside as being in violation of Article 21 Of the Constitution.¹⁹

The accused had plead guilty. He was convicted without appointing a counsel for the accused under the legal Aid Scheme. It was not vitiated when the trial judge was satisfied about plea being voluntary, genuine and true .²⁰

An accused having sufficient means cannot claim for free legal aid assistance of a lawyer at the expenses of State, particularly when he has already engaged a defence counsel of his choice.²¹

In *Rajiv Gandhi murder case*, lawyers appointed to defend the indigent accused persons moved to the High Court for raising their fees as to make it at par with that of prosecution lawyer on the principle of 'equal pay for equal work,' as they would be getting only rupees 50 a day as permitted under rule 9 of Legal Aid to poor accused rules, 1976. it was held that 'equal pay for equal work' rule was not attracted as the criteria in the appointment of prosecution lawyers is different from those of the defence as free Legal Aid to indigent persons. however, the remuneration of each defence lawyer appointed as such was fixed as the high court deemed reasonable, fair and just in the circumstances.²²

An accused in session trial applied to be provided a particular lawyer at state expenses as envisaged u/s.304 Cr.P.C., but another lawyer was appointed to defend him. The high court held that when an accused is capable of engaging a lawyer of his choice, no Court could be deny him that right, but when he was not in a position to engage the services of any lawyer, and prays for being provided with a lawyer at State expense, it would be choice of the court, and not of the

¹⁸ *Ranjana Diwivedi v. Union of India*, 1983 CrLJ1052 : AIR 1983 SC 624.

¹⁹ *Suk Das v. Union Territory of Arunachal Pradesh*, (1986) 2 SCC 401: AIR 1986 SC 991.

²⁰ *Tyron Nazareth v. State of Maharashtra*, 1989 CrLJ 123(Bom).

²¹ *Ashok kumar v. State of Rajasthan*, 1995 CrLJ 1231 (Raj).

²² *T. Suthenja v. state of Tamil nadu*, 1995 CrLJ 1496 (Mad).

accused to choose a lawyer for defending him. The court is not under a legal obligation to permit such choice.²³

The Legal Services Authorities Act, 1987

To concretize this constitutional directive under Article 39A, the Legal Services Authorities Act, 1987 was enacted. This legislation established legal services authorities at various levels to provide free and competent legal services to the economically weaker sections of society, ensuring that justice is not a distant ideal but a tangible reality for all citizens. The Legal Services Authorities Act, 1987, was enacted to implement the constitutional mandate. It established the National Legal Services Authority (NALSA) at the national level and State Legal Services Authorities (SLSAs) at the state level and District Legal Services Authorities (DLSA). These authorities provide free legal aid and services to eligible individuals.

The Legal Services Authorities Act, 1987, is a significant legislation in India aimed at providing free and competent legal services to the weaker sections of society to ensure that opportunities for securing justice are not denied to any citizen due to economic or other disabilities.

Key features of the Act include the establishment of legal services authorities at the national, state, and district levels to provide free legal services to eligible individuals. These services encompass not only representation in courts but also legal advice, preparation of legal documents, and more.

The Act outlines the criteria for individuals to qualify for free legal aid, emphasizing the importance of ensuring justice for marginalized and disadvantaged groups. It also promotes the settlement of disputes through alternative methods like mediation and encourages the organization of legal awareness programs.²⁴

The primary goal of the Legal Services Authorities Act is to bridge the gap between the privileged and the underprivileged in accessing justice. By providing legal aid and assistance, the legislation seeks to uphold the principles of equality and justice for all.

Following are some important points with respect to free legal aid scheme under Legal Services

²³ Tahsildar Singh v. State of M.P., 1995 CrLJ 1678 (MP).

²⁴ Dr. Kailash Rai, Public Interest Lawyering, Legal Aid and Para-Legal Services, (4th ed., 2007)

Authorities Act, 1987.

1. Eligibility Criteria:

Free legal aid is typically provided to economically disadvantaged individuals, members of marginalized communities, women, children, and other vulnerable groups.

2. Legal Aid Clinics:

Legal aid services are often delivered through legal aid clinics established at various levels, including district and taluka levels. These clinics aim to reach out to the grassroots level and provide legal assistance to those in need.

3. Role of NALSA and SLSAs:

NALSA and SLSAs work to coordinate and supervise legal aid programs across the country. They also organize awareness programs to educate people about their rights and entitlements.

4. Panel Lawyers: Lawyers who volunteer to provide free legal services are empaneled by legal services authorities. These panel lawyers take up cases and provide legal representation to eligible individuals.

5. Legal Aid for Litigation: Free legal aid covers various legal proceedings, including litigation in courts, alternative dispute resolution mechanisms, and legal advice.

6. Awareness Programs: Legal services authorities conduct awareness programs to inform people about their rights and the availability of free legal aid. This helps in reaching a wider audience and ensuring that those in need are aware of the assistance available to them.²⁵

Challenges and Prospectus:

While the concept of free legal aid is deeply embedded in the legal system of India, challenges persist in its effective implementation. Limited awareness, inadequate infrastructure, and the sheer magnitude of legal needs pose hurdles that require continuous attention and innovation.

²⁵ Dr. B.N. Mani Tripathi and Dr. Rajiv Mani, Jurisprudence (Legal Theory), 431 (19th ed., 2012).

However, the prospects are promising. Legal aid clinics, technology-driven initiatives, and collaborations between legal professionals and civil society organizations are emerging as catalysts for change. These endeavors not only bridge the gap between theory and practice but also contribute to the realization of justice as an inclusive and accessible entity.

Conclusion:

The concept of free legal aid, grounded in principle of natural justice, reinforces the idea that justice is not a luxury but a fundamental right for all members of society. By embracing this concept, legal systems can move closer to the ideal of a just and equitable society, where access to justice is not determined by financial status but is a universal entitlement based on the inherent principles of fairness and human dignity. The concept of free legal aid, derived from the principles of natural law and enshrined in the Indian legal system, stands as a beacon of justice for all. By recognizing the inherent dignity and rights of every individual, societies can strive towards a legal framework that is not only just in theory but accessible and equitable in practice. In this symbiotic relationship between philosophy and law, the concept of free legal aid continues to evolve, ensuring that the scales of justice are balanced for every citizen, regardless of their economic standing.

BIBLIOGRAPHY

Statues:

1. The Legal Services Authorities Act, 1987.
2. The Code of Criminal Procedure, 1973.

Books:

1. Dr.J.N.Panday ,Constitutional Law Of India.
2. Dr. Kailash Rai, Public Interest Lawyering, Legal Aid and Para-Legal Services.
3. Dr.V.D. Mahajan, Jurisprudence and Legal Theory.
4. Dr. N. V. Paranjape, Studies in Jurisprudence and Legal Theory.
5. Ratanlal and Dhirajlal's,The Code of Criminal Procedure.

Articles:

1. Abhishek Parmar, Understanding The Principle Of Natural Justice And Its Application In The Indian Legal System, available at, <https://www.legalserviceindia.com/legal/article-8642understanding-the-principle-of-natural-justice-and-its-application-in-the-indian-legal-system.html>, last seen on 20/04/2024.

websites:

1. Concepts of natural justice, available at https://www.legalserviceindia.com/legal/article-1549-concept-of-natural-justice.html#google_vignette, last seen on 20/04/2024.
2. *lawyersclubindia* , available at <https://www.lawyersclubindia.com/articles/right-to-free-legal-aid-16211>., last seen on 20/04/2024.
3. *Lexology*, Rights of Accused Before and After Arrest in India available at <https://www.lexology.com/library/detail.aspx?g=>, last seen 20/04/2024.
4. *Mondaq*, right of accused before and after arrest in India-crime-India available at <https://www.mondaq.com/india/crime/1207678/rights-of-accused-before-and-after-arrest-in-india>, last seen on 20/04/2024.
5. *legal sevice India.com*, available at <https://www.legalservicesindia.com/article/1759/Fair-Trial-under-Section-304-of-Crpc.html>, last seen on 20/04/2024.
6. *britannica*, available at <https://www.britannica.com/topic/state-of-nature-political-theory/The-state-of-nature-in-Locke> last seen on 20/04/2024.

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