

# RECONCEPTUALIZING LEGAL AID AS A FUNDAMENTAL HUMAN RIGHT: A TRANSFORMATIVE JUSTICE APPROACH IN INDIA

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## **Abstract:**

Access to justice is a cornerstone of the rule of law and democratic governance. However, structural inequalities such as poverty, caste hierarchies, gender discrimination, and lack of legal awareness continue to prevent marginalized communities from effectively accessing the justice system. Legal aid therefore functions as a critical mechanism that bridges the gap between formal legal rights and their practical enforcement. This article examines the evolving concept of legal aid from a welfare-oriented service to a rights-based framework grounded in constitutional and human rights principles. It analyses the legal and institutional framework governing legal aid in India, particularly the role of the Legal Services Authorities Act, 1987 and Article 39-A of the Constitution, alongside judicial interpretations recognizing legal aid as an essential component of the right to life and fair trial. The study also engages with international human rights instruments that emphasize access to legal representation as an integral element of justice. By adopting the lens of transformative justice, the article argues that legal aid must move beyond procedural assistance and function as a tool for social empowerment. It concludes by proposing reforms such as rights-based legislation, institutional strengthening, technological integration, and community-based legal empowerment strategies to ensure meaningful and inclusive access to justice for vulnerable populations.

**Keywords:** Legal Aid, Access to Justice, Transformative Justice, Human Rights, Constitutional Justice.

## **1. INTRODUCTION**

### **Context and Significance of Legal Aid in Contemporary Society**

Legal aid is essentially the embodiment of the promise of an inclusive justice system, as it represents equality in the administration of justice itself. Legal aid is also that vital linkage between what is known as “the law in theory” and “the law in practice”. Today, in a world where inequality is increasing in leaps and bounds, access to justice is also an eternal aspiration for millions of people in society, irrespective of the legal provisions for equality in dignity in different countries, including India, because sometimes what is most needed appears to be least attainable in real terms for those who require it most, namely, legal aid itself.<sup>1</sup>

Regarding India, transformation in the concept of legal aid from being viewed as a benevolent gesture for the needy to a state function to ensure social justice has occurred in a full-fledged manner. The passage of the Legal Services Authorities Act of 1987 marked a historic step in this respect to formalized access to justice, but challenges in implementing this Act, in addition to lack of awareness, remain impediments

<sup>1</sup>Sinto Adi Prasetyorin, Edy Lisdiyono, and Sri Mulyani, “Reimagining Legal Aid Institution Regulations to Enhance Legal Clarity,” *SDG: Journal of Law and Sustainable Development*, 12 (2024): 01-29, <https://doi.org/10.55908/sdgs.v12i5.3418>

to date. Worldwide, legal aid schemes also remain in transition from a welfare-oriented to rights-based model in line with the human rights polemic in general.<sup>2</sup>

In India, where disparities in society remain large, the useful potential of justice available under Articles 14 and 21 of the Indian Constitution is possible only if every person, from which corner of society they may hail, is able to get access to the legal system. Even in those countries which face globalization, migration, inequality between genders, and technological advancements, legal aid needs to be recreated as an essential human right.

## **2. CONCEPTUAL FRAMEWORK OF TRANSFORMATIVE JUSTICE**

### **2.1. Meaning and Scope of Transformative Justice**

Transformative justice is essentially an inclusive methodology which, as opposed to punishment or reparative justice, aims to correct those social, structural, and institutional conditions which bring about injustice in society.<sup>3</sup> Transformative justice is also based upon principles of equality, participation, and empowerment, which suggest that in addition to dealing with injustice, it also attempts to eliminate possibilities of future injustice occurring in society, as far as possible. It seeks to create a justice system that is people-centered, participatory, and able to bring about long-term social transformation. Transformative justice goes beyond individualized solutions to rebuild relationships of power in society, ensuring that the law is an instrument of empowerment, not exclusion.<sup>4</sup>

**2.2. Difference between Corrective, Restorative, and Transformative Justice** Corrective justice is mainly preoccupied with rectifying a wrong by achieving a balance between the wronged party, usually via compensation, whereas restorative justice seeks to repair harm via reconciliation, talk, and healing at a community level. Transformative justice takes this even further by examining inequalities, for instance, caste, class, gender, and ethnicity, which are central to social injustice. While corrective and restorative justice is focused on what happens after injustice, transformative justice seeks to rectify injustice at source.

### **2.3. Relevance for Marginalized and Vulnerable Groups**

For marginalized groups, including women, Dalits, tribes, people suffering from disabilities, and minorities, transformative justice ensures that legal aid is not only more than just a procedural requirement, but also an empowering tool in itself. The incorporation of social justice issues into legal aid schemes ensures an inclusive legal system by which substantive equality, rather than formal equality, is achieved by the State itself.

## **3. LEGAL AID - FROM WELFARE SERVICE TO HUMAN RIGHT**

### **3.1. Evolution of Concept of Legal Aid in India & Overseas**

The idea of legal aid, which is commonly regarded in relation to the more recent development of the welfare state, has historical foundations that run deep into the moral and philosophical fabric of ancient civilizations. The concept of offering justice to those who are poor is traceable to ancient Indian texts, such as Kautilya's Arthashastra, which advised kings to make sure that even the weakest sections in society received justice. As the protector of dharma, it became an expectation of kings to provide justice to everyone in society independently of whether they belonged to society's elite classes or to those at the bottom of society's ladder, in other words, irrespective of money power.

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<sup>2</sup>Bryant G. Garth and Mauro Cappelletti, "Access to Justice: The Newest Wave in the Worldwide Movement to Make Rights Effective," *Buffalo Law Review* 27 (1978): 181–292, <https://files.core.ac.uk/download/pdf/232661488.pdf>.

<sup>3</sup>Marc Galanter, "Access to Justice in a World of Expanding Social Capability," *Fordham Urban Law Journal* 37 (2010): 115–28, <https://api.law.wisc.edu/repository-pdf/uwlaw-library-repository-omekav3/original/3d192fd31db81ce297bede9eb03e43daba6485df.pdf>.

<sup>4</sup>Frank S. Bloch, "Access to Justice and the Global Clinical Movement," *Washington University Journal of Law & Policy* 28 (2008), [https://openscholarship.wustl.edu/law\\_journal\\_law\\_policy/vol28/iss1/6](https://openscholarship.wustl.edu/law_journal_law_policy/vol28/iss1/6).

In the Western system, legal aid developed as part of the general development of the welfare state in the latter part of the 19th and early 20th centuries. The early benevolent schemes of legal aid, that is, those established by philanthropists—were based upon the principle of beneficence, as distinct from entitlement to those in receipt of benefits. For example, in English law, legislative changes in the Poor Prisoners' Defence Act of 1903 recognized that legal representation for poor defendants is required, but this grew into an organized form of legal aid by means of the Legal Aid & Advice Act, 1949.<sup>5</sup>

As far as India is concerned, a movement for legal aid in contemporary India emerged after India attained independence. The Indian Constitution, in which principles of equality, freedom, and justice are ingrained, established a state that is more welfare-oriented in nature. Later, it became clear that unless measures were taken to provide easy access to justice, even constitutional provisions would remain ineffective for a wider population in India. The Law Commission of India's Report, known as the 14th Report in 1958, headed by M.C. Setalvad, marked an important beginning in this respect, explaining that legal aid is neither an object of charity nor an obligation of some benefactors, but an obligation of the State itself in order to provide equal justice to all, including those who are poor.

After this, several committees, such as the Expert Committee on Legal Aid (1973) headed by Justice Krishna Iyer and Committee for Implementing Legal Aid Schemes (CILAS) (1980), have devised concrete plans for implementing legal aid. Finally, this led to the establishment of the legal aid concept by the enactment of the Legal Services Authorities Act, 1987, which brought a significant transition from an ad-hoc welfare concept to a rights-based legal aid concept by creating an institutional mechanism at national, state, and district levels in India by National Legal Services Authority, State Legal Services Authority, and District legal Services Authority, respectively, mapped into this Act.<sup>6</sup>

Internationally, a paradigm shift was also occurring. The emergence of human rights during the mid-century period exemplified a paradigm shift with regard to thinking about access to justice and the right to legal aid. The emphasis shifted towards rights and away from the discretion of the state, which acknowledged that, without legal aid, the poor are left beyond the reach of the justice system altogether. This paradigm shift is evident through the world's most prominent international documents that included the right to legal aid within the definition of human rights.

### **3.2. International Human Rights Instruments**

The international recognition of the fact that the right to legal aid constitutes a human right could be attributed to the formulation of important documents within the framework of the United Nations and similar bodies.

#### **3.2.1. Universal Declaration of Human Rights (UDHR), 1948:**

Under Article 8 of the Universal Declaration of Human Rights, every person shall be entitled to the remedy of the competent national tribunals for actions of violated fundamental rights. Moreover, Article 10 also provides that every person shall be entitled to a free and public trial before an independent and neutral court. Together, these articles ensure a set of principles that play a key role in ensuring the right to justice for any person.

#### **3.2.2. International Covenant on Civil and Political Rights (ICCPR), 1966:**

The ICCPR's Article 14(3)(d), in fact, states that "states are obligated to ensure that individuals are afforded free legal aid if not already provided." The ICCPR, therefore, has a visionary approach towards

<sup>5</sup>Gianluigi Palombella, "Access to Justice: Dynamic, Foundational, and Generative," *Ratio Juris* 34, no. 2 (June 2021): 121–38, <https://onlinelibrary.wiley.com/doi/epdf/10.1111/raju.12309>.

<sup>6</sup>Garth and Cappelletti, "Access to Justice: The Newest Wave in the Worldwide Movement to Make Rights Effective," Digital Repository, Maurer School of Law: Indiana University, May 12, 2025, <https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=2140&context=facpub>

the importance of the fact that “legal aid is a necessary prerequisite for a fair trial, for which the state’s liability cannot be exaggerated.”

### **3.2.3. UN Basic Principles on the Role of Lawyers (1990):**

These guiding principles are focused on the role of sufficient Legal Aid to ensure that there is equity within the enforcement of the law and the right of access to justice within the territorial jurisdiction of a state. States are required to be encouraged to ensure equal access to attorneys and Legal Aid resources to all people within the jurisdiction.

### **3.2.4. UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012):**

These Guidelines also put additional emphasis on the concept of Legal Aid as a Human Right and underline that legal aid is an important element of a well-structured justice system that is also fair, humane, and efficient.

## **3.3. Constitutional Mandate of Article 39-A and Judicial Recognition in India**

The Indian constitutional structure also envisages justice as an essence of the State’s functioning itself. The Directive Principles of State Policy, under Article 39-A, expressly provides for the State to make sure that “the operation of the legal system shall promote justice to all persons in the ideals of equal opportunities.” Free legal aid is also to be arranged for in order to ensure that individuals shall not be denied “opportunities for securing justice in consequence of economic or other disabilities.” Even though Article 39-A is not a justiciable provision, it is a philosophy of the Indian Constitution, which conceives the equalization of justice itself. The Indian judiciary, in particular, the Supreme Court, has had an exemplary innings in uplifting legal aid from a directive principle of state policy to a fundamental right by interpreting legal aid as part of the wider definition of Article 21 of the Indian Constitution by a line of significant judgments by superior courts across the nation. In *Hussainara Khatoon v. State of Bihar*<sup>7</sup>, the Supreme Court of India declared that access to free legal aid and speedy trial is an integral component of the personality of the right to life and liberty itself. This case also brought to light an entirely different situation of undertrials who languished in jails for several years for lack of legal aid, and so, legal aid is neither charity nor a benevolence but a constitutional imperative. Likewise, in the case of *Khatri v. State of Bihar*<sup>8</sup>, the Court reiterated that free legal aid is a basic right of every defendant, for which it is the State’s obligation to provide an attorney at every level of proceedings. The Court observed in this case that this right cannot be denied to a defendant for his failure to demand this right. In the case of *Suk Das v. Union Territory of Arunachal Pradesh*<sup>9</sup>, Justice Bhagwati reiterated that failure to provide legal aid to an accused who is financially incapable of hiring an attorney defeats the very trial process because it is in violation of the fundamental rights guaranteed by Articles 21 and 22(1) of the Indian Constitution. These steps indicate the shift of the matter of legal aid as a welfare state concern to the enforceable right of the common man that affirms the Judiciary’s commitment to constitutional transformation.

## **4. ACCESS TO JUSTICE AND HUMAN RIGHTS**

### **4.1. Access to Justice and the Idea of Human Dignity and Equality**

Access to Justice is the focal point of a democratic system of law that aims at protecting dignity and equality. It is more than a procedural right that secures each person within society equal rights of redress for the violation of rights. It is basically a substantive right. The Indian Constitution, through the Preamble and the provision concerning Fundamental Rights, provides that there shall be “justice - social, economic, and political - to the nation and to every citizen.”

In this spirit, Article 14 of the Indian Constitution, which provides for equality before the law, is the root of the provision of access to justice.

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<sup>7</sup> AIR 1979 SC 1369.

<sup>8</sup> (1981) 1 SCC 627.

<sup>9</sup> (1986) 2 SCC 401

Denial of access to justice, whether by denial or obstruction, is an impediment to the very definition of human dignity. The root of discrimination lies in society's hierarchies, which maintain inequality by thwarting the poor, women, Dalits, and other backward classes from claiming their rights. Inequality in justice leads to an unhealthy state of corruption in society, which in turn results in the loss of trust in the Judiciary itself because justice is only for those who have money in hand to get access to it. Access to justice must be recognized, as a fundamental human right for which all other rights hang in balance.

Under a rights-based approach, dignity as a concept integrates autonomy, equality, and recognition principles. The principle of access to justice translates these ideals into people's empowerment to rectify injustice, making universal access to legal remedies as an imperative for a society governed by the rule of law and citizenship equality.

#### **4.2. Role of Legal Aid in Achieving Substantive Justice**

Even as procedural equality ensures that everyone is able to approach to courts, substantive justice requires that everyone has the real possibility of doing so. Legal aid is therefore the essential link between the existence of rights and their enforcement. Without legal representation or advice, those who are poor and disadvantaged have little chance of enjoying those rights which have been accorded to them by the provisions of the constitution as well as statutes. Thus, legal aid translates formal equality to real equality. This ensures that justice is not a variable based on economic conditions, literacy, or social class. The Legal Services Authorities Act of 1987 formalized this provision in India by creating legal services authorities at both national and state levels to provide free legal aid to those in need of it. This is achieved through Legal Literacy camps, Lok Adalats, and also PILs, through which the State has been attempting to ensure that justice becomes people-friendly.

Substantive justice therefore needs affirmative outreach, ongoing capacity building, and a people-centered strategy, and the factors that could impede justice, such as language, environment, geography, and gender discrimination. Therefore, legal aid is more than a corrective procedure in society; it is a force for social transformation, which, by definition, enables people, inspires confidence in institutions, and deepens democracy in society.

### **5. CASE LAW ANALYSIS (INDIA AND COMPARATIVE JURISDICTIONS)**

#### **5.1. India**

State of Maharashtra v. Manubhai Pragaji Vashi<sup>10</sup> is a significant case, as it stretched the concept of legal aid to include legal education itself. The Court reiterated that legal education is an essential component of providing adequate access to justice because legal practitioners, familiar with realities of society, are in a better position to provide relief to poor litigants. This is in line with an earlier judgment, Hussainara Khatoon v. State of Bihar<sup>11</sup>, which held that free legal aid is an integral part of fair procedures under Article 21 of the Indian Constitution, thus bringing access to justice as a Fundamental Right.

#### **5.2. South Africa**

In the Government of Republic of South Africa v. Grootboom<sup>12</sup>(2000), it has been observed that the provision of access to justice is a part of the provision related to dignity as well as socio-economic benefits, which is guaranteed by the South African Constitution. This judgment shows how access to justice is linked to civil, political, as well as socio-economic rights, as it could not be treated in a compartmentalized manner but requires an integrated approach.

South Africa is home to perhaps the most progressive system in which legal aid is integrated into a constitutional and rights-based legal framework. The establishment of Legal Aid South Africa (LASA) is

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<sup>10</sup> (1995) 5 SCC 730

<sup>11</sup> AIR 1979 SC 1369

<sup>12</sup> 2001 (1) SA 46 (CC)

actualized by the Legal Aid South Africa Act of 2014, which established an autonomous legal body tasked with offering legal aid in criminal as well as civil matters.

### **5.3. United Kingdom**

The Legal Aid, Sentencing, and Punishment of Offenders Act (LASPO), 2012, introduced a drastic change to the system of legal aid within the United Kingdom. Although it introduced limiting factors through financial concerns, it clarified that the provision of legal aid is a crucial equalizer within the quest for equality before the law. The Act explains that a sound judicial system must ensure the equal delivery of all people, even those who cannot afford to pay fees, so that justice is achieved.

## **6. ISSUES IN CURRENT LEGAL AID SCHEMES**

### **6.1. Institutional and Resource Constraints**

Despite the promise of “equal justice and free legal aid” envisaged within the framework of Article 39-A of the the Indian Constitution, with its institutional arrangements within the Legal Services Authorities Act, 1987, the Legal aid service in India faces tough challenges in this respect, such as a dearth of funds, which is claimed to be one of the most immediate concerns. The allocation of funds for the provision of legal aid is very small and erratic and doesn’t take into account widespread demand in the weaker sections of society.

Numerous legal aid offices, the vast majority of which are the ones that were founded within legal colleges and also rural regions, are prone to challenges of poor infrastructural development, erratic operation, and the absence of staff expertise. Lack of staff in the legal aid sector, combined with overwork, greatly hinders this sector’s ability to ensure rapid and efficient assistance.

Furthermore, there is also a lack of synergy between the National Legal Services Authority, State Legal Services Authority, and District Legal Services Authority. This leads to duplication of effort, which is ineffective for reaching out to people. Lack of an efficient mechanism for monitoring and evaluation makes it even more challenging to judge whether legal aid schemes have any positive influence upon the community at large. As a result, although this framework is present in paper, it is less functional in essence. Furthermore, it is pertinent to note that most of India’s population is spread in far-off, rural areas, which makes accessibility to courts, legal practitioners, as well as paralegals, difficult to attain. This means that resource deficiency in institutions equates to millions of people being denied justice because of the State’s failure to provide free legal aid.<sup>13</sup>

### **6.2. Quality and Accountability of Legal Aid Services**

The efficacy of legal aid is to be calculated in terms of cases dealt with and also in terms of quality of legal aid being delivered. Unfortunately, the standard of legal aid delivered in India is of questionable quality. Legal aid counsel in India remain overworked, underpaid, and insufficiently trained to tackle real-world conditions of marginalized sections of society. As such, legal aid work is reduced to a mere formality, causing harm to the prestige of legal aid as an institution itself.

### **6.3. Lack of reasonable compensation and lack of career advancement opportunities**

This is enough to dissuade capable lawyers from taking up legal aid as an occupation. In addition, there is little accountability in terms of performance, as well as lack of feedback from clients for redress of

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<sup>13</sup> Pascoe Pleasence, Christine Coumarelos, Suzie Forell and Hugh M. McDonald, Reshaping legal assistance services: building on the evidence base, ISBN: 9780987364302, 2014, [https://discovery.ucl.ac.uk/id/eprint/1453382/1/Pleasence%20et%20al%20\(2014\)%20Reshaping%20Legal%20Assistance%20Services%20PUBLISHED.pdf](https://discovery.ucl.ac.uk/id/eprint/1453382/1/Pleasence%20et%20al%20(2014)%20Reshaping%20Legal%20Assistance%20Services%20PUBLISHED.pdf)

grievances. Lack of accountability has resulted in legal aid being perceived, by beneficiaries as well as in legal community, as merely symbolic, rather than an empowerment right.

The Legal aid system also has to be infused with professionalism and capacity building efforts so that it is able to deal with the challenges that are being encountered. The annual audits, review, and reward schemes for performance may enforce good accountability practices amongst lawyers relating to the provision of legal aid. The involvement of paralegals, social workers, and community organizations could also add to the sensitivity and humanity of the provision of legal aid.<sup>14</sup>

#### **6.4. Poverty, Caste, Illiteracy, and Remoteness**

This forms a silent barrier preventing individuals from considering the option of seeking a remedy through the courts. As much as legal aid is supposed to give voice to the voiceless, this is hardly possible in instances where inequalities in the pathways of justice remain pronounced.<sup>15</sup>

#### **6.5. Gender barriers**

This remain a significant source of exclusion in itself. Women, specially in rural or conservative society, find themselves at multiple vulnerabilities like economic factors, mobility, discrimination in legal matters, and threat of retaliation in patriarchal family systems. Cases relating to domestic violence, sexual harassment, or property rights remain unreported, as women remain ignorant of her rights. Though schemes such as women legal aid cells have increased accessibility, they remain inaccessible to a large extent.

#### **6.6. Digital Divide**

Furthermore, another area of inequality which has emerged because of this technological transformation is what is known as the “Digital Divide.” As courts across different countries increasingly adopt e-filing, video conferences, as well as portals for legal aid, those who do not possess digital literacy skills, as well as easy access to computers or the Internet, find themselves denied access to this benefit as well. For many people in rural India, for instance, “Digital India” has not yet materialized to include “Digital Justice.” Moreover, language diversity, cultural variations, and a lack of understanding of rights, are factors that further marginalize people who are classified among them. The tribal and minority communities suffer from procedural<sup>16</sup> alienation because of the failure of the legal aid systems to address the specific realities of these communities.<sup>17</sup> With such complex challenges, the call for legal aid must also change and develop beyond the concept of litigious aid and into a community development scheme that encompasses legal awareness and societal support.

### **7. REIMAGINING LEGAL AID IN THE TRANSFORMATIVE JUSTICE PARADIGM**

#### **7.1. Beyond Charity: Legal Aid as an Enforceable Right**

Following the paradigm of transformative justice, the issue of the delivery of legal aid shall be recognised as the enforceable legal right for which claims could be brought against the State within the framework of the Right of Life and Liberty that is contained within Article 21 of the

<sup>14</sup> Pratap Chandra Dash and Sanjay Sarma, “Legal Aid and Criminal Justice Reform: Advancing Fairness and Equity,” *International Journal for Multidisciplinary Research* (2024), <https://www.ijfmr.com/papers/2024/2/17842.pdf>.

<sup>15</sup> Pooja Prashant Narwadka, “Equitable Access to Justice: A Constitutional Mandate,” *Bharati Law Review*, April–June 2018. <https://www.ijfmr.com/papers/2024/2/17842.pdf>.

<sup>16</sup> Dr. Pooja Prashant Narwadka, *Equitable Access to Justice: A constitutional Mandate*, *Bharati Law Review*, April – June, 2018, [https://docs.manupatra.in/newslines/articles/Upload/356D216C-DB8F-49C9-850E-5C5C08DCEFD2.\\_Narwadkar\\_Dr.\\_IC\\_Prin.\\_24-31\\_\\_constitution.pdf](https://docs.manupatra.in/newslines/articles/Upload/356D216C-DB8F-49C9-850E-5C5C08DCEFD2._Narwadkar_Dr._IC_Prin._24-31__constitution.pdf)

<sup>17</sup> Bansal Rochak and Chawla Monica, “Transforming Legal Aid in India: Can AI Bridge the Justice Divide?,” *Journal of Computer Science Application and Engineering*, 3(2025), <https://journal.lenterailmu.com/index.php/josapen/article/view/47>

Constitution of India.

## **7.2. Community-Based and Participatory Approaches to Legal Empowerment**

These strategies of legal empowerment by the use of para-legal volunteers and the provision of free legal aid through the delivery of literacy programs and the provision of such aid through clinics organized within law schools could also be used within a community to ensure a relatively equal distribution of justice. For instance, the work of Nyaya Bandhu and Tele-Law demonstrate that community participation is a fruitful outreach and trust-building mechanism.

## **7.3. Integration of Technology and Innovation in Providing Legal Aid**

AI Legal Research, Online Dispute Resolution, Legal AI Technology aid systems, and other legal technologies have the potential of ensuring access to justice. Technological Integration, however, should ensure inclusiveness and protect privacy.<sup>18</sup>

## **8. RECOMMENDATIONS FOR POLICIES AND REGULATIONS**

The legal aid system in India needs to keep pace with international norms, as discussed in this paper, to suit the realities of the 21st century.

### **8.1. Requirement for Rights-Based Legislation for Legal Aid**

The current legal aid system in India, as far as it is framed under the Legal Services Authorities Act, 1987, is more administrative in nature. Though it provides infrastructure in terms of NALSA, SLSAs, and DLSAs, but it does not provide any legally enforceable rights to the people of this country, which is itself defeating the aim of Article 39-A, which provides Equal Justice to everyone.

The rights-based legal aid legislation ought to, therefore, be enacted to ensure that it provides for:

### **8.2. Make Legal Aid a Justiciable Right by Incorporating it in Article 21 of the Indian Constitution:**

Provision of legal aid needs to be treated as more than an administrative mandate; otherwise, it shall fall under the sweep of Article 21 of the Indian Constitution, which encompasses the right to life itself.

**8.3. Set Minimum Service Standards:** A set of minimum standards needs to be established in terms of representation, dealing with clients' cases, as well as communication between them, which is to be audited from time to time by an impartial organization for accountability purposes.

**8.4. Ensure Universal Accessibility:** Qualifying criteria established by the proposed legislation should extend beyond current income standards to cover at-risk populations of women, persons living with disabilities, trafficking victims, and other marginalized groups, to account for issues of disadvantage as permissible entitlement criteria.

**8.5. Data Transparency:** Compulsory submission of performance reports, annual reports, and outcomes of cases could result in the enrichment of data transparency.

### **8.6. Strengthening Institutions (NALSA, SLSAs, DLSAs)**

**Autonomy and Funding of Legal Aid Organizations:** Legal aid organizations should have funding autonomy that could be spent the way the organizations want. The funding of the sector should be managed through special funds that are traceable within the government

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<sup>18</sup> Rochak Bansal, Monica Chawla, TRANSFORMING LEGAL AID IN INDIA: CAN AI BRIDGE THE JUSTICE DIVIDE?, Journal of Artificial Intelligence, ShodhAI: Journal of Artificial Intelligence, 2025, Vol.2, Issue 1, ISSN: 3048-9245, [https://www.researchgate.net/publication/391336135\\_TRANSFORMING\\_LEGAL\\_AID\\_IN\\_INDIA\\_CAN\\_AI\\_BRIDGE\\_THE\\_JUSTICE\\_DIVIDE](https://www.researchgate.net/publication/391336135_TRANSFORMING_LEGAL_AID_IN_INDIA_CAN_AI_BRIDGE_THE_JUSTICE_DIVIDE)

budget.

**8.7. Professional Trainings and Capacity Building:** Collaboration with Law Universities, Judiciary Academies, and Bar Councils would help develop specialist programs related to Legal Aid Ethical Issues, Community Lawyer Approach, Gender Justice, and Technology Based Legal Aid Delivery campaigns.

**8.8. Systems of Monitoring and Evaluation:** The development of data dashboards and scorecards, and also the carrying out of audits by a third party, would enable a degree of transparency to be achieved within this matter. This would enable NALSA and the SLSAs to search for deficits and take evidence-based actions.

**8.9. Institutional Coordination and Decentralization:** If a good level of coordination exists between the District Legal Service Authorities (DLSA) and the concerned local bodies (including panchayats, municipalities, etc.), it will be good for reaching a large population. This will also be beneficial for the preparation of well-informed and region-wise actions accordingly, depending on the regional Socio Economic background.

**8.10. Human Resource and Incentives Reforms:** The matter of legal aid needs to be addressed with dignity, and lawyers offering legal aid should be remunerated for their work. The concept of introducing Honorarium, award of recognition, career advancement opportunities for lawyers engaged in legal aid work could be a sound way of motivating legal aid.

## **9. CONCLUSION**

An ideal and equal society not only adjudicates towards the delivery of justice but also seeks to modify the societal fabric that sustains inequality. Legal aid, which is not only a right but an instrument of change, becomes a catalyst that brings the downtrodden into the mainstream of the justice delivery system. Legal aid is the backbone of a well-balanced and equal legal system. The Legal Aid concept defined as a Human Right reinforces the constitutional motto that symbolizes the promise of justice, liberty, and equality. The promise of justice towards all citizens turns into a reality through the implementation of the idea of Legal Aid utilizing the prism of Transformative Justice.