

ABSTRACT

A COMPARISON BETWEEN THE LEGAL AID SYSTEMS IN FOREIGN COUNTRIES AND LOK ADALATS IN INDIA

***MIT THAKKAR & KAIVALYA SHAH**

"The poor and the illiterate should be able to approach the courts and their ignorance and poverty should not be an impediment in the way of their obtaining justice from the courts."

- Late Justice P. N. Bhagwati.

Right to free legal aid or free legal service is an essential fundamental right promised not only by the Constitution of India, but also by the judicial systems of various countries throughout the world for facilitating the achievement of ends of justice. In Sri Lanka, pre-litigation mediation is adopted for the amicable settlement of disputes between the aggrieved and for lessening the burden from the courts. In Tanzania, law includes the customary law of the different ethnic groups within the country, which is understood to comprise codified norms as well as non-codified living law, quite similar to that of India. In the Dutch legal aid system, which was considered as the most successful, a legal aid lawyer would assess the client's requirements, statutory criteria for eligibility for legal assistance and the financial condition, after which the report would be prepared, based on which legal aid would be provided to the client. The legal aid in the United States is heavily funded by private sources, and in many cases private individuals, such as lawyers donating their services *pro bono*, it is the private providers of aid who make many key decisions regarding who receives legal aid and under what circumstances. In Singapore, the legal aid mechanism for civil disputes is dealt by the Legal Aid Bureau, which is controlled and sponsored by the government. In India, the philosophical concept of Lok Adalat (People's Court) has been adopted, and is an innovative contribution to the world jurisprudence. However, due to certain obstacles like insufficient infrastructure, the geographical accessibility of courts and court equipment, lack of legal knowledge, the inappropriateness of the justice spoken, and the citizens' understandable distrust in corrupt state institutions, the reform is not able to achieve its goal. Hence, the author in this paper shall analyse legal aid models adopted by other jurisdictions and try to ascertain appropriate reforms that would successfully clinch the legal aid system in

India.