

## 4. National Legal Service Day – Polity

India's Legal Aid and Awareness Initiatives. India's legal framework, rooted in the Legal Services Authorities Act, 1987, and Article 39A, aims to provide free legal aid through NALSA and other bodies. However, this goal is significantly hampered by practical challenges, including low public awareness, poor quality of aid, and systemic barriers like the digital divide.

### National Legal Services Day – Context and Purpose

**Commemoration** – Celebrated annually on November 9th.

**Significance** – Marks the day the Legal Services Authorities Act, 1987, was enacted.

**Objective** – To honor the establishment of a nationwide framework dedicated to providing free and competent legal aid to the needy, poor, and marginalized sections of society.

**Foundation for Legal Aid** – India's commitment to justice is rooted in its Constitution, which guarantees the following protections to all citizens –

**Article 14** – Ensures Equality Before Law, meaning the state shall not deny to any person equality before the law or the equal protection of the laws.

**Article 21** – Guarantees the Protection of Life and Personal Liberty, which the Supreme Court has interpreted to include the right to a fair and just trial, which is impossible without legal representation.

**Article 22** – Provides Protection Against Arrest and Detention in certain cases, including the right of an arrested person to be defended by a legal practitioner of their choice.

**Article 39A (Directive Principle)** – Introduced by the 42nd Amendment, this is the core mandate. It directs the state to provide Equal Justice and Free Legal Aid to ensure that opportunities for securing justice are not denied to any citizen due to economic constraints or other disabilities.

**The Legal Services Authorities Act, 1987** – This Act is the primary legislation that gives structure and authority to the constitutional mandate for free legal aid.

**Implementation** – Though passed in 1987, the Act was brought into force on November 9, 1995.

**Core Mission** – To establish a uniform, nationwide framework to provide free and competent legal services to the marginalized and disadvantaged.

**Alternative Dispute Resolution (ADR)** – The Act formally established Lok Adalats (People's Courts) and Permanent Lok Adalats. These forums are empowered to settle disputes amicably, including matters *before* they are formally filed in court (pre-litigation).

**The Three-Tier Structure of Legal Services** – The Act created a hierarchical system of authorities to deliver legal aid across the country –

#### 1. National Legal Services Authority (NALSA)

**Role** – The apex body that lays down policies and principles for legal services nationwide.

**Leadership** – Headed by the Chief Justice of India as the Patron-in-Chief.

**Funding** – Receives grants from the Central Government and donations.

#### 2. State Legal Services Authorities (SLSAs)

**Role** – Operates at the state level to implement NALSA's policies and manage state-level programs.

**Leadership** – Headed by the Chief Justice of the respective High Court.

**Funding** – Receives support from both Central and State Governments.

#### 3. District Legal Services Authorities (DLSAs)

**Role** – The primary implementing agency at the grassroots, operating in each district.

**Leadership** – Headed by the District Judge of the respective district.

**Funding** – Receives grants from the State Government and donations.

#### Accessing Free Legal Aid

**How to Apply** – Eligible individuals can seek help through multiple channels –

**Offline** – By submitting a written application or making an oral request at any Legal Services Authority office (NALSA, SLASA, or DLSA).

**Online** – By filling out an application on the official portals of NALSA, the respective SLASA, or the local DLSA.

**Processing Time** – The system is designed for a quick response. As per Regulation 7(2) of the NALSA (Free and Competent Legal Services) Regulations, 2010, a decision on an application for legal aid must be made within seven days.

**Impact** – From the 2022–23 to 2024–25 period, over 44.22 lakh people have successfully received free legal aid and advice through this system.

### Innovative Initiatives for Holistic Justice

NALSA and the SLSAs have launched several programs to expand the reach and effectiveness of legal aid beyond traditional court representation.

#### Digital Outreach

**DISHA Framework** – A comprehensive framework guiding the digitization of legal aid services.

**Tele-Law and Nyaya Bandhu** – These initiatives use technology (like video conferencing and mobile apps) to connect citizens in remote and rural areas with a panel of lawyers for pre-litigation advice.

#### Awareness and Education

**Legal Literacy and Awareness Programme (LLAP)** – This program promotes legal awareness by creating and distributing communication materials (pamphlets, videos, etc.) in all 22 scheduled languages, with active participation from state agencies.

#### Specialized and Speedy Courts

**Fast-Track Courts (FTCs)** – Established to expedite trials in long-pending cases, especially those involving vulnerable groups like women, children, and senior citizens.

**Fast Track Special Courts (FTSCs)** – A dedicated subset of FTCs created specifically to handle serious sexual offenses, including cases under the POCSO Act, ensuring swift justice for victims.

**Gram Nyayalayas** – Village-level courts designed to enhance access to justice in rural areas, handling both civil and criminal matters at the grassroots.

**Community-Based Justice – Nari Adalats (Women's Courts)** – An initiative under the Mission Shakti scheme, these are community-level forums. Composed of 7–9 women (Nyaya Sakhis), they address gender-based violence and other disputes through mediation and reconciliation, empowering women to assert their rights and access formal legal aid.

**Protecting Marginalized Communities – Exclusive Special Courts** – To ensure the proper implementation of the SC/ST (Prevention of Atrocities) Act, 1989, 211 Exclusive Special Courts have been established to safeguard the rights of Scheduled Castes and Scheduled Tribes and provide them with swift justice.

### Concerns and Challenges in Accessing Legal Services

Despite this robust framework, significant barriers remain.

**1. Awareness Deficit** – A large number of eligible citizens are simply unaware of their right to free legal aid under the 1987 Act. Legal literacy remains critically low, especially in rural and tribal areas, meaning many people who need help don't know it's available.

**2. Geographic Disparities** – Legal aid services are heavily concentrated in urban centers and district headquarters. This leaves remote and rural regions underserved. While mobile legal aid clinics and outreach vans exist, they are insufficient to meet the vast demand.

**3. Quality and Accountability** – The quality of legal aid provided is a major concern. Panel lawyers are often criticized for a lack of commitment, poor preparation for cases, and inadequate follow-up. There is a limited monitoring or performance evaluation system to hold legal aid providers accountable for the quality of their service.

**4. Overburdened Judiciary** – The entire legal aid system operates within a judiciary clogged with over 50 million pending cases. This systemic delay means that legal aid beneficiaries, who are often the most vulnerable, face longer wait times and procedural hurdles, which can amount to a denial of timely justice.

**5. Digital Divide** – While e-courts and online services are expanding, they are inaccessible to many. A large portion of the target population lacks internet access or the digital literacy needed to use these platforms. This divide disproportionately harms women, the elderly, and rural populations.

**6. Socio-Cultural Barriers** – Marginalized groups, particularly Dalits, Adivasis, and women, often face discrimination or intimidation when trying to access the legal system. Language barriers and a deep-seated fear of authority (like police or courts) can further discourage them from engaging with the legal system, even when they are victims.

### What Needs to Be Done?

To bridge the gap between the promise and the reality of legal aid, a multi-pronged approach is essential.

**1. Strengthen Legal Literacy Through Curricula and Outreach** – This involves more than just occasional camps. Legal rights and the availability of legal aid should be integrated as a core component of school and college curricula to build foundational awareness. Community outreach must be data-driven, targeting "legally underserved" areas with sustained campaigns using local media, folk arts, and religious/community leaders to build trust.

**2. Improve Training, Incentives, and Quality of Legal Aid Lawyers** – The quality of aid depends on the provider. This requires mandatory and continuous training for panel lawyers, focusing not just on law but also on sensitivity (especially for gender-based violence and caste issues) and client communication. Financial incentives must be improved. Remuneration for legal aid lawyers should be revised to be timely, fair, and commensurate with the work, attracting and retaining talented and committed professionals rather than being seen as a last resort.

**3. Expand Physical Infrastructure in Rural and Tribal Areas** – Justice cannot be centralized. The goal should be to establish permanent, well-staffed Legal Aid Clinics in every rural and tribal block, not just at the district level. The fleet of mobile legal aid vans should be significantly expanded and equipped with para-legal volunteers and technology (like Tele-Law access) to function as "offices on wheels" that follow a predictable, advertised schedule.

**4. Ensure Accountability Through Transparent Monitoring** – A robust performance monitoring framework is needed. This should track metrics like case outcomes, client satisfaction (via anonymous feedback), and adherence to timelines. A simple, accessible grievance redressal mechanism must be created for beneficiaries to report poor service or negligence from their legal aid lawyer without fear of their case being compromised.

**5. Bridge the Digital Divide with Inclusive, 'Assisted' Tech Solutions** – Instead of just launching portals, the focus must shift to "assisted-tech" models. This involves empowering local intermediaries. This means setting up legal aid help desks at Common Service Centres (CSCs) or Panchayat offices, where a local, digitally-literate person can help a citizen file an application, connect to Tele-Law, or check their case status, bridging the literacy and access gap. Offline support must always remain a parallel option.

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