

LEGAL AID SYSTEM IN INDIA

NEWS: Between **April 2023 and March 2024**, only **15.50 lakh people** received **legal aid**, a 28% increase from 12.14 lakh (2022-23), but far below the envisioned scale for **80% population coverage**.

WHAT'S IN THE NEWS?

Definition and Core Principles of Legal Aid

- **Meaning:** Legal aid refers to the provision of **free legal services** in civil and criminal matters to individuals who are economically or socially disadvantaged and cannot afford legal representation or court fees.
- **Core Idea:** Legal aid is **not a form of charity**, but a **constitutional obligation of the state** and a **fundamental right of the citizen**.
- **Objective:** To uphold the principle of "**equal justice for all**", ensuring no one is denied justice due to financial or social constraints.

Legal Aid Coverage and Services

- **Representation in Courts:** Free legal representation in proceedings before courts, tribunals, and legal forums.
- **Legal Advice and Consultation:** Providing legal opinion and guidance on personal or civil issues.
- **Documentation Assistance:** Help in preparing legal documents like petitions, affidavits, and applications.
- **Waiver of Fees:** For eligible individuals, **court fees and other charges are waived** by the state.

Constitutional Framework Supporting Legal Aid

- **Article 14:** Ensures **equality before the law** and equal protection of laws.
- **Article 21:** Right to life includes **access to justice**, implying free legal aid for a fair trial.
- **Article 22(1):** Grants arrested individuals the **right to consult and be defended by a legal practitioner** of their choice.
- **Article 39A (42nd CAA, 1976):** Directs the state to promote **equal justice** and provide **free legal aid** to citizens, especially those suffering from economic or social disabilities.

Legislative Framework: Legal Services Authorities Act, 1987

- **Statutory Basis:** Enacted to institutionalize legal aid in India through a structured framework.
- **Hierarchical Structure:** Establishes legal aid bodies at national, state, district, and taluk levels:
 - **NALSA** (National Legal Services Authority)

- **SLSAs** (State Legal Services Authorities)
- **DLSAs** (District Legal Services Authorities)
- **TLSCs** (Taluk Legal Services Committees)
- **Legal Aid Clinics:** Provide legal services in **rural and remote areas**; one clinic serves every 163 villages as per the **India Justice Report 2025**.

Eligibility for Free Legal Aid

- **Social Categories:** Scheduled Castes (SC), Scheduled Tribes (ST), women, children, disabled persons.
- **Economic Criteria:** Individuals with income below the state-prescribed limit.
- **Other Vulnerable Groups:** Victims of trafficking, industrial workmen, beggars, prisoners, or persons in custody.
- **Disaster Victims:** Those affected by mass disasters, violence, or ethnic unrest.

Institutional Framework for Legal Aid

National Legal Services Authority (NALSA)

- **Established:** Under the Legal Services Authorities Act, 1987.
- **Role:**
 - Formulates national policies and strategies.
 - Coordinates with SLSAs, DLSAs, and other legal institutions.
 - Monitors implementation and effectiveness of legal aid programs.
 - Promotes **Lok Adalats**, **legal literacy**, and **social justice litigation**.

State Legal Services Authorities (SLSAs)

- **Headed by:** Chief Justice of the respective State High Court.
- **Role:**
 - Implement NALSA policies at the state level.
 - Conduct state-wide **Lok Adalats** and **awareness campaigns**.
 - Supervise district and taluk-level legal services bodies.

District Legal Services Authorities (DLSAs)

- **Headed by:** District Judge.
- **Role:** Acts as the **primary legal aid provider** at the district level, supporting local implementation and public outreach.

Taluk Legal Services Committees (TLSCs)

- **Headed by:** Senior Civil Judge.

- **Role:** Ensure legal aid availability at the **sub-district (taluk/mandal)** level, especially in rural areas.

Supreme Court Legal Services Committee (SCLSC)

- Provides **free legal aid in the Supreme Court**, including filing, documentation, and representation.

Role of Lok Adalats in Legal Aid

- **Legal Basis:** Lok Adalats are established under the Legal Services Authorities Act, 1987.
- **Purpose:** Provide a **speedy and amicable resolution** of disputes outside the formal judicial system.
- **Key Features:**
 - Deals with civil, matrimonial, and compoundable criminal cases.
 - Decisions are **final and binding**, treated as a **decree of a civil court**.
 - Conducted at **national, state, district, and taluk levels**.
 - Reduces **judicial burden** and promotes **access to justice** for the poor.

Key Government Legal Aid Schemes and Programs

Legal Aid Defense Counsel (LADC) Scheme

- Provides **dedicated defense lawyers** for accused persons.
- Operational in **610 out of 670 districts** (2023-24), funded with ₹200 crore (now reduced).
- Ensures **quality representation** even for those who cannot afford lawyers.

Para-Legal Volunteers (PLVs)

- Community-level volunteers trained in **basic legal knowledge**.
- Act as a bridge between local communities and formal legal institutions.
- Help in **filing complaints, documentation, Lok Adalat representation, and legal education**.

DISHA Scheme (2021)

- **Full form:** Designing Innovative Solutions for Holistic Access to Justice.
- Strengthens **pre-litigation mechanisms** to avoid lengthy court cases.
- Includes tools like **Tele-Law** and **Nyaya Bandhu**.

Nyaya Bandhu (Pro Bono Legal Services)

- Connects **volunteer lawyers** with underprivileged litigants.
- Integrated with **Tele-Law** to provide remote legal advice and support.

Tele-Law Program

- Uses technology to **connect rural citizens with legal experts**.
- Accessible via **Common Service Centres (CSCs)** and **mobile apps**.

- Helps provide **early legal advice**, often before disputes escalate.

Legal Literacy and Awareness Program

- Conducted by NALSA, SLSAs, and DLSAs.
- Aims to educate citizens about their **legal rights** and **available remedies**, especially in rural/tribal areas.

Nyaya Mitra Programme

- Focuses on resolving cases **pending for 10–15 years** in courts.
- Appoints Nyaya Mitras to facilitate **faster disposal** of old cases.

Veer Parivar Sahayata Yojana (2025)

- New scheme launched by NALSA in July 2025.
- Provides free legal aid to **armed forces personnel, veterans**, and their families.
- Legal clinics established in cities like **Guwahati** and **Srinagar**.

Issues and Challenges in India's Legal Aid System

- **Underutilization of Funds:** Legal aid funds have dropped (₹207 crore to ₹169 crore); utilization rates fell from 75% to 59%.
- **Limited Reach:** Though 80% of the population qualifies, only **15.5 lakh people** availed services in 2023-24.
- **Para-Legal Volunteer Shortage:** PLVs declined by 38% between 2019 and 2024. Deployment remains poor.
- **Low Honorariums:** Most PLVs earn below minimum wage (₹250–₹500/day); only Kerala offers ₹750/day.
- **Disparities Across States:** Legal aid budgets vary; e.g., **Haryana spends ₹16 per capita**, while **West Bengal spends ₹2**.
- **Challenges in LADC Scheme:** Funding for LADC reduced (₹200 crore to ₹147.9 crore), and implementation remains patchy.
- **Inconsistent Service Quality:** Legal aid suffers from lack of **standardized accountability** and **professional oversight**.

Way Forward and Reforms Needed

- **Boost Funding:** Allocate higher, consistent funding for all legal aid institutions.
- **Scale Awareness Campaigns:** Expand legal literacy via DISHA, Nyaya Bandhu, and Tele-Law, especially in rural belts.
- **Increase PLV Deployment:** Fill volunteer gaps with better training and financial incentives.
- **Fair Pay for PLVs:** Revise honorariums in line with **minimum wage standards** to retain talent.

- **Strengthen LADC Scheme:** Ensure consistent funding and performance monitoring across all districts.
- **Ensure Accountability:** Regular monitoring by NALSA and SLSAs to uphold quality standards and ensure transparency.
- **Expand Clinics and Infrastructure:** Increase number of **legal aid clinics** and improve accessibility in tribal and backward areas.