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THE ROLE OF THE NATIONAL LEGAL SERVICES AUTHORITY (NALSA) AND THE CONSTITUTIONAL VISION OF ACCESS TO JUSTICE

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INTRODUCTION

JUSTICE, in its true sense, must be accessible to all not only to few people, not just promised in constitutional test. The framers of the Indian Constitution understood this well. “*Article 39A*” was not initially the part of the constitution but was inserted through forty-second amendment to give shape to the promise that constitution has made, directing state to make sure that every person can get justice, no matter if they are economically poor or have other disabilities¹. To give effect to constitutional promise National Legal Services Authority was established under the Legal Services Authority Act, 1987, and enforceable in 1955². NALSA is a primary institutional mechanism in India that tries to help people getting justice and works to make sure that justice is not just a dream written in the constitution, but something that is real.

CONSTITUTIONAL FOUNDATIONS AND THE MANDATE OF NALSA

In India, access to justice is not just one single rule. It is a right that is protected by several parts of the constitution working together. Article 14 ensures equality before the law; Article 21 protects the right to life and personal liberty; the Supreme Court explains that this includes a right to fair trial and legal aid; and Article 39A mandates free legal aid as a directive principle

¹ Constitution of India- Article 39A (inserted by the 42nd Constitutional Amendment Act, 1976).

² Legal Services Authorities Act, No. 39 of 1987, 4 (India); The National Legal Services Authority (NALSA), About NALSA, <https://nalsa.gov.in/>

of state policy³. In *Hussainara Khatoon v. State of Bihar*, the Supreme Court held that the right to free legal aid is an essential element for fair, reasonable, and just procedure guaranteed by Article 21⁴. Judicial decisions made legal aid strong constitutional right even before NALSA officially started working.

NALSA works through a three-tier structure comprising State Legal Services Authority, District Legal Services Authority, and Taluk Legal Services Committee. This helps legal aid reach people in every part of the country, at the local level⁵.

MANDATE, FUNCTIONS, AND BENEFICIARIES

According to section 12 of Legal Services Authority Act, 1987, free legal aid is provided to women, children, SCs, STs, persons with disabilities, victims of trafficking, workers, people in custody, and those with low income⁶. The law covers many groups to ensure that people who are disadvantaged or face difficulties in accessing justice can get legal help.

NALSA does more than just providing lawyers. It also organises Lok Adalat a Indian institution of alternative dispute resolution, where disputes are settled through mutual agreement, conciliation and compromise in a simple and friendly way, avoiding lengthy court cases⁷. Decision made by Lok Adalat have the same value as civil court judgements and are binding, this helps provide quick justice and reduces the burden of courts⁸.

NALSA also conducts legal awareness camps, provides legal information in regional languages, and runs helplines. These efforts help people learn about their rights and the legal assistance available to them.

NALSA IN THE SUPREME COURT'S JURISPRUDENCE

The Supreme Court has strengthened NALSA's role by protecting the rights of marginalized groups. In case of *National Legal Services Authority v. Union of India*, the Court recognised transgender persons' legal identity, and NALSA played an important role in fighting for the rights⁹. This case showed that NALSA is not only an organisation that provides legal services

³ Constitution of India- Article 14, 21, 39A

⁴ *Hussainara Khatoon v. State of Bihar*, (1980) 1 SCC 98, 101

⁵ Legal Services Authority Act under section 6-11 (establishing State, District, and Taluk-level authorities).

⁶ Section 12, Legal Services Authorities Act, 1987.

⁷ Section 19-22, Legal Services Authorities Act, 1987 (providing for constitution and powers of Lok Adalat).

⁸ Section 21, Legal Services Authorities Act, 1987 (awards of Lok Adalat deemed decrees and non-appealable).

⁹ *National Legal Services Authority v. Union of India*, (2014) 5 SCC 438 (India).

but also one that actively works to protect the rights of marginalized people by raising important constitutional issues before the court.

In *Suk Das v. Union Territory of Arunachal Pradesh*, Supreme Court held that a poor person cannot be fairly convicted without legal representation. The Court emphasised that the state has a duty to actively provide legal aid to those who cannot afford a lawyer¹⁰.

CHALLENGES AND THE ROAD AHEAD

Despite its important role, NALSA faces several challenges. One major issue is that some panel lawyers receive low payments, which can affect the quality of legal service provided. Studies show that legal aid services are not always properly monitored, and many people in remote and tribal areas are unaware of the help available to them. As a result, there is often a gap between the legal aid people are entitled to and the aid they actually received.

NALSA has introduced technological based services such as Legal Service Management System (LSMS) portals, e-filing of applications, and video conferencing legal aid for prisoners. The COVID-19 pandemic helped speed up these digital initiatives, making it easier to provide legal assistance to people living in remote areas.

CONCLUSION

NALSA is one of India's most sincere efforts in Indian governance to bring a constitutional ideal to life. The vision of equal justice found in the Preamble, Article, 14, 21, and 39A does not happen on its own it needs institutions, resources, and commitment. NALSA provides that commitment. Whether through Lok Adalats resolve millions of disputes outside the courts or thorough legal aid panels that support undertrials who cannot pay of a lawyer, NALSA quietly fulfils the promise that in the Republic of India, justice will not be a privilege reserved for the wealthy.

Looking ahead, the goal is not to redesign NALSA but to make it stronger. This includes paying panel lawyers better, improving monitoring, increasing legal literacy and using technology to reach more people. Access to justice is not a favour from the state; it is a right that the constitution requires. NALSA is the tool to fulfil that requirement.

¹⁰ *Suk Das v. Union Territory of Arunachal Pradesh*, (1986) 2 SCC 401, 406 (India).