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ROLE OF LEGAL AID IN INDIA

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The legal system of any country plays a vital role in dealing with or imparting the notion of a justice system in all holistic and wholesome states, i.e., in a political, social, cultural, and economic sense. In today's modern era, the notion of the legal success of a country depends upon the aspects of its access to the people of the country. For this concern, the concept of legal aid has been incorporated or has been highlighted in the Indian societal context for the marginalized sections of society or those who don't have access to the justice system. This enables the application of natural justice principles, i.e., no one should be left unheard-Audi Alteram Partem and no one can be a judge in one's case- Nemo Judex in causa sua.

The state or government has to play an active role in providing this service for which, in the Indian context, Article 39A of the constitution, which comes under the ambit of DPSP or Directive Principles of the State Policy in part 4 of the constitution between the articles 36 to 51A, that emphasize upon the functioning of the state in mandate aspect to ensure the legal justice system access in order to ensure the delivery of the justice in a wider and effective manner for those who cannot possibly afford it.

Similarly, a complementary perspective has been propounded in Article 21 of the Indian constitution, which fosters the right to life and personal liberty in all contexts.

In the year around 1987, the legislative aspect of the country propounded legislation in this spirit, such as the NALSA (National Legal Services Authority) Act for national-level implementation, the SALSA (State Legal Services Authority) Act for state-level

implementation, and the DALSA (District Legal Service Authority) Act for district-level implementation.

Further, other provisions include section 304 of the CRPC (Criminal Procedure Code) for providing legal aid to the accused in certain defined cases and order 33 of the Civil Procedure Code or CPC, which grants persons to indigent persons who are not economically adequate or capable to pay the court fee to present the case without any court fee.

The implementation of these provisions has boosted access to justice for wider sections of society, although several criteria have to be followed in the respective legislations mentioned. It has increased the public trust and faith among the people as now judiciary access has been open even for the marginalized sections of the society, which serves a greater positive value in ensuring the legal trust among the people in the legal fraternity of the country's system.

It has also ended up ensuring the evolution of several basic human rights and the protection of several fundamental rights in case of their violations or for needy people. But, eventually, it has increased the burden upon the judiciary, which is now working under the overload aspect due to the increased number of cases filed in the courts.

In order to improve the situation, further affirmative actions are required in both passive forms through the alteration of legislation and through the active implementation of such policies. The budget should be enhanced in order to develop the required infrastructure, and the state has to learn to manage its burden part as well. Awareness schemes are required to spread awareness of their rights among the people. Further, technological implications or artificial intelligence should be used or collaborated in order to increase the efficiency or adequacy of the system.

Further, more steps can be taken. These are just some in number.

In several cases, the notion of legal aid has been highlighted, as in the case of *HUSSAINARA KHATOON VS STATE OF BIHAR*¹- in this, the court has propounded the notion of speedy trial to needy accused as per the ambit or under the ambit of legal aid as highlighted in the light of article 21 of the Indian Constitution of 1950, which shapes the right of life and personal liberty.

¹ AIR 1979 SC 1360

Also, in the case of SUK DAS VS UNION TERRITORY OF ARUNACHAL PRADESH²-in this case, the court has highlighted the failure of the bench in order to inform the accused that the right to legal aid will hamper the trial process or vitiate the trial.

Note- There are further cases by the honorable court that depict such notions of legal aid.

Thus, it can be concluded that the role of legal aid in India has worked in a positive manner for the overall development of the country.

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² AIR 1986 SC 991