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Legal Aid in India

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Abstract

*In a democratic society, Justice acts as a cornerstone. However, only the access to the legal system to every individual, irrespective of social background, financial status, literacy level, gender makes the idea of justice meaningful in true sense. In a country like India where millions of people cannot afford legal representation and remain unaware of their legal rights, the idea of justice seems to be blurred. The concept of legal aid was then introduced as a social and constitutional obligation to bridge the gap. Access to justice to every person irrespective of any disabilities and poverty is ensured by legal aid. The legal aid framework in India was further strengthened by the enactment of the **Legal Services Authorities Act, 1987** that lead to the establishment of the **National Legal Services Authority (NALSA)**. This article analyse the statutory and constitutional basis of legal aid, the institutional structure of National Legal Service Authorities, State Legal Service Authorities, District Legal Service Authorities and the importance of free legal aid in enhancing the idea of social justice. The article also examines recent developments, judicial precedents and the challenges that obstruct the efficacious execution.*

Introduction

The Indian Constitution reflects the core idea of justice- social, economic and political to every citizen through its preamble. Even then, the barriers in the form of financial constraints, complex procedure, and lack of legal awareness widens the gap to approach the court of law for marginalized and economically weaker sections. To make justice accessible to all and eliminate all these constraints, legal aid serves as a powerful instrument.

Legal aid is not only a charitable assistance to the people but a constitutional obligation too upon the state. The ambit of Article 21 as of Right to life and personal liberty also covers justice

as an integral part which should be accessible to all as interpreted by supreme court. Without competent legal representation, the guarantee of equality before law under **Article 14** becomes ineffective.

To fulfil this constitutional mandate, Parliament enacted the **Legal Services Authorities Act, 1987**, which came into force on **9 November 1995**. The Act established a nationwide institutional mechanism to provide free legal services and promote alternative dispute resolution through Lok Adalats. Today, NALSA, along with State, District, and Taluk Legal Services Authorities, works extensively to ensure that justice reaches even the most disadvantaged sections of society.

Meaning and Concept of Legal Aid

Legal aid refers to the provision of **free legal services** to individuals who are unable to afford legal representation or legal proceedings. It includes legal advice, representation by advocates, payment of court fees, preparation of legal documents, mediation, conciliation, and legal awareness programmes.

The primary objective of legal aid is to ensure **equal access to justice**, irrespective of a person's economic or social status¹. It transforms the principle of "Equality before Law" into practical reality by enabling disadvantaged individuals to enforce their legal rights.

Free legal aid is not an act of generosity but a **legal and constitutional right**. It reflects the idea that justice should depend on the merits of a case rather than the financial capacity of the litigant. NALSA defines free legal aid as providing competent legal services in both civil and criminal matters to eligible persons without any cost.

Constitutional Basis of Legal Aid

The constitutional philosophy behind legal aid is embedded in several provisions of the Constitution of India.

Article 14 guarantees equality before law and equal protection of laws. Equal justice cannot exist unless every individual has the opportunity to seek legal remedies.

Article 21 guarantees the right to life and personal liberty. Through judicial interpretation, the Supreme Court has held that fair procedure and access to legal representation are essential components of this right.

¹ National Legal Services Authority, *Legal Aid*, NALSA, <https://nalsa.gov.in/legal-aid/> (last visited Aug. 14, 2026)

Article 22(1) provides that every arrested person has the right to consult and be defended by a legal practitioner of his or her choice.

The most significant constitutional provision is **Article 39A**, inserted by the **42nd Constitutional Amendment, 1976**. It directs the State to ensure that the legal system promotes justice on the basis of equal opportunity and to provide free legal aid so that no citizen is denied justice because of economic or other disabilities².

Although Article 39A forms part of the Directive Principles of State Policy, the Supreme Court has interpreted it together with Articles 14 and 21, thereby making free legal aid an indispensable element of the right to a fair trial.

Evolution of Legal Aid in India

The legal aid movement in India evolved gradually after Independence. Initially, legal aid programmes were voluntary and limited in scope. During the 1970s, Justice P. N. Bhagwati and Justice V. R. Krishna Iyer strongly advocated for institutionalized legal aid, emphasizing that justice should be accessible to the poor.

In 1980, the Government of India constituted the **Committee for Implementing Legal Aid Schemes (CILAS)** under the chairmanship of Justice P. N. Bhagwati. The committee laid the foundation for a nationwide legal aid programme.

Recognizing the need for a statutory framework, Parliament enacted the **Legal Services Authorities Act, 1987**. The Act became operational in 1995 and established NALSA at the national level, State Legal Services Authorities in every State, District Legal Services Authorities in each district, and Taluk Legal Services Committees at the grassroots level.

Since then, India's legal aid system has expanded considerably through Lok Adalats, legal literacy camps, prison legal aid clinics, tele-law services, legal aid defence counsel systems, and para-legal volunteers, making justice more accessible to vulnerable populations.

The Legal Services Authorities Act, 1987

The enactment of the **Legal Services Authorities Act, 1987** marked a significant milestone in India's legal aid movement. Although enacted in 1987, the Act came into force on **9 November 1995**, giving statutory recognition to the constitutional mandate under Article 39A. The Act

² Ministry of Law & Justice, Government of India, *The Constitution of India* art. 39A, <https://www.legislative.gov.in/documents/constitution-of-india/constitution-of-india-AjN2EjMtQWa> (last visited Aug. 14, 2026).

provides an institutional framework for delivering free legal services to eligible persons and promoting amicable settlement of disputes through Lok Adalats.

The principal objectives of the Act are:

- To ensure that no citizen is denied justice because of economic or social disadvantage.
- To establish legal services authorities at the national, state, district and taluk levels.
- To provide free and competent legal representation to eligible persons.
- To promote legal literacy and legal awareness.
- To encourage settlement of disputes through Alternative Dispute Resolution (ADR), particularly Lok Adalats.
- To strengthen public confidence in the justice delivery system.

The Act is widely regarded as one of India's most important pieces of social welfare legislation because it transforms the constitutional promise of equal justice into a practical reality.

National Legal Services Authority (NALSA)

The **National Legal Services Authority (NALSA)** is the apex statutory body established under **Section 3 of the Legal Services Authorities Act, 1987**³. It was constituted to implement legal aid programmes throughout the country and coordinate the functioning of legal services institutions.

The **Chief Justice of India** serves as the **Patron-in-Chief** of NALSA, while a serving Judge of the Supreme Court nominated by the Chief Justice acts as its Executive Chairman. This high-level leadership ensures judicial oversight and independence in the functioning of the authority.

Functions of NALSA

NALSA performs several important functions, including:

- Framing national policies relating to free legal aid.
- Allocating financial assistance to State Legal Services Authorities.
- Coordinating and monitoring legal aid programmes across India.
- Organising National Lok Adalats.
- Promoting legal literacy and legal awareness among citizens.
- Developing schemes for women, children, prisoners, victims of trafficking, persons with disabilities and other vulnerable groups.
- Encouraging mediation and other Alternative Dispute Resolution mechanisms.

³ The Legal Services Authorities Act, No. 39 of 1987, § 3, India Code, <https://www.indiacode.nic.in/handle/123456789/1925> (last visited Aug. 20, 2026).

- Monitoring the quality of legal aid provided by panel lawyers.
- Implementing the **Legal Aid Defence Counsel System (LADCS)** to improve criminal legal aid.

Major Schemes of NALSA

Over the years, NALSA has introduced several specialised schemes, including:

- Legal Aid Defence Counsel System (LADCS)
- Victim Compensation Scheme
- Legal Services Clinics
- Para Legal Volunteers (PLV) Scheme
- Prison Legal Aid Clinics
- Child-Friendly Legal Services
- Tele-Law Services
- Legal Literacy Clubs
- Legal Awareness Campaigns

These initiatives aim not only to provide legal representation but also to empower citizens with knowledge of their legal rights.

According to recent government data, the legal services network today comprises **37 State Legal Services Authorities, 707 District Legal Services Authorities, 2,440 Taluk Legal Services Committees, 38 High Court Legal Services Committees, and the Supreme Court Legal Services Committee**, ensuring nationwide accessibility.

State Legal Services Authorities (SLSAs/SALSAs)

The **State Legal Services Authority (SLSA)** is constituted under **Section 6** of the Legal Services Authorities Act for every State and Union Territory.

The **Chief Justice of the High Court** acts as the **Patron-in-Chief** of the State Authority, while a serving High Court Judge functions as its Executive Chairman.

SLSAs act as the bridge between NALSA and district-level institutions.

Functions of SLSAs

The major responsibilities of State Legal Services Authorities include:

- Implementing NALSA's policies within the State.
- Providing free legal services to eligible beneficiaries.
- Organising Lok Adalats at the High Court level.
- Conducting legal literacy and awareness programmes.

- Supervising District Legal Services Authorities.
- Training panel advocates and para legal volunteers.
- Monitoring legal aid clinics and prison legal services.
- Promoting mediation and alternative dispute resolution.

Every State Authority adapts national programmes according to the local needs of its population, ensuring effective implementation at the grassroots level.

District Legal Services Authorities (DLSAs/DALSAs)

The **District Legal Services Authority (DLSA)** is constituted under **Section 9** of the Act in every district.

The **District and Sessions Judge** serves as the Chairman of the DLSA.

Since districts represent the closest point of contact for most litigants, DLSAs play a crucial role in delivering legal aid directly to the public.

Functions of DLSAs

Their important functions include:

- Providing free legal representation before district courts.
- Conducting legal awareness camps in villages, schools and colleges.
- Organising District Lok Adalats.
- Supervising Taluk Legal Services Committees.
- Running legal aid clinics.
- Coordinating prison legal aid programmes.
- Assisting victims in obtaining compensation under victim compensation schemes.
- Promoting mediation for speedy dispute resolution.

DLSAs often organise mobile legal aid camps in remote and rural areas where access to courts is limited.

Taluk Legal Services Committees (TLSCs)

To ensure legal aid reaches even the smallest administrative units, the Act provides for **Taluk Legal Services Committees** under **Section 11A**.

The senior-most Civil Judge generally acts as the Chairman.

TLSCs represent the grassroots level of India's legal aid machinery.

Their responsibilities include:

- Conducting legal awareness programmes.
- Coordinating village legal aid activities.

- Organising Taluk Lok Adalats.
- Identifying deserving beneficiaries.
- Referring cases to higher legal aid authorities.
- Assisting vulnerable communities in accessing government welfare schemes.

Through these committees, legal services become accessible even in remote villages and semi-urban areas.

Recent Initiatives and Performance

The legal aid framework has expanded considerably during the last few years.

According to recent government data:

- More than **1.65 million beneficiaries** received legal aid during **2024–25**.
- Over **4.62 lakh legal awareness programmes** were organised during the same period.
- More than **3.72 crore people** participated in these awareness campaigns.
- The **Legal Aid Defence Counsel System (LADCS)** is now operational in **680 districts**, strengthening criminal legal aid across the country.

These figures demonstrate that legal aid has evolved beyond court representation into a comprehensive system that includes legal education, victim assistance, prison reforms, mediation, and community outreach.

Who is Entitled to Free Legal Aid? (Section 12 of the Legal Services Authorities Act, 1987)

Section 12 of the Legal Services Authorities Act, 1987 specifies the categories of persons entitled to receive free legal services. The objective is to ensure that vulnerable and economically disadvantaged sections of society are not denied justice due to financial or social constraints.

The following persons are eligible:

- Members of the Scheduled Castes (SCs) and Scheduled Tribes (STs).
- Women and children.
- Victims of human trafficking or begar (forced labour).
- Persons with disabilities.
- Industrial workmen.
- Persons in custody, including prisoners, juveniles in observation homes, and persons in psychiatric institutions.

- Victims of natural disasters, ethnic violence, caste atrocities, floods, droughts, earthquakes, or industrial disasters.
- Persons whose annual income falls below the limit prescribed by the Central or State Government for legal aid.

Eligible persons receive free legal representation, payment of court fees, drafting of legal documents, legal advice, certified copies of judgments, and assistance in appeals and other legal proceedings.

Importance of Free Legal Aid

Legal aid is indispensable to a democratic legal system. It ensures that justice is based on the merits of a case rather than the financial capacity of the litigants. Without legal aid, constitutional guarantees such as equality before law and the right to life would remain ineffective for millions of economically weaker citizens.

The importance of legal aid may be understood in the following ways:

- It guarantees equal access to justice for all citizens.
- It protects the fundamental rights of poor and marginalized communities.
- It promotes social justice by reducing inequalities within the legal system.
- It increases legal awareness among citizens regarding their rights and responsibilities.
- It prevents wrongful convictions by ensuring proper legal representation.
- It reduces the burden on courts by encouraging settlement through mediation and Lok Adalats.
- It strengthens public confidence in the rule of law.
- It facilitates access to government welfare schemes and victim compensation programmes.

Thus, legal aid serves not only as a legal service but also as a tool for social transformation and inclusive governance.

Lok Adalats: Speedy and Affordable Justice

One of the most successful initiatives under the Legal Services Authorities Act is the **Lok Adalat**, meaning "People's Court." Lok Adalats provide an informal, speedy, inexpensive, and amicable method of dispute resolution.

Cases suitable for Lok Adalats include:

- Motor accident compensation claims.

- Family and matrimonial disputes.
- Labour disputes.
- Bank recovery matters.
- Electricity and water bill disputes.
- Land and property disputes.
- Compoundable criminal offences.

The award passed by a Lok Adalat is deemed to be a decree of a civil court. It is final and binding on the parties, and no appeal ordinarily lies against it.

The Act also provides for **Permanent Lok Adalats**, which deal primarily with disputes relating to public utility services such as transport, postal services, electricity, water supply, sanitation, hospitals, and insurance.

Recent government data indicates that **over 10.45 crore cases and disputes were settled through National Lok Adalats during 2024**, highlighting the enormous contribution of ADR mechanisms in reducing litigation.

Para Legal Volunteers (PLVs)

Recognising that many rural and marginalized communities remain unaware of their legal rights, NALSA introduced the **Para Legal Volunteers (PLV) Scheme**.

PLVs are trained community volunteers who serve as a bridge between the legal services institutions and the public⁴. They include teachers, social workers, students, retired government employees, members of self-help groups, Anganwadi workers, and other community leaders.

Their major functions include:

- Creating awareness about legal rights.
- Assisting people in approaching legal services authorities.
- Helping beneficiaries obtain government welfare benefits.
- Organising legal literacy camps.
- Supporting prison legal aid clinics.
- Assisting victims of domestic violence, trafficking, child abuse, and other vulnerable groups.

By working at the grassroots level, PLVs have significantly enhanced the outreach of legal aid programmes across India.

⁴ National Legal Services Authority, *Legal Aid*, NALSA (last visited Aug. 14, 2026), <https://nalsa.gov.in/legal-aid/>

Landmark Supreme Court Judgments on Legal Aid

The judiciary has played a transformative role in recognising free legal aid as an essential component of fundamental rights.

- **Hussainara Khatoon v. State of Bihar (1979)**

This landmark case exposed the plight of thousands of undertrial prisoners languishing in jails for years without trial. The Supreme Court held that free legal aid is an essential element of a fair, just and reasonable procedure under Article 21⁵.

- **Khatri (II) v. State of Bihar (1981)**

The Supreme Court ruled that the State has a constitutional duty to provide free legal assistance to an accused person from the very first appearance before the Magistrate, not merely during the trial⁶.

- **Suk Das v. Union Territory of Arunachal Pradesh (1986)**

The Court held that if an accused is not informed about the availability of free legal aid, the trial itself may stand vitiated because it violates the principles of natural justice and Article 21⁷.

Challenges Before the Legal Aid System

Despite remarkable progress, several challenges continue to affect the effectiveness of legal aid in India:

- Low public awareness regarding legal aid schemes.
- Shortage of trained legal aid lawyers in rural areas.
- Delay in appointment of legal aid counsel.
- Inadequate monitoring of the quality of legal representation.
- Limited financial and infrastructural resources.
- Social stigma, illiteracy, and language barriers.
- Lack of technological access in remote areas.
- Poor coordination among implementing agencies.

Addressing these issues is essential to ensure that legal aid achieves its constitutional objectives.

Suggestions for Strengthening Legal Aid

⁵ Hussainara Khatoon v. State of Bihar, (1980) 1 SCC 81.

⁶ Khatri (II) v. State of Bihar, (1981) 1 SCC 627.

⁷ Suk Das v. Union Territory of Arunachal Pradesh, (1986) 2 SCC 401.

The legal aid system can be further strengthened through the following measures:

- Conducting regular legal literacy campaigns in schools, colleges, villages, and urban slums.
- Increasing financial allocation for legal services institutions.
- Enhancing training and performance evaluation of legal aid lawyers.
- Expanding digital legal aid platforms and online legal consultation.
- Strengthening prison legal aid clinics and victim assistance programmes.
- Encouraging law schools and legal professionals to actively participate in legal aid initiatives.
- Promoting mediation and Lok Adalats for early dispute resolution.
- Using artificial intelligence and technology to improve accessibility and case management.

Conclusion

Legal aid is one of the strongest pillars of India's constitutional commitment to social justice and the rule of law. It ensures that justice is not reserved for those who can afford expensive litigation but remains accessible to every citizen irrespective of economic status. Through the Legal Services Authorities Act, 1987, and the coordinated efforts of NALSA, State Legal Services Authorities, District Legal Services Authorities, Taluk Legal Services Committees, Lok Adalats, and Para Legal Volunteers, India has established one of the world's largest institutional legal aid networks.

Nevertheless, the true success of legal aid depends not merely on creating institutions but on ensuring awareness, accessibility, efficiency, and quality. Continuous reforms, greater public participation, technological innovation, and judicial support will enable legal aid to fulfil the constitutional vision embodied in Article 39A. Ultimately, a nation can truly claim to uphold the rule of law only when justice is available to every individual, regardless of wealth, status, or social background.