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BEYOND LEGAL AWARENESS: ACCESS TO JUSTICE AT THE LAST MILE

-Manvi

“The right to legal aid is not merely a matter of charity; it is an essential component of a fair, just and reasonable procedure.”

— *Hussainara Khatoon v. Home Secretary, State of Bihar*, (1980) 1 SCC 98.

On December 9, 1946, the Constituent Assembly of India met under the Cabinet Mission Plan to draft a Constitution for a free nation¹. Leaders from various fields came together in this representative body to shape the future of democratic India. It took two years, eleven months, and seventeen days to complete the Constitution.² Their principal objective was to secure justice, liberty, equality, and dignity for every citizen.³

Historically, Indians had gone through centuries of monarchical and colonial rule, which led to the suppression of individual liberty, equality, and dignity. Individuals had limited, if any, means of challenging the authority of the State. At times, even when people rose against oppression, punishments were imposed publicly to instill fear among others who dared to do the same. Although the monarchical and colonial periods differed significantly in their systems of governance and administration, they shared an important characteristic: they did not provide a constitutional framework guaranteeing universally enforceable rights to citizens.

It was therefore important for the Constitution-makers to place individual rights, liberty, and dignity at the centre of the constitutional framework. Fundamental Rights were introduced to protect individuals from State overreach, and these rights were made judicially enforceable.

¹ **Constituent Assembly of India**, *Constituent Assembly Debates* (Dec. 9, 1946), available through Parliament of India, Constituent Assembly, Digital Sansad.

² **Constituent Assembly of India**, *Constituent Assembly Debates* (Nov. 25, 1949); see also Parliament of India, *Constituent Assembly*, Digital Sansad.

³ **India Const. pmbI.** (justice, liberty, equality and fraternity).

In case of their violation, an individual could approach the judiciary for a remedy. Article 32 of the Constitution permits a person to directly approach the Supreme Court for enforcement of Fundamental Rights, while Article 226 empowers High Courts to issue writs for the enforcement of Fundamental Rights and, more broadly, for other legal rights⁴.

However, Fundamental Rights alone were not enough. For a country emerging from nearly two centuries of colonial rule and facing widespread poverty, illiteracy, social disadvantage, and unequal access to resources, formal rights could mean little if people lacked the means to exercise them. This led the Constitution-makers to adopt a broader constitutional vision through the Directive Principles of State Policy (“DPSPs”). The DPSPs were intended to guide future legislatures and executives towards social and economic welfare. They addressed concerns such as equal justice, livelihood, education, and social welfare.⁵ Yet, unlike Fundamental Rights, the DPSPs were made non-justiciable under Article 37. This reflected the constitutional design that many socio-economic objectives would require progressive implementation, allocation of resources, and policy choices rather than immediate judicial enforcement.⁶

Even after providing rights and a broader vision of justice, the Constitution did not initially contain a detailed institutional framework ensuring that access to justice would reach poor and disadvantaged sections of society. The judiciary gradually recognized that access to legal representation was closely connected with the constitutional guarantee of fair procedure and personal liberty.⁷

An important early development came through the Law Commission of India’s Fourteenth Report, *Reform of Judicial Administration*, submitted in 1958. The Report recognized that equality before law necessarily involved meaningful access to courts and recommended measures for providing legal representation to persons without sufficient means.⁸ The Report specifically recommended that representation by a lawyer should be made available at government expense to certain accused persons without means and emphasized the need for legal aid schemes for poor and disadvantaged persons.⁹

⁴ **India Const. pmbl.** (justice, liberty, equality and fraternity).

⁵ **India Const. pt. IV**

⁶ **India Const. art. 37**

⁷ See *Hussainara Khatoon v. Home Sec’y, State of Bihar*, (1980) 1 SCC 98; *Suk Das v. Union Territory of Arunachal Pradesh*, (1986) 2 SCC 401

⁸ **Law Comm’n of India**, *Reform of Judicial Administration*, 14th Rep. (1958). The Law Commission identifies the Fourteenth Report as *Reform of Judicial Administration*, submitted in 1958

⁹ **Law Comm’n of India**, *Reform of Judicial Administration*, 14th Rep. (1958), ch. XVII, paras. 17, 27. The Report specifically discussed legal aid and recommended government-funded representation for certain persons without means

A major constitutional development came in 1976 with the Forty-Second Amendment to the Constitution. The amendment inserted Article 39A, which 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 opportunities for securing justice are not denied to any citizen because of economic or other disabilities.¹⁰ Although Article 39A forms part of the Directive Principles and is therefore not independently enforceable, the Supreme Court has subsequently connected the principle of legal aid with Article 21¹¹.

Recognizing the need for a structured approach to legal aid, the Committee for Implementing Legal Aid Schemes ("CILAS") was established in 1980 under the chairmanship of Justice P.N. Bhagwati. The Committee was responsible for supervising and monitoring legal-aid programmes across the country.¹²

The Legal Services Authorities Act, 1987, marked another significant development in the institutionalization of legal aid. The Act created a statutory framework for providing free and competent legal services to weaker sections of society and sought to ensure that opportunities for securing justice were not denied because of economic or other disabilities¹³. The Act came into force on November 9, 1995, following which the National Legal Services Authority ("NALSA") was constituted as the central authority for implementing legal-aid programmes.¹⁴ NALSA works in coordination with State Legal Services Authorities and District Legal Services Authorities to implement legal-aid schemes and promote access to justice across the country.¹⁵

¹⁰ **Constitution (Forty-Second Amendment) Act, 1976, § 7 (India); India Const. art. 39A**

¹¹ *Hussainara Khatoon v. Home Sec'y, State of Bihar*, (1980) 1 SCC 98. The Supreme Court recognized free legal service as an essential component of reasonable, fair and just procedure under Article 21

¹² **National Legal Services Authority**, *About NALSA*, noting the establishment of the Committee for Implementing Legal Aid Schemes in 1980 under the chairmanship of Justice P.N. Bhagwati.

¹³ **Legal Services Authorities Act, 1987**, No. 39, Acts of Parliament, 1987 (India). The Act's stated purpose includes providing free and competent legal services to weaker sections and ensuring that economic or other disabilities do not deny opportunities for securing justice.

¹⁴ **Legal Services Authorities Act, 1987**, No. 39, § 3 (India); **National Legal Services Authority**, *About NALSA*. The Act came into force on November 9, 1995, and NALSA was constituted upon its enforcement

The judiciary has also played an important role in transforming legal aid from a welfare measure into a constitutional obligation. In *Hussainara Khatoon v. Home Secretary, State of Bihar*, the Supreme Court held that free legal services were an essential element of a “reasonable, fair and just” procedure under Article 21¹⁶. The Court subsequently reaffirmed in *Suk Das v. Union Territory of Arunachal Pradesh* that free legal assistance at State expense can constitute a fundamental right where an accused is unable to obtain legal representation because of poverty or other circumstances.¹⁷ These decisions demonstrate that access to justice is not merely about having rights on paper; it is also about having the practical ability to invoke those rights.

But for many Indians, the real obstacle is not a shortage of laws—it is the gap between **having a right on paper and actually being able to use it**. That gap is the last-mile problem in access to justice.

Imagine someone has been wronged. The first challenge may simply be figuring out which law applies or whether the problem is legally actionable. Even after becoming aware of their rights, the person must determine which office to visit, whom to approach, and what documents are required. Even if they find someone willing to hear their problem, gathering the necessary documents can become another barrier. Going to a court or a Legal Services Authority may mean losing an entire day’s wages. The procedures can be confusing, the forms intimidating, and the language itself can become another wall to climb. For someone living in a remote area, simply reaching the nearest legal institution may be the hardest part.

Legal aid can provide a lawyer, but that assistance becomes less meaningful if a person cannot navigate the process necessary to reach that lawyer. Awareness campaigns can educate people about their rights, but awareness alone cannot overcome poverty, distance, social stigma, or fear of institutions. **Meaningful assistance has to go further.** It means explaining rights in plain language, helping people complete paperwork, directing them to the appropriate authority, and following through until representation is actually effective. Legal

¹⁵ **National Legal Services Authority, Introduction**, describing NALSA’s coordination with State Legal Services Authorities and District Legal Services Authorities.

¹⁶ *Hussainara Khatoon v. Home Sec’y, State of Bihar*, (1980) 1 SCC 98. The Court held that free legal services are an essential element of reasonable, fair and just procedure under Article 21

¹⁷ *Suk Das v. Union Territory of Arunachal Pradesh*, (1986) 2 SCC 401. The Supreme Court reaffirmed the constitutional right to free legal assistance in appropriate criminal proceedings.

aid provides the service; meaningful assistance ensures that the service actually translates into justice.

Technology can play a significant role in addressing this gap. Online applications, tele-law services, virtual consultations, multilingual legal information, and digital Lok Adalats can reduce geographical and procedural barriers. But technology should support in-person assistance rather than replace it. Legal-aid clinics, community paralegals, and outreach camps remain important, particularly for people who lack digital access or the literacy necessary to navigate an application or helpline.

Simplicity matters just as much. No one should have to understand complicated legal procedure before being able to seek help with it. Plain-language guidance, assistance with documentation, and early counselling can prevent relatively small problems from becoming years-long disputes. None of this works without accountability either. Providing someone with a lawyer cannot be treated as the finish line. Whether the individual understood the process, could communicate with their representative, and was actually able to participate in the proceedings matters just as much.

One practical solution could be the creation of a district-level **“Last-Mile Legal Aid Network,”** connecting Legal Services Authorities with panchayats, hospitals, police stations, prisons, schools, and community centres. Trained paralegal volunteers could act as the first point of contact—identifying legal problems early, explaining basic rights, assisting with paperwork, and connecting individuals with the appropriate lawyer or authority. A multilingual helpline could support this network, while every digital mechanism should have an accessible offline alternative.

The idea is not to create another layer of bureaucracy. It is to bring the existing legal-aid system closer to the people it is intended to serve. India already has constitutional guarantees, judicial recognition of legal aid, and a statutory institutional framework through NALSA and the Legal Services Authorities. The remaining challenge is ensuring that these institutions are accessible at the point where an ordinary person first encounters a legal problem.

In the end, **justice reaches the last mile only when the system learns to meet the citizen—not the other way around.**