

A Study of Free Legal Aid System in India and Its Origin and Historical Developments: Through Constitution, Statutory and Judicial

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Abstract:

The Concept of Free Legal Aid serves as the foundation and historical perspective of Legal Aid in India ensuring the doors of justice are not closed to anyone to due economic or social disabilities. It contains free legal aid before independence and after independence outlining pre and post 42nd amendment, formation of various committees for the purpose of legal aid in India. The study analysis the statutory strength provided by the Legal Services Authorities Act, 1987, which established a three -tier structures.

Key Words: Free Legal Aid, Amendment, Constitution, period, Justice, Committee.

Introduction:

A fundamental aspect of legal aid is its role in ensuring equal access to justice for all, regardless of economic status, thereby upholding the principles of equality before the law and non-discrimination.¹ In many legal systems, individuals who lack the means to afford legal representation or obtain legal advice are placed at a significant disadvantage in navigating complex legal procedures. This often results in injustices and unequal outcomes. The issue is particularly pertinent in India, where a diverse population and wide socioeconomic disparities make access to legal aid a vital equalizer. Legal aid not only ensures that justice is accessible to all but also plays a crucial role in the fair resolution of both civil and criminal disputes. By upholding due process, it minimizes the risk of wrongful convictions and unjust outcomes.²

Legal aid provides a vital service to the vulnerable, offering assistance to those who are poor, uneducated, or lack the knowledge to navigate the legal system. It's a crucial part of the justice delivery system, giving underprivileged individuals an opportunity to access justice. Many people in society lack the courage or means to stand up for their rights, and the legal process can be complex and expensive, making it difficult for them to secure justice. The legal system can only function effectively when it's accessible to every member of the country. The main goal of legal aid is to assist these individuals and ensure that judicial proceedings maintain equal status for all.

Origin and Expansion of Lawful assistance in India:

India's concept of legal aid developed relatively late, becoming a clear necessity during the colonial period. Early steps towards this were the "forma-pauperis" provisions in the Code of Civil Procedure of 1908, which allowed indigent people to file lawsuits.

¹ International Commission of Jurists, Legal Aid: Facilitating Access to Justice for All, 2018

²J. Grogan, "COVID-19, The Rule of Law and Democracy. Analysis of Legal Responses to a Global Health Crisis" (2022) Hague J on the Rule of Law.

The modern legal aid movement gained traction in 1945 when England's Rushcliffe Committee Report inspired the Bombay Legal and Society to push for a similar committee in India. A subsequent 1949 Legal Assistance and Advice Act, also influenced by the Rushcliffe Report, proved insufficient and ineffective. Following independence, the Government of India referred the matter to the Law Commission of India. The commission was tasked with creating recommendations for a robust legal aid system that promotes social justice, leading to significant developments in the following decades.³

Legal assistance has roots reaching back to the origins of human civilization, not just recent times. Ancient India, a thriving society, cultivated tolerance, [brotherhood](#) and acceptance through its customs and beliefs. This led to the development of Indian law based on the idea that all humanity is one family under a single creator. A strong moral code guided behavior, including a spiritual directive against taking another's property. This ethical foundation resulted in a societal structure where transgressions were rare, characterized by purity, simplicity, commitment, and a lack of greed.

The development of early Indian culture featured a communal and just way of life, where people committed to treating one another fairly. Religion was integral to daily life, with scriptures establishing a code of social conduct. Because people were generally seen as wise, social standards were often self-regulated within small community groups. Tolerance, empathy, and mutual support were key aspects of this culture. When disagreements happened, they were promptly addressed by respected elders. This practice evolved into the formal "Panchayat" or Council of Elders, a group of five people responsible for resolving conflicts. The community eventually viewed the Panchayat as divine, following their rulings without question. While this traditional dispute resolution system is still used, the modern concept of formal legal support, including courts, originated in the Vedic period.

Vedic period:

The Vedas are revered by many Indians as the timeless and ultimate source of knowledge, said to be divine revelations. While their exact historical timeline is uncertain, they are associated with a period when Indian society led a simple and contented life.

Ancient society was guided by *dharma*, a combination of religious belief, morality, and social authority. Kindness and helpfulness were common despite the absence of clear laws. The practice of *dharma* required that those who receive help have an obligation to help others. The *Rig-Veda* outlines this, detailing how to provide social and legal assistance.

The *Rig-Veda* (Chapter I, Shlokas 36 and 42) calls for divine aid to defend people from evil and violent individuals. The text also states that those who give aid, or *Daan*, are blessed with strength for protection. This implies that conflict and violence are challenges for all societies. A generous king who gives wealth to the needy is considered a conqueror of rivals, with the gods offering protection (Chapter III, Shloka 103).⁴

Rooted in the ancient Vedic tradition, Indian culture is a vast heritage with a strong focus on social justice. As seen in the Rigveda, it is considered an individual's *dharma*, or duty, to support the king or state, which is tasked with protecting its people. This foundation of moral values from Vedic literature cultivated a society that prized peace, empathy, and humanity, even amid hardship. Although Indian society was

³ Sujan Singh, *Legal Aid Human Right to Equality* 72–73 (Deep & Deep Publications, New Delhi, 1996).

⁴ Singh, G., "Translation of Important Parts of Rig-Veda," in *Translation of Important Parts of Rig-Veda* 32-36 (Sadhna Pocket Books, New Delhi, 1992).

diverse, its cultural values—including kindness to the poor, weak, and powerful alike—provided a strong internal unity and social cohesion.⁵

Ancient people lived in a religious society that helped build strong community ties, endurance, and brotherhood. While social justice was present in early Indian culture, the later rigidity of the caste system created discrimination and disadvantaged many people. In the simpler Vedic period, however, people saw it as their religious duty (*dharma*) to help those in need.

Kautilya Period:

The Kautilyan period, a time of organized governance and legal advancement, is considered a golden age for Indian legal philosophy. Grounded in the concept of *Dharma* (righteousness), its laws provided social stability and supported the underprivileged.

Key features of the Kautilyan legal and judicial system Comprehensive legal framework

The Kautilya's *Arthashastra*, the main source of information on the system, detailed both civil and criminal law and was the blueprint for a well-governed state. This body of law was part of a divine faith that everyone was expected to follow carefully. King Ashoka, who was influenced by Kautilya, made justice the central tenet of his rule.

Organized judicial structure:

- Centralized and local courts: The system featured a hierarchy of courts, with the King's Court as the highest judicial body. In urban areas, justice was managed by a city protector or *nagarakhya*.
- Two types of courts: The judiciary included courts for civil law (*Dharmasthiya*) and criminal law (*Kantakasodhana*), which focused on suppressing anti-social elements.
- Regional units: Many disputes were resolved through a decentralized network of judicial units based on population size. These included units for 10, 200, 400, and 800 villages, indicating a system designed to be accessible to local communities.

Fair and proportional penal system:

- Deterrence and proportionality: Punishment (*Danda*) was implemented to deter crime and was proportional to the offense.
- Mitigating factors: Judges were instructed to consider mitigating circumstances, such as the age, socioeconomic status, and the timing and location of the crime.
- Protection of vulnerable groups: Rules mandated leniency for the poor, ill, and other vulnerable groups, reflecting an early form of welfare-oriented justice.

Evidence-based proceedings:

- Reliable evidence: The system relied on concrete forms of evidence, including incriminating objects, written documents, and the testimony of at least three reliable witnesses.
- Interrogation rules: A suspect could be interrogated but not solely convicted based on a confession obtained under torture. Clear procedures required evidence and witness statements to be recorded accurately and impartially.

Accessible justice:

- Free community courts: Community courts allowed for the resolution of disputes without court fees, eliminating the need for legal assistance in many cases.
- State-compensated civil suits: In civil cases, a king could initiate a suit without paying court fees upfront, with the amount recovered if the verdict was in his favor.

⁵ Johri S. N., "Programme and Movement of Legal Aid to Poor," 68 AIR (Journal Section) 27 (1981).

Muslim Period:

The Mughal administration of justice was based on laws issued by the emperors, with the roles and duties of legal practitioners (Vakils) being specified in Muslim legal texts. The system was further developed and became more complex during British rule, influencing the modern legal framework in the Indian subcontinent.

The legal system under Mughal rule

- **Legal framework:** The judicial system under the Mughals was primarily based on Islamic law, or Sharia. However, the emperors adapted and supplemented this with administrative rules and local customs, reflecting the diverse population of the empire.
- **Influential legal codes:**
 - *Fiqh-e-Firozshahi:* An earlier code used during the Muslim era in India that helped define the duties of legal experts.
 - *Fatawa-e-Alamgiri:* Commissioned by Emperor Aurangzeb, this massive digest of Hanafi law aimed to standardize legal rulings across the empire and served as a key legal text for centuries.
- **Roles of legal professionals:**
 - Vakils (Lawyers): Lawyers, known as Vakils, played a significant role in the administration of justice. Their duties were clearly defined by legal codes. During the reigns of Shahjahan and Aurangzeb, special state-appointed lawyers called *Vakil-e-Sarkar* or *Vakil-e-Sharai* represented the government in court.
 - Pro bono service: The state lawyers were also tasked with assisting impoverished litigants by providing free legal advice and representation.
- **British influence and lasting legacy:**

The Mughal justice system, in turn, served as a foundational model for the British administration of justice in India. The British adapted and expanded upon Mughal judicial practices, and aspects of this system have continued to influence the legal frameworks of post-colonial India and Pakistan.

Vikramaditya Period

In the Vikramaditya period, the chief justice was paid 5,000 silver coins and given a free furnished house. Legal procedures were sophisticated, much like those today. The legal landscape was shaped by great jurists, but the average person could not afford the formal court system. Instead, justice was made accessible to everyone through village and community councils.⁶

Legal Aid in Colonial India:

During the British colonial rule in India, the concept of **legal aid**, as we know it today, was virtually nonexistent. The British administration's legal system was not designed to ensure justice for the Indian populace but to serve the interests of the colonial power and maintain control. For this reason, access to justice was a privilege reserved for the elite. Common citizens, especially the marginalized and underprivileged, had limited or no access to legal aid. The legal system the British established was complex and bewildering to the average person. Legal proceedings were conducted in English, a language inaccessible to most of the Indian population. Furthermore, legal costs were prohibitively high, making it nearly impossible for most Indians to seek legal recourse. Historical accounts of British colonial rule often highlight these disparities. Scholars like Ranajit Guha have analyzed how the British legal system served as a tool of control and domination, maintaining the colonial power structure. The lack of accessible legal aid during this period contributed significantly to the perpetuation of social injustices.⁷

⁶ S.R. Bhojar, *Evolution of Legal Aid* (2012), available at:

http://shodhganga.inflibnet.ac.in/bitstream/10603/12650/9/09_chapter%205.pdf (Last visited on Aug. 31, 2025).

⁷ Guha, R., "Elementary Aspects of Peasant Insurgency in Colonial India," *The Economic and Political Weekly*, Vol. 18, No. 40/41, 1983, pp. 1601-1620.

The history of legal aid in British India is a complex and evolving narrative that reflects the socio-legal dynamics of the time. The British legal system, heavily influenced by English laws, was often framed to protect colonial interests, creating an environment marked by discrimination and unfairness.

The administration of justice was particularly challenging for the general Indian populace. Judicial processes were complex, cumbersome, and expensive, making them inaccessible to the poor. The rise of professional lawyers further increased the cost of litigation, creating a system that the wealthy could easily exploit while the poor struggled to access the courts. Despite these issues, the British did eventually recognize the need to provide assistance to those at a disadvantage in legal proceedings, a concept that developed alongside global advancements in socio-legal consciousness.

POST-INDEPENDENCE INITIATIVES:

India's independence in 1947 marked a new chapter in the development of legal aid.⁸ In 1949, the establishment of the Legal Aid Committee signified an important step toward institutionalizing legal assistance in the country.⁹ A major breakthrough came with the 42nd Constitutional Amendment of 1976, which introduced Article 39A and recognized legal aid as a fundamental right, reflecting the state's commitment to social justice and equal access to justice for all.¹⁰ The enactment of the Legal Services Authorities Act in 1987 proved to be a turning point, as it laid down a structured framework for legal aid delivery. This Act created a three-tier system consisting of the National Legal Services Authority (NALSA), State Legal Services Authorities, and District Legal Services Authorities. Scholars regard this legislation as crucial in democratizing justice, as it enabled effective coordination and uniform delivery of legal aid across India.

Under this framework, NALSA functions as the apex body at the national level, while State Authorities supervise legal aid programs within their jurisdictions. At the local level, District Legal Services Authorities play a vital role by identifying beneficiaries, facilitating mediation, and offering counseling. These institutions have been especially significant in extending legal services to marginalized and underserved communities.¹¹ The evolution of legal aid in India has also been shaped by landmark judicial decisions, which reinforced the necessity of providing legal representation to those unable to afford it. Such cases have spanned diverse issues, including land rights, human rights, and the protection of vulnerable groups.

The concept of legal aid is grounded in the ideals of justice and equality, ensuring that every individual, irrespective of socio-economic background, has access to legal assistance. In India, the movement towards an institutionalized legal aid system began soon after independence with the establishment of the Legal Aid Committee in 1949. Guided by the vision of a sovereign democratic republic embodied in the Constitution of 26th November 1949, India made steady progress in strengthening legal aid mechanisms. Significant milestones in this journey include the 42nd Constitutional Amendment and the enactment of the Legal Services Authorities Act, 1987. The establishment of the Justice N.H. Bhagwati Committee by the Government of Bombay on 23rd March 1949 marked a turning point. The Committee recommended a multi-tiered framework for legal aid at the state, high court, district, and taluk levels, along with eligibility criteria based on means and prima facie tests. It also stressed the need for declarations of disposable income and capital, as well as a bond system to prevent champerty and unauthorized settlements.¹² Under the chairmanship of Justice N.H. Bhagwati, the Committee recommended a multi-

⁸ The Legal Aid Committee established in 1949.

⁹ M. Kudaisya, "A Mighty Adventure: Institutionalising the Idea of Planning in Post-colonial India, 1947–60," (2009) 43 *Modern Asian Studies* 939.

¹⁰ Article 39A of the Constitution of India.

¹¹ P S Rao, "Access to Justice: Legal Aid Clinics and Legal Aid Cells in India" (2005) 66 *Indian Journal of Social Work* 245.

¹² *The Legal Aid and Advice Act, 1949* (12, 13 & 14 Geo. 6, c 51)

tiered administrative structure for legal aid, operating at the State, High Court, District and Taluk levels.¹³ It proposed eligibility criteria based on a means test and a prima facie test, which would exclude trivial cases. The Committee also recommended that applicants declare their disposable income and capital and furnish a bond to prevent champerty and unauthorized compromises. The recommendations propose clear rules for who can receive legal aid, based on a financial means test and a preliminary review of their case. Trivial or insignificant cases would not qualify. To prevent abuse, applicants must provide statements on their finances and post a bond. The bond would prevent misuse of the system, such as unauthorized deals or frivolous lawsuits. The journey toward a national legal aid program in India involved several pivotal developments from the late 1940s through the 1970s. A 1949 report proposed a system where assigned lawyers would receive performance-based compensation, with a legal aid fund covering costs according to case outcomes. This was followed by the establishment of the Bengal Committee in 1950, chaired by Sir Arthur Trevor Harris, which mirrored the Bombay committee's vision for state-funded legal aid, especially for capital cases.¹⁴ A significant 1970 National Conference on Legal Aid brought to light the systemic underfunding and deficiencies in existing legal aid schemes, prompting calls for a comprehensive, collaborative program involving the government, legal professionals, and law schools.¹⁵ This momentum was sustained by Mr. Madhu Limaye's introduction of The Free Legal Aid Bill in 1970, which, though not enacted, signaled growing parliamentary interest. The subsequent 1972 V.R. Krishna Iyer Committee, in its report "*Processual Justice to the People*," advocated for extensive reforms to expand legal aid across civil and criminal domains.¹⁶ Further strides were made in 1973 with the new Criminal Procedure Code, which explicitly affirmed the accused's right to state-funded legal representation. The culmination of these efforts was the 1976 P.N. Bhagwati Committee, whose report, "*National Judicare: Equal Justice Social Justice*," laid the groundwork for a unified, national legal aid framework.¹⁷ The introduction of a new legal code guaranteed the right of the accused to select their own legal representation and made provisions for state-sponsored legal assistance in specific circumstances. This progress was significantly advanced by the 1976 P.N. Bhagwati Committee, which was instrumental in shaping a unified national legal aid program. The committee's report, titled *National Judicare: Equal Justice Social Justice*, outlined a radical, humanist strategy for providing legal aid. It emphasized public education for the poor, addressing their socioeconomic challenges, conducting socio-legal research, and empowering them to advocate for their rights. The committee also envisioned extending law and justice to the grassroots level through panchayats, utilizing conciliation despite financial uncertainties. These collective efforts forged a more inclusive and accessible legal system in India, consistent with the foundational principles of its Constitution.

ESTABLISHMENT OF THE LEGAL AID COMMITTEE IN 1949:

In the years immediately following independence, India began to recognize a pressing need for legal aid, given its varied populace and the complexity of its legal system. To address this, in 1949 a Legal Aid Committee was set up. Its purpose was to offer free legal help to those who couldn't afford lawyers. The Committee was made up of noted legal minds, social advocates, and decision-makers who understood the vital role of equal access to justice. Its mandate included identifying people who needed legal assistance and helping them secure legal services.¹⁸ The committee was instrumental in spreading knowledge of legal aid among disadvantaged groups. A major success was its creation of a model legal aid scheme, which

¹³ Report of the Committee on Legal Aid (Justice Bhagwati Committee): The report of the Justice Bhagwati Committee on Legal Aid.

¹⁴ Committee on Legal Aid in Bengal, Report of the Committee on Legal Aid in Bengal (Chaired by Sir Arthur Trevor Harris)

¹⁵ "National Conference on Legal Aid" (1970).

¹⁶ V.R. Krishna Iyer Committee, *Report of the Expert Committee on Legal Aid: The report of the V.R. Krishna Iyer Committee on Legal Aid* (Ministry of Law, Justice and Company Affairs, Government of India, 1973).

¹⁷ The Code of Criminal Procedure, 1973 (Act 2 of 1974).

¹⁸ J. Sandman. "The Role of the Legal Services Corporation in Improving Access to Justice." *Daedalus*, 148 (2019): 113-119. https://doi.org/10.1162/daed_a_00543. last visited on Papua Law Journal , 10.08.2025

later served as a template for other legal aid initiatives across India.¹⁹ This approach stressed that merely offering legal aid was not enough; people must also become aware of their legal rights and duties. The Legal Aid Committee, set up in 1949, represented the first step toward ensuring justice for everyone, regardless of financial status. But as experience showed, more robust and enforceable policies were required over time to broaden access to legal assistance across the population.

The 42nd Amendment & Its Effect on Access to Free Legal Aid:

The 42nd Amendment of 1976, though best known for adding the terms “socialist” and “secular” to India’s Preamble, also introduced transformative changes in the legal domain — especially legal aid. It inserted **Article 39A** into the Constitution, which requires the State to secure that the legal system works in a way that promotes justice on the basis of equal opportunity. In particular, it mandates free legal aid through legislation or schemes so that nobody is denied access to justice because of economic or other disabilities.²⁰ A major reform brought by the 42nd Amendment was adding Article 39A to the Directive Principles of State Policy. This article requires the State to secure equal access to justice, including providing legal aid, so that **no citizen is denied justice** due to poverty or other disadvantages. It was a landmark moment in India’s constitutional history.²¹

The 42nd Amendment did more than simply add Article 39A: it also set up the framework for a nationwide legal aid system. It provided for the creation of the **National Legal Services Authority (NALSA)** at the central level, and **State Legal Services Authorities (SLSAs)** in each state. These bodies were charged with putting legal aid schemes into operation and overseeing them, to ensure that everyone’s right to legal assistance is respected²² The 42nd Amendment to the Indian Constitution, enacted in 1976, introduced Article 39A, mandating the State to provide free legal aid to ensure equal access to justice for all citizens, particularly the marginalized and economically disadvantaged. This provision laid the foundation for a more inclusive legal system, emphasizing that justice should not be denied due to financial constraints or disabilities [Constitution of India](#).

In line with this constitutional mandate, the Legal Services Authorities Act, 1987, was enacted, establishing the National Legal Services Authority (NALSA) at the national level and State Legal Services Authorities (SLSAs) at the state level. These bodies were tasked with organizing Lok Adalats (People's Courts) and other alternative dispute resolution (ADR) mechanisms to provide quicker, cost-effective, and accessible means of resolving disputes, thereby reducing the burden on the overburdened judiciary [National Legal Services Authority](#).

Lok Adalats are statutory forums where disputes, whether pending in courts or at the pre-litigation stage, are settled amicably with the consent of the parties involved. The decisions made by Lok Adalats are deemed to be decrees of a civil court and are final and binding on all parties, with no appeal lying against such awards [National Legal Services Authority](#).

Thus, the 42nd Amendment was a pivotal moment in the history of legal aid in India, not only recognizing the right to legal aid as a fundamental right but also laying the foundation for a more organized and effective legal aid system through the establishment of NALSA and SLSAs.

¹⁹ Anthon Raharusun. "Access To Justice Through Pro Bono Legal Aid." <https://doi.org/10.31957/PLJ.V3I1.630>. last visited on 12.09.2025

²⁰ The 42nd Amendment to the Constitution of India, passed in 1976.

²¹ Insertion of Article 39A into the Directive Principles of State Policy by the 42nd Amendment to the Constitution of India.

²² Establishment of the National Legal Aid Service Authority (NALSA) and State Legal Services Authorities (SLSAs) as a result of the 42nd Amendment to the Constitution of India.

EVOLUTION OF LEGAL AID INSTITUTIONS:

The evolution of legal aid institutions in India has been significantly influenced by the recognition of access to justice as both a fundamental right and a moral imperative. This development has been marked by several key milestones:

1. **Hussainara Khatoon v. State of Bihar (1979):** This landmark case highlighted the plight of undertrial prisoners and underscored the necessity of legal aid for marginalized individuals. The Supreme Court's intervention emphasized the state's obligation to provide free legal assistance to those unable to afford it, laying the groundwork for future legal aid initiatives.
2. **Legal Services Authorities Act, 1987:** Enacted to implement Article 39A of the Indian Constitution, this Act established a statutory framework for providing free legal services to the underprivileged. It aimed to ensure that justice is not denied to any citizen due to economic or other disabilities.
3. **National Legal Services Authority (NALSA), 1995:** Formed under the Legal Services Authorities Act, NALSA coordinates and monitors the functioning of legal services institutions across India. It plays a pivotal role in organizing Lok Adalats and ensuring the effective delivery of legal aid to the marginalized sections of society.

These developments reflect India's commitment to ensuring that justice is accessible to all, particularly the marginalized and underprivileged sections of society.²³ The National Legal Services Authority (NALSA) serves as the central body overseeing and coordinating legal aid initiatives across India. Established under the Legal Services Authorities Act, 1987, NALSA operates at multiple levels—from National to Taluka—to ensure that free legal services reach marginalized and economically disadvantaged sections of society

In line with its mandate, NALSA collaborates with law schools across the country to integrate legal aid into legal education. The Bar Council of India (BCI) and NALSA require law institutions to establish Legal Aid Clinics, Legal Aid Cells, or Legal Aid Societies on their campuses. These clinics not only provide practical legal assistance to underserved communities but also serve as platforms for students to engage in clinical legal education. Through these clinics, students gain hands-on experience by assisting in legal matters under the supervision of faculty and practicing lawyers.

Furthermore, NALSA organizes internship programs for law students to promote the role and importance of legal services activities. These internships allow students to collaborate with social organizations, lawyers, institutions, and judges, thereby enhancing their understanding and skills in providing legal aid.²⁴ This integration of legal aid into the education system helps in fostering a culture of pro bono service and societal responsibility among future lawyers. The Indian Constitution mandates the provision of free legal aid through suitable legislation, schemes, or in any other way to ensure equal opportunities for securing justice to all citizens, regardless of economic or other disabilities.²⁵ The National Legal Services Authority (NALSA) acts as the central body overseeing and coordinating legal aid efforts across India. As a result of these changes, legal aid bodies have been created at the national, state and district levels, offering free legal services to people unable to afford lawyers. Additionally, law schools in India have played a part in the development of legal aid: they have integrated clinical legal education and legal aid courses into their curricula, which involve students undertaking internships with NGOs, lawyers, courts, and judges.²⁶ This

²³ Legal Services Authorities Act, 1987.

²⁴ Vasanthi, N. (2012, December 1). Strengthening Clinical Legal Education in India.

<https://scite.ai/reports/10.1177/0049085712468132>. last visited on 12.08.2025

²⁵ Schmiegelow, M., & Schmiegelow, H. (2014, January 1). Institutional Competition between Common Law and Civil Law.

<https://scite.ai/reports/10.1007/978-3-642-54660-0>. last visited on 12.08.2025

²⁶ Vasanthi, N. (2012, December 1). Strengthening Clinical Legal Education in India.

<https://scite.ai/reports/10.1177/0049085712468132>. last visited on 12.08.2025

integration of legal aid into the education system helps in fostering a culture of pro bono service and societal responsibility among future lawyers. The Indian Constitution mandates the provision of free legal aid through suitable legislation, schemes, or in any other way to ensure equal opportunities for securing justice to all citizens, regardless of economic or other disabilities.²⁷ India's commitment to ensuring legal help for all is evident in the creation of institutions like the National Legal Services Authority (NALSA) and various State Legal Services Authorities. These bodies strive to guarantee equal access to justice by offering free legal aid and support for those who need it. Over time, the legal aid framework in India has developed significantly, so that citizens—regardless of their financial situation or other disadvantages—can have their legal rights protected. Moreover, free legal assistance in India isn't limited to government bodies; there are also non-state actors and community-based organisations that help provide aid to those unable to afford legal services.²⁸ Non-governmental organizations also play a crucial role in providing legal aid to marginalized communities and individuals. These NGOs, such as Legal Aid, have been instrumental in expanding access to justice for those who cannot afford legal representation. Legal aid in India has evolved significantly over the years to ensure equal access to justice for all citizens. Thus, the evolution of legal aid institutions in India highlights the country's commitment to providing equal access to justice for all citizens, especially those who are economically disadvantaged or marginalized. The integration of legal aid into the education system, through law school curriculum and internships, has played a significant role in cultivating a culture of pro bono service and societal responsibility among future lawyers in India.²⁹ Legal aid in India is a constitutional right, established to ensure that everyone, regardless of their financial situation or other disabilities, has equal access to justice. The **Legal Services Authorities Act of 1995** was enacted to fulfill this mandate, leading to the creation of the **National Legal Services Authority (NALSA)** and state-level authorities. These bodies, along with non-governmental organizations, provide free legal assistance to those in need.

This system is a reflection of India's commitment to social change and protecting the rights of its citizens during legal proceedings. The concept of legal aid gained prominence in the 1960s, influenced in part by global initiatives like President Lyndon B. Johnson's "War on Poverty."³⁰ These sources highlight the evolution of legal aid in India and the recognition of its importance in ensuring access to justice for all citizens, regardless of their economic or other disabilities. In addition, the enactment of Law 16/2011³¹ concerning Legal Aid has further concretized the provision of legal aid to economically disadvantaged communities. Efforts have been made through Law 16/2011 concerning Legal Aid to address the need for justice facilities for economically disadvantaged communities. The latest government regulation 42/2013, stipulates that legal aid providers will obtain services directly from the government and other legitimate sources.³² This reflects a commitment to ensuring equal treatment before the law as guaranteed under the constitution. Furthermore, there is responsibility on the state to provide legal assistance to poor society members as part of achieving social change oriented towards access to justice. This includes free-of-charge

²⁷ Schmiegelow, M., & Schmiegelow, H. (2014, January 1). Institutional Competition between Common Law and Civil Law. <https://scite.ai/reports/10.1007/978-3-642-54660-0>. last visited on 12.08.2025

²⁸ P. Tak. "Legal Aid: A Boon for the Indian Legal System." (2012). <https://doi.org/10.2139/SSRN.2013233>.

²⁹ S. Sarker. The Underprivileged: The Social Justice Mission For Clinical Legal Education In India." *Empoweing International Journal of Clinical Legal Education*, 19 (2014): 321-339. <https://doi.org/10.19164/IJCLE.V19I0.33>.

³⁰ Ross, N., Ardussi, C., Tushaus, D., Win, S T., & Lwin, Z P S. (2020, February 5). Understanding Myanmar and the Way Forward for Legal Education: From Rote Learning to Community Engagement Through Clinical Legal Education. <https://scite.ai/reports/10.1177/2322005819886382>. last visited on 12.09.2025

³¹ Law 16/2011 concerning Legal Aid (Indonesia): This law concretizes the provision of legal aid to economically disadvantaged communities in Indonesia.

³² Government Regulation 42/2013 (Indonesia): This regulation outlines the procedures for legal aid providers to obtain services directly from the government and other legitimate sources in Indonesia.

legal services provided by legal aid providers under Indonesian Law of 2011 on Legal Aid.³³ During the COVID-19 lockdown, India saw a rise in domestic violence cases, increasing the demand for legal aid for women. This happened as the country's legal system, guided by the Constitution, works to ensure equal justice by offering free legal services to all citizens, especially the disadvantaged.

To achieve this, the Legal Services Authorities Act of 1987 created the National Legal Services Authority and State Legal Services Authorities, which are essential in providing legal support to vulnerable populations. Simultaneously, India's corporate legal sector is growing globally, which may impact worldwide legal practices and the rule of law.³⁴ During the lockdown, India saw a notable increase in domestic violence cases, especially among women, resulting in a higher demand for legal help. The National Legal Services Authority (NALSA), which provides legal services to vulnerable populations under the Legal Services Authorities Act of 1987, has reported this surge. Meanwhile, the inclusion of legal aid programs in law school education has also improved access to justice across the country.³⁵

JUSTICE BHAGWATI COMMITTEE:

Justice Bhagwati Committee refers to a committee formed under the chairmanship of Justice P.N. Bhagwati, a former Chief Justice of India, to review the functioning of the public interest litigation (PIL) process in India. This committee was not specifically named the "Justice Bhagwati Committee" in many formal records, but its association with Justice Bhagwati is significant because of his pioneering role in the development of PIL in India.³⁶ The Government of Gujarat, motivated by the growing need to provide legal aid to the poor and those of limited means, took a significant step by establishing a legal aid program. On **June 22, 1970**, a committee was formed under the chairmanship of the **Hon'ble Chief Justice P.N. Bhagwati**. This committee, known as the **Gujarat Committee**, was tasked with creating recommendations for a legal aid program. Its goal was to examine how legal aid could be provided in various proceedings and to make legal advice more accessible to those who needed it most.³⁷

The Gujarat Report on legal aid is a comprehensive 271-page document, divided into 14 parts. It argues that legal aid is crucial for achieving genuine equality and a functional democracy. The report recommends creating **legal aid committees** at different levels, bringing together key stakeholders. These include the government, the judiciary, legal professionals, law schools, and community representatives. The goal is to ensure that legal support is accessible to all. The Gujarat Report proposed a comprehensive approach to legal aid, focusing on both **financial management** and the **scope of services**. To ensure the effective use of funds, the report recommended remitting court fees for assisted persons rather than simply providing them with money to cover these costs. It also suggested creating a dedicated **legal aid fund** supported by various sources, including donations, revenue from legal aid stamps, and contributions from local government bodies.

Beyond financial strategies, the report advocated for a broad definition of legal aid, including **preventive legal services**. This expanded scope encompasses not only legal representation but also **legal advice, education, and institutional changes** aimed at empowering the poor. The report was a landmark in India's

³³ Indonesian Law of 2011 on Legal Aid, Article 1 paragraph: This law outlines the responsibility of the state to provide legal assistance to poor society members as part of achieving social change oriented towards access to justice.

³⁴ Laskar, K A., & Bhattacharyya, B. (2021, September 5). Community radio stations' production responses to COVID-19 pandemic in India. <https://scite.ai/reports/10.1080/01296612.2021.1970421>

³⁵ Id. 217.

³⁶ J. Bhagwati. "India in Transition: Freeing the Economy." *The Journal of Asian Studies*, 54 (1993): 234 - 235. <https://doi.org/10.2307/2059002>. last visited on 17.09.2025

³⁷ Gujarat Committee Report, 1970.

legal aid movement, directly leading to legal aid programs in Gujarat. Its influence extended to a national level, prompting the Government of India to form an expert committee in 1972 under Justice V.R. Krishna Iyer to further develop legal aid policies.³⁸

THE BENGAL COMMITTEE ON LEGAL AID

The **Bengal Committee On Legal Aid** was formed to address the significant deficiencies in India's existing legal aid framework. Its core objective was to alleviate the struggles of **indigent individuals** who, due to financial constraints or limited program coverage, were unable to access legal support. This dire situation was made worse by a lack of proactive engagement from key stakeholders, including the legal profession, government bodies, and social work institutions.

Key Recommendations & Goals

The committee's evaluation highlighted the urgent need for a more robust and institutionalized approach to legal aid. The primary goals and proposals included:

- **Legislative Intervention:** A crucial proposal was to impose a **statutory obligation** on state entities to ensure the provision of legal aid services. This move aimed to create a comprehensive, nationwide program.
- **Stakeholder Collaboration:** The proposed program would actively involve **state governments, members of the Bar, and law schools** to ensure widespread participation and effective implementation.
- **Fostering Social Responsibility:** Dr. L.M. Singhvi, the conference chairman, emphasized the need for legislation to mandate the **Bar Council** to take on the responsibility of legal aid. This would reduce dependence on government funding and instill a sense of **social responsibility and citizenship** among legal professionals.

The Path Forward: Ensuring Quality and Equity

The challenge of organizing legal aid in a country as vast and populous as India requires a substantial commitment of **moral, human, and material resources**. The **National Legal Aid Conference** reinforced this sentiment, urging constant vigilance to ensure that free legal aid services are not compromised or diluted below acceptable standards. With India's large legal workforce, supported by law faculties and students, there is a tremendous potential to enhance access to justice and promote social equity. The ultimate goal is to address the systemic shortcomings and ensure **equitable access to legal representation** for all, especially for marginalized and vulnerable populations. Achieving this objective requires sustained collaboration between various stakeholders—government agencies, legal professionals, educational institutions, and civil society organizations—to uphold the principles of justice, fairness, and equality under the law.³⁹

THE MALIMATH COMMITTEE REPORT OF 2003

The Malimath Committee Report of 2003, spearheaded by Justice Malimath, placed a significant emphasis on safeguarding the rights of the accused within the Indian criminal justice system. The report asserted that these rights obligate the state to adhere to due process, ensure prompt and impartial trials, prevent torture and coerced confessions, and provide access to legal aid.⁴⁰

THE J.S. VERMA COMMITTEE REPORT OF 2013

The J.S. Verma Committee Report of 2013 was a comprehensive set of recommendations aimed at improving India's legal framework and procedures for handling sexual assault cases. The committee,

³⁸ Expert Committee on Legal Aid, Government of India Notification, 27th October 1972.

³⁹ Bengal Committee on Legal Aid Report, 1988

⁴⁰ Government of India, Ministry of Home Affairs Committee on Reforms of Criminal Justice System, 2003.

formed in the aftermath of the horrific 2012 Delhi gang rape case, sought to address systemic failures and enhance the protection and rights of victims.⁴¹

Key Recommendations

One of the central recommendations was that the statement of a sexual assault victim, particularly a woman, should be **recorded by a female police officer**. This was intended to create a safer, more comfortable environment for the victim, reducing potential trauma and intimidation. The report also emphasized that legal aid and support from health workers or women's organizations should be provided to victims from the very beginning of the process.

To further support victims, the report proposed the creation of a "**Rape Crisis Cell**" under the Delhi Commission for Women. This cell was envisioned as a coordinating body for crisis intervention centers, ensuring that victims and their families had access to prompt legal and psychological support. The report highlighted the vulnerable state of victims when they first arrive at a police station and stressed the importance of immediate legal assistance to help them navigate the legal process and protect their rights during questioning.

NATIONAL CONFERENCE ON LEGAL AID, 1970:

The National Legal Aid Conference has identified significant and systemic **deficiencies** in India's legal aid system, finding that indigent individuals often lack access to free legal assistance. The conference's findings highlight two major issues: the absence or limited coverage of legal aid programs, and inadequate funding for existing schemes.⁴²

Identified Problems

- **Absence of legal aid:** Many in need are unable to access free legal support because programs either don't exist or have extremely limited coverage.
- **Insufficient funding:** Where legal aid schemes do operate, their effectiveness is often hindered by a lack of financial resources.

Despite widespread acknowledgment of these issues by the legal profession, government, and social work institutions, meaningful action has been lacking.

Proposed Solutions

To address these shortcomings, the conference has called for:

- **Legislation:** The enactment of new laws to impose a **statutory obligation** on states to provide legal aid.
- **A comprehensive program:** The creation of a unified legal aid program with active participation from state governments, members of the Bar, and law schools.

V.R KRISHNA IYER COMMITTEE:

The V.R. Krishna Iyer Committee, established by the Indian government in **1987**, was a pivotal body formed to address the poor conditions and lack of gender-sensitive policies within the Indian prison system, specifically concerning women and children. This committee's primary goal was to propose comprehensive reforms to improve the treatment and rehabilitation of incarcerated women.⁴³

⁴¹ J.S. Varma Committee Report, 2013.

⁴² National Legal Aid Conference, 1970.

⁴³ R. Horowitz and A. E. Pottieger. "Gender Bias in Juvenile Justice Handling of Seriously Crime- Involved Youths." *Journal of Research in Crime and Delinquency*, 28 (1991): 100 - 75. <https://doi.org/10.1177/0022427891028001005>. last visited on 18.09.2025

Key Contributions & Recommendations

The committee's report, submitted in **February 1988**, was a landmark document that critically analyzed various facets of prison life. Its recommendations were aimed at creating a more humane and equitable environment for women prisoners. Some of the key proposals included:

- **Gender-Sensitive Staffing:** The committee strongly advocated for the recruitment of more **female staff** within the police and prison services. This was a crucial recommendation aimed at ensuring that the unique needs of women and child offenders were handled with greater sensitivity and understanding.
- **Improving Living Conditions:** The report highlighted the need to address issues such as **overcrowding** and **inadequate facilities** that were rampant in Indian prisons. It called for better sanitation, healthcare, and overall living standards for women inmates.
- **Rehabilitation Focus:** Beyond punitive measures, the committee emphasized the importance of **rehabilitation**. It recommended programs and policies that would help women prisoners reintegrate into society after their release, focusing on their social and psychological well-being.

The work of the V.R. Krishna Iyer Committee was part of a broader, national effort to reform the Indian criminal justice system and bring it in line with international human rights standards. Its recommendations were instrumental in advocating for a more empathetic and gender-aware approach to the incarceration of women and children. These issues were not unique to women prisoners but affected the entire prison system. For instance, prisoners often faced violent altercations, indignable bodily pain, cruel psychological torment, and exposure to infectious diseases like HIV and tuberculosis, which not only affected their health but also posed public health risks. The historical context of the Indian prison system, rooted in colonial aims of control and punishment, has necessitated a reevaluation of its laws and practices.⁴⁴

The work of the **V.R. Krishna Iyer Committee** highlighted the urgent need for prison reform in India. It advocated for a more humane, rehabilitative approach to imprisonment that respects the dignity and rights of all prisoners, with a special focus on vulnerable populations like **women and children**.

Subsequent efforts to address these issues have been made by various committees, including the **Mulla Committee** and the **Amitava Roy Committee**. Their contributions have enriched the ongoing discussion about prison reform in India.

These initiatives underscore the complex and persistent challenges of reforming the prison system. They emphasize the need for comprehensive, long-term strategies that address the root causes of **overcrowding**, ensure the **health and safety** of inmates, and promote their **rehabilitation and successful reintegration** into society.⁴⁵

JUSTICE P.N BHAGWATI COMMITTEE:

The **P.N. Bhagwati Committee** is primarily recognized for its groundbreaking work in **legal aid and judicial activism** in India. The committee, led by Justice P.N. Bhagwati, submitted the "**Report on National Juridicare**" in 1978. This report was a significant step toward making justice accessible to everyone, especially the poor and marginalized.

⁴⁴ S. Fazel, A. Hayes, Katrina Bartellas, M. Clerici and R. Trestman. "Mental health of prisoners: prevalence, adverse outcomes, and interventions.." *The Lancet. Psychiatry*, 3 9 (2016): 871-81 . [https://doi.org/10.1016/S2215-0366\(16\)30142-0](https://doi.org/10.1016/S2215-0366(16)30142-0). last visited on 18.09.2025

⁴⁵ Pratyay Amrit, Anshika Jaiswal, Vaibhav Uniyal, Radhey Shyam Jha and Ambar Srivastava. *International Journal on Health Science*, "Prisoner's rights and prison reform in India." <https://doi.org/10.53730/ijhs.v6ns3.8924>. last visited on 17.09.2025

The committee's recommendations were unique because they went beyond just offering legal services for court cases. Instead, they focused on a more holistic approach, emphasizing:

- **Equal Justice & Social Justice:** The report highlighted the need for a system that ensures justice for all, regardless of their socioeconomic status.
- **Outreach & Community Development:** Rather than a passive, litigation-focused approach, the committee proposed an active model of **juridicare**. This included reaching out to vulnerable communities, providing legal education, and helping them organize to assert their rights.
- **Establishment of NALSA:** A key proposal was the creation of a **National Legal Service Authority (NALSA)**. This body was envisioned to be a nationwide framework for providing free legal aid, ensuring that financial constraints don't become a barrier to justice. This recommendation was later implemented with the passage of the **Legal Services Authorities Act of 1987**.

Justice Bhagwati's efforts, including his pioneering work in **Public Interest Litigation (PIL)**, made the Supreme Court more accessible to the common person, protecting the rights of the underprivileged. His judgments, such as in the **Vaddeboyina Tulasamma v. Vaddeboyina Shesha Reddi** case, also showcased his strong commitment to **gender justice**, particularly in upholding the rights of Hindu women.⁴⁶ Justice Bhagwati's leadership in the Committee for Implementing Legal Aid Schemes (CILAS) and his observations on legal aid have been instrumental in framing policies that aim to make justice accessible to all, regardless of economic or social status. His insights on legal aid as a means to ensure that the administration of justice becomes easily accessible and not out of reach for those who need to resort to it for enforcement of their rights have been pivotal in shaping India's legal aid system.

INCORPORATION OF LEGAL AID IN CONSTITUTION OF INDIA:

Legal aid is a system that provides legal help to people who can't afford it. It makes sure that everyone, no matter how much money they have, can get legal advice and have a lawyer represent them in court. Legal aid services are usually run by the government or non-profit organizations and are a crucial part of making sure the justice system is fair and accessible to all.⁴⁷

A confluence of factors led the government to enshrine **legal aid** as a statutory right. These included:

- **Committee reports and conferences** on legal aid services
- **Global trends** and a heightened respect for human rights
- Progress toward **socio-economic justice**
- **Landmark Supreme Court rulings** that established legal aid as a constitutional obligation of the state
- A growing awareness of the urgent need for legal assistance

These developments collectively compelled the government to give legal aid **statutory expression** in the constitution.⁴⁸ Thus to bring about Constitutional amendments, the then Central Government appointed a committee, headed by former Minister, Mr. Swaran Singh . The Swaran Singh Committee, recommended for insertion of legal aid provision expressly in the constitution.

The **42nd Amendment** of the Constitution in 1976, based on the **Swaran Singh Committee's recommendation**, gave constitutional status to **free legal aid**. It inserted a new provision, **Article 39A**,

⁴⁶ Vaddeboyina Tulasamma v. Vaddeboyina Shesha Reddi, (1977) AIR 1944, Supreme Court, 1977.

⁴⁷ Eric F. Schweinburg. "Legal Assistance Abroad." University of Chicago Law Review, 17 (1950): 3.

<https://doi.org/10.2307/1597994>. last visited on 12.09.2025

⁴⁸ Shri Kuntal Chakravorty, Free Legal Aid and Equal Justice under the Constitution of India and the Role of Supreme Court (2006),

into **Part IV** of the Constitution. This article directs the state to ensure that access to justice is not denied to any citizen due to **economic or other disabilities** by providing **free legal aid** through suitable legislation, schemes, or other means.⁴⁹

Legal aid is a crucial tool for achieving **social justice** in India. The two concepts are deeply interconnected, with legal aid serving as a practical mechanism to fulfill the constitutional promises of fairness, equality, and equal access to justice for all citizens.

Social Justice: The Vision :

Social justice, as reflected in the preamble of the Indian Constitution, is about creating a society where everyone has **equal opportunities, access to resources, and protection under the law**. It's the principle that aims to dismantle systemic inequalities and discrimination, ensuring that marginalized and vulnerable groups are not left behind. This vision seeks to address the disparities that often prevent individuals from realizing their full potential and having their rights upheld.

Free Legal Aid and Its Implementation:

Legal aid is the practical application of social justice principles within the legal system. It provides **free legal services** to those who cannot afford them, such as the poor, women, children, and members of Scheduled Castes and Scheduled Tribes. This ensures that a person's socio-economic status does not become a barrier to seeking justice. The **Legal Services Authorities Act, 1987**, was a landmark legislation that institutionalized this, creating a nationwide network of legal aid authorities from the district to the national level.

Legal aid and social justice are **mutually reinforcing**. Without legal aid, the constitutional promise of social justice would be hollow for many. It empowers individuals to:

- **Navigate the complex legal system:** For someone with limited resources, understanding their rights and the legal process can be daunting. Legal aid provides the necessary guidance and representation.
- **Seek redress for violations:** When rights are violated, legal aid enables individuals to take action, whether it's fighting against discrimination, challenging unfair practices, or seeking protection from abuse.
- **Bridge the access-to-justice gap:** By providing a lifeline to the most vulnerable, legal aid helps ensure that justice is not a privilege for the few, but a right for all.

In essence, **social justice is the destination, and legal aid is a critical vehicle** to get there, making the legal system more inclusive and equitable. Legal aid and social justice are fundamental pillars of the Indian Constitution, aiming to ensure **equitable access to justice** for all, especially for the economically disadvantaged and marginalized. These principles are enshrined in various constitutional provisions to bridge the gap between legal rights and their practical realization.

Constitutional Provisions for Legal Aid and Social Justice :

Several articles within the Indian Constitution directly address these principles:

- **Article 39A:** This is a key provision, a **Directive Principle of State Policy**, which mandates the State to provide **free legal aid** to ensure that opportunities for securing justice are not denied to any citizen due to economic or other disabilities. It's a foundational principle that guides the State's efforts in this area.
- **Article 14:** This article guarantees **equality before the law and equal protection of the laws**. It implies that the legal system should not discriminate based on socio-economic status. By providing

⁴⁹ J.N Pandy, Constitutional Law revised edition 2018.

legal aid, the State ensures that this principle is upheld in practice, enabling the poor to access legal recourse.

- **Article 21:** This article protects **life and personal liberty**. The Supreme Court has interpreted this to include the **right to a fair trial and the right to legal representation**. Without legal aid, a fair trial for the poor would be impossible, thereby violating their fundamental rights.

Role of the Legal Services Authorities Act, 1987:

To implement the mandate of Article 39A, the Indian Parliament enacted the **Legal Services Authorities Act of 1987**. This Act created a statutory framework for providing legal aid. The Act established a three-tiered system:

- **National Level: NALSA (National Legal Services Authority)**, headed by the Chief Justice of India, oversees the implementation of legal aid programs across the country.
- **State Level: State Legal Services Authorities (SLSAs)** manage programs within their respective states.
- **District Level: District Legal Services Authorities (DLSAs)** are the primary points of contact for citizens seeking legal aid at the grassroots level.

These authorities organize **Lok Adalats** (People's Courts) and legal literacy programs, which are crucial for resolving disputes amicably and spreading awareness about legal rights.

Intersection with Social Justice:

The provision of legal aid is a direct expression of **social justice** because it corrects historical and systemic inequalities. It ensures that justice is not a privilege for the wealthy but a right for everyone. By providing legal assistance, the system empowers marginalized communities, such as women, children, Scheduled Castes, and Scheduled Tribes, to challenge exploitation and seek redressal for their grievances. Legal aid serves as a tool to dismantle barriers to justice, making the legal system more inclusive and equitable.⁵⁰ Legal aid, as a concept, revolves around providing legal assistance and representation to individuals who are unable to afford legal services, thereby ensuring that the justice system is accessible to everyone, regardless of their financial status. This idea is grounded in the principles of equality, fairness, and social justice, which are enshrined in various articles of the Indian Constitution.⁵¹

Article 39A was added to the Indian Constitution in 1976 through the 42nd Amendment Act to ensure that the state provides free **legal aid**. This provision is intended to guarantee that no citizen is denied justice because of their financial situation or other disadvantages.

Furthermore, **Article 14** of the Constitution, which ensures **equality before the law**, is also connected to legal aid. It guarantees that every person is treated fairly by the legal system, regardless of their financial status. Legal aid is crucial for upholding this principle by providing a way for individuals who cannot afford legal representation to access the justice system.⁵² Furthermore, Article 21 of the Constitution, which guarantees the right to life and personal liberty, including the right to a fair trial, is closely linked to the concept of legal aid. Legal aid ensures that individuals have access to legal representation, safeguarding their fundamental right to a fair trial. The Legal Services Authorities Act, 1987, is a significant legislative development that operationalized the constitutional mandate of providing legal aid. This act established legal services authorities at the national, state, and district levels in India. These

⁵⁰ Somnath De. "Right to Social Justice." (2011). <https://doi.org/10.2139/SSRN.1794210>.last visited on 12-09-2025

⁵¹ Kristel Jüriloo. "Free Legal Aid – a Human Right." *Nordic Journal of Human Rights*, 33 (2015): 203 - 219. <https://doi.org/10.1080/18918131.2015.1066143>.last visited 12-09-2025

⁵² Nuno Garoupa and F. Stephen. "Optimal Law Enforcement with Legal Aid." *Criminal Law & Procedure eJournal*(2004). <https://doi.org/10.1111/J.0013-0427.2004.00382.X>.last visited on 11.09.2025

authorities are tasked with providing free legal services to eligible individuals, thereby ensuring that justice is not denied due to economic or other disabilities.

MEASURING THE IMPACT OF FREE LEGAL AID SYSTEMS IN INDIA:

India's legal aid initiatives, from 1946 to 2025, have evolved significantly. To gauge their effectiveness, one must consider how these programs adapted to legislative, social, and economic changes over this period.

- **Pre-Independence Era (1946 and Earlier):** Before India became independent in 1947, legal aid was not a formal system. Instead, it was an informal practice where individuals and volunteer groups offered occasional, disorganized legal help to those who couldn't afford it.⁵³
- **Post-Independence and Early Developments (1947-1980s):** After gaining independence, India began reforming its legal system and building the nation. The Indian Constitution, adopted in 1950, established the core principles of justice, equality, and social welfare. While the **Legal Aid Committee** was formed in 1942, formal legal aid mechanisms were not established until the 1970s and 1980s. The **Legal Aid Act of 1987** was a key piece of legislation that structured these services. During this time, the impact of legal aid was measured primarily by the number of cases handled and the people helped.
- **1990s and Early 2000s:** Legal aid services expanded and became more structured in the 1990s. This was largely due to the creation of the **National Legal Services Authority (NALSA)** in 1995, along with similar organizations at the state and district levels. This new framework helped organize and standardize legal aid efforts. During this time, the way the success of legal aid was measured also changed. Instead of just counting the number of cases handled, the focus shifted to the **actual results**, or outcomes. This included things like how many disputes were successfully resolved, whether court backlogs were reduced, and how much legal awareness increased within marginalized communities. Legal aid programs also began to include initiatives that focused on **legal literacy and community empowerment**.⁵⁴
- **Early 21st Century (2000s-2010s):** With the rise of technology and increased access to data in the early 2000s, legal aid programs started using a mix of quantitative and qualitative measures to better understand their impact. These new metrics included things like the number of cases resolved, the percentage of clients who received legal education, and the use of alternative dispute resolution methods.

A significant shift during this time was a focus on social justice and a rights-based approach. Legal aid programs in India began to partner directly with marginalized communities to tackle key issues such as women's rights, children's rights, and ensuring that those with financial hardships could access their rightful benefits.

- **Recent Years (2010s-2025):** The assessment of legal aid's impact has grown to include wider societal effects. Modern evaluations now consider long-term outcomes like the empowerment of women and marginalized groups, better access to education and health, and improved socio-economic conditions. Technology, such as digital platforms for tracking cases and feedback, is increasingly vital for these detailed impact studies. Legal aid programs are also partnering with academic and civil society groups to research the link between legal aid and human development indicators like health and gender equality.

This work supports advocacy to address the systemic issues underlying legal problems for marginalized communities, leading to a broader societal impact.⁵⁵

⁵³ Sohail Nazim. "Historical Development of Legal Aid System in India: A Legal Perspectives." and *Sociology of South Asia*, 17 (2022): 69 - 84. <https://doi.org/10.1177/22308075221119253>. last visited on 15.09.2025

⁵⁴ S. Math, Naveen C. Kumar and T. Harish. "Legal aid in hospitals: An innovative approach." *The Indian Journal of Medical Research*, 137 (2013): 440 - 441.

⁵⁵ R. Hunter and Tracey De Simone. "Women, Legal Aid and Social Inclusion." *Australian Journal of Social Issues*, 44 (2009): 379-398. <https://doi.org/10.1002/J.1839-4655.2009.TB00154.X>.

Measuring the impact of legal aid in India from 1946 to 2025 shows a significant evolution. Starting small, it's grown to be a key part of promoting justice and social well-being. The way its impact is measured has shifted from simply counting cases to a more holistic approach that analyzes **long-term outcomes** and **broader societal changes**. This continuous adaptation is crucial for ensuring that legal aid effectively provides access to justice and upholds India's constitutional principles.

CONCLUSION:

The journey of legal aid in India is a compelling narrative of its evolution from a nascent, informal system to a robust, constitutionally-mandated framework. This transformation, driven by legislative reforms and a growing societal commitment to social justice, underscores India's dedication to ensuring equal access to justice for all citizens.

The **42nd Amendment Act of 1976**, which introduced **Article 39A**, marked a pivotal shift by constitutionally mandating the state's responsibility to provide free legal aid. This constitutional provision laid the groundwork for the comprehensive legal aid system we see today. The **Legal Services Authorities Act, 1987**, further institutionalized this commitment by creating a structured framework of legal services authorities at the national, state, and district levels.

These legislative milestones have not only expanded the reach of legal aid but also fostered innovation and awareness. By leveraging technology and promoting legal literacy, India has empowered its marginalized and economically disadvantaged populations to navigate the legal system and assert their rights.

Ultimately, the historical evolution of legal aid in India reflects the nation's steadfast pursuit of its constitutional ideals of justice, equality, and social welfare. It has become a vital instrument for building a more just and inclusive society, serving as a cornerstone of India's ongoing commitment to social justice.