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THE ROLE OF LEGAL AID IN INDIA

BY : CHIYA TUTEJA

Introduction

India is a huge and diverse country. Each country, irrespective of its size and diversity requires a proper structure to be governed in an efficient manner for welfare of both - the country itself and its citizens. Our country is governed through the horizontal system of division of powers:

POWERS		
LEGISLATURE makes laws.	EXECUTIVE implements or enforces the laws.	JUDICIARY interprets laws and delivers justice.

Here we are, about to discuss a tiny yet very crucial part of this whole system - **The Role of Legal Aid in India**. The phrase '**legal aid**' consists of two words : legal and aid; legal means '**related to law**' and aid means '**help or assistance**'. Overall, it breaks down to '**providing help or assistance related to law**' to the people who are deprived of it.

Justice P.N. Bhagwati defined legal aid as : *“Legal aid is an arrangement to give the poor and uneducated people easy access to the legal system, ensuring that their lack of knowledge or financial hardship does not prevent them from seeking justice.”*

History and Background

After independence, the government of India started to notice and address the issue of lack of legal facilities to the backward people. Therefore, it became a major point of discussion in numerous conferences among the ministers of law and law commission. Given below is the timeline showing the emergence of legal aid :

1958 : The law departments of many states proposed legal aid programmes after the need of providing justice and free legal aid was identified in the **14th Law Commission Report, 1958** in which **Kerala** became the first state to begin a free legal aid scheme.

1973 : An expert committee on legal aid led by **honourable Justice V.R. Krishna Iyer** released a report on “**Processual Justice to Poor**” which further indicated the widespread requirement of legal aid awareness and establishment of legal assistance centers.

1980 : Under the supervision of **Justice P.N. Bhagwati** as the group head, a national committee was established which was later known as the **CILAS - Committee for Implementing Legal Aid Schemes**. The purpose of this committee was to keep a check on the legal aid schemes all over the nation.

1987 : The Legal Services Authorities Act was passed in **1987** which went under amendments in **1994** and finally came into effect in **1995** .

Legal Framework

Under the **Directive Principles of State Policy (D.P.S.P.)**, the **42nd amendment in the constitution** took place which resulted in the insertion of **article 39A** which makes ‘**free legal aid**’ a legal requirement. This amendment is based on the principle of “**Equal Justice and Free Legal Aid**”. This ensures the availability of legal facilities to all those who are deprived. The **Legal Services Authorities Act, 1987** establishes institutions which work in a hierarchy nationwide for providing legal aid. The order of institutions is as follows :

- National Legal Services Authority (NALSA)
- State Legal Services Authority
- District Legal Services Authority (DLSA)
- Taluk Legal Services Authority

NALSA ensures that the legal services mentioned in the act are being widely accessible, conducts and motivates legal scholars and professionals to study and research in the field of legal aid; also promotes **Lok Adalat** as an institution for conflict resolution. It supervises the **State Legal Services Authority**. The **State Legal Services Authority** is the top most organization for matters regarding the state’s legal services. It works under the ambit of **NALSA** and as per the policies designed by it. The main functions of the **DLSA** are to organize **Lok Adalats** and supervise the initiatives of the **Taluk Legal Services Committee** along with

providing free legal aid to eligible citizens. The **Taluk Legal Services Authority** is regulated by the **State Legal Service Authority** and its main purpose is to conduct the **Lok Adalat** and ensure the provision of other, required legal services in the **Taluk**.

Important Judgments

Free legal aid in India has always been proposed and encouraged by the Indian judiciary. Given below are a couple of landmark judgments that helped in promoting legal aid in India.

Suk Das v. Union Territory of Arunachal Pradesh¹

A poor, illiterate man reached the Additional Deputy Commission without any lawyer where he was sentenced to two years of imprisonment by the trial. When Suk Das reached Gauhati High Court, his argument was rejected saying that he never applied for free legal aid. Then the matter reached the Supreme Court, where a bench led by Justice P.N. Bhagwati declared, ***“It cannot be expected from a poor and uneducated person to be aware of free legal aid.”*** This case drew attention towards legal education and the need of spreading knowledge and awareness among the citizens.

Hussainara Khatoon v. Home Secretary, State of Bihar²

Poor prisoners who could not afford lawyers were imprisoned for unreasonable durations . Lawyer Kapila Hingorani filed a writ petition (habeas corpus) in the Supreme Court on behalf of Hussainara Khatoon and all other prisoners. On this P.I.L., the bench led by Justice P.N. Bhagwati held, ***“Legal aid is a fundamental part of article 21 - Right to Life and Personal Liberty, and it is the constitutional obligation of the state to provide free legal aid in order to make the trial speedy and fair.”***

Challenges

- Lack of education among citizens
- Limited powers to Lok Adalats
- Lack of legal volunteers
- Inefficient legal volunteers

¹ (1986) 2 SCC 401 (India)

² (1980) 1 SCC 81 (India)

- Unwillingness of advocates
- Complex procedures and paperwork

Suggestions

- Increased awareness
- Providing more powers to Lok Adalats
- Need of more trained legal volunteers
- Sufficient payment to advocates
- Appropriate government funding in the legal aid sector
- Simplified procedures

Conclusion

The role of legal aid is noteworthy in India. With time, the position of legal aid has improved in India through the establishment of specified institutions for legal aid. The historical background of Indian legal aid system is quite influential. There are numerous case laws and judgments which present the demands of the citizens and the country, which can be addressed majorly through consciousness towards the two Ls - Literacy and law.

References

- <https://indiankanoon.org>
- <https://blog.ipleaders.in>
- <https://www.writinglaw.com>
- <https://www.ijlr.com>
- <https://visionias.in>

