

## EQUAL OPPORTUNITY TO ACCESS JUSTICE VIS-A-VIS LEGAL AID IN INDIA

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### INTRODUCTION

*'Lack of awareness and poverty should not impeditment a person from obtaining justice'*<sup>3</sup>. Constitution of India is a grund norm for the concept of legal aid in India. Preamble of Constitution of India itself talks about 'social justice' for the people of India. Constitution of India aims at securing social, economic and political justice and provides for equality of status and equality of opportunity. It should be interpreted and implemented, as such so that everyone can get legal justice.

With time, state strives towards achieving a welfare state and so state assumes responsibility to assist people engaged in legal disputes. Initially, it focused on family law and divorce and then gradually shifted to assist people in other disputes as well. Social justice is essence of equal opportunity and equal protection of laws which is a basic structure as well as fundamental right. It is the duty of state to ensure that legal system promotes justice by giving equal opportunity to all citizens.<sup>4</sup>

Justice P.N. Bhagwati said that legal aid means- that arrangement in society which makes administration of justice easily accessible to all for the enforcement of rights given to people by law.<sup>5</sup>In other words, legal aid is giving free legal services to people who are in need of it because of lack of legal assistance due to economic or other problem. People in India are so illiterate and poor that it is difficult for them to meet their daily expenses, so how can we expect them to bear expense to appoint a good lawyer and represent through him. So, the

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<sup>3</sup> YSRAO JUDGE , 'right to free legal aid' <<http://www.legalservicesindia.com/article/1176/Right-to-Free-Legal-Aid.html#:~:text=In%20the%20case%20of%20Hussainara,opportunity%20for%20all%20its%20citizens>>last accessed on 20/09/20

<sup>4</sup> Dr..Jeet singh mann, 'impact analysis of legal aid services provided by the empaneled legal practitioners on the legal aid system in city of delhi' (2012-14)< <http://nludelhi.ac.in/download/2017/dec-2017/UGC%20Research%20Award%20in%20Law%202014.pdf>> last accessed on 20/09/20

<sup>5</sup> YSRAO JUDGE , 'right to free legal aid' <<http://www.legalservicesindia.com/article/1176/Right-to-Free-Legal-Aid.html#:~:text=In%20the%20case%20of%20Hussainara,opportunity%20for%20all%20its%20citizens>>last accessed on 20/09/20

ultimate purpose of legal aid is that no one should be deprived of professional advice and it was provided by legal aid through suitable legislations and schemes.<sup>6</sup>

## HISTORY OF LEGAL AID IN INDIA

Legal aid promotes welfare state by enforcing individual's economic, social and cultural rights. Ancient India is evident that the king was empowered by Manusmriti to administer justice without discriminating people on the basis of religion. In the Medieval Period, Islamic law was in existence and people of all religion were administer according to it. But Jahangir was the Mughal Emperor who impart justice irrespective of birth, rank, etc<sup>7</sup>.

For the first time, in 1952, concept of legal aid was discussed in India by various conferences of law ministers and law commissions. In 1958, 14<sup>th</sup> Law Commission report laid down the emphasis on equal justice and free legal aid for all citizens. In 1960, legislature set up some rules regarding the same. In 1973, Expert Committee on legal aid of ministry of law and justice under chairmanship of Justice V. Krishna Iyer gave a major report on legal aid which said that-*'Legal aid is an integral part of legal system and not a matter of charity.'* This committee also gave report titled 'professionals justice to poor' which worked as nexus between law and poverty.<sup>8</sup>

In 1980, Committee for Implementing Legal Aid Schemes (CILAS) was formed under the chairmanship of Justice P.N. Bhagwati to review and regulate the legal aid system in India. This committee laid down two tests for eligibility of legal aid i.e. prima facie test and means test. If a person is eligible for legal aid then he need not to pay the court fees, process fees, etc. and it was bore by legal aid fund. In 1987, Legal Services Authorities Act was introduced which give statutory acknowledgement to legal aid in India. Later, it was realized that litigation oriented legal aid service cannot totally fulfil the purpose and so amendments related to pre-litigation services was introduced in Legal Services Authority (Amendment) Act, 2002. Mainly, amendment was related to establishment of Permanent Lok Adalats to

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<sup>6</sup>Dolly Choudhury, 'concept of free legal aid- comparative analysis free legal aid in India, UK and Australia' < [http://ijlljs.in/wp-content/uploads/2016/07/cpl1\\_FINL.pdf](http://ijlljs.in/wp-content/uploads/2016/07/cpl1_FINL.pdf)>last accessed on 20/09/20

<sup>7</sup>Dr..Jeet singh mann, 'Impact Analysis Of Legal Aid Services Provided By The Empaneled Legal Practitioners On The Legal Aid System In City Of Delhi' (2012-14)< <http://nludelhi.ac.in/download/2017/dec-2017/UGC%20Research%20Award%20in%20Law%202014.pdf>> last accessed on 14/09/20

<sup>8</sup> ibid

settle disputes at pre-litigation stage.<sup>9</sup> In addition to this Act, right to Legal Aid services are protected under several legislative framework, namely-

- Article-21 of Constitution of India, includes Legal Aid as person of India to live a dignified life.
- Article-38 of Constitution of India, provides that state shall promote welfare of people by securing and protecting social order including justice.
- Article 39A of Constitution of India, provides for free legal aid for the people who cannot access justice due to economic and other disabilities.
- Section-304(1) of Code of Criminal Procedure, 1973 provides that court can assign pleader at expense of state for the people who cannot afford it.
- Order-33 rule 18 of Code of Civil Procedure, 1908 provides that free legal services can be provided to an indigent person.
- Protection of Women from Domestic Violence Act, 2005 also provides for legal aid services to women who are aggrieved persons.<sup>10</sup>

So, now, there is proper statutory acknowledgement for the legal aid services in India to the weaker section of the society who cannot access justice by their own.

## OBJECTIVE

Legal Aid is a great initiative to provide legal assistance to every person in India who is in need. There were many other objectives to introduce this concept in India. Some of them are-

- Article-14 states that ‘there should be equality before law and equal protection of laws’. So, if a person is not able to approach court of law then there is no meaning of law for protection.
- State cannot deny opportunity for seeking justice due to some economic or other disability because of introduction of this concept in India.<sup>11</sup>
- Poorer or weaker section of the society needs legal representation as they are unable to access it before court of law.

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<sup>9</sup> Dolly Choudhury, ‘concept of free legal aid- comparative analysis free legal aid in India, UK and Australia’ <[http://ijlljs.in/wp-content/uploads/2016/07/cpl1\\_FINL.pdf](http://ijlljs.in/wp-content/uploads/2016/07/cpl1_FINL.pdf)>last accessed on 14/09/20 at 09:30 p.m.

<sup>10</sup> Prohibition of Women from Domestic Violence Act, 2015, Section 9(1)(d)

<sup>11</sup> ibid

- It increases public education or awareness on legal matters even to indigent persons and also the provisions related to indigent person available in C.P.C, etc. from which they can claim benefit for themselves.<sup>12</sup>
- The concept of fair trial, rule of law, etc. can only be maintained when all the people weaker section of the society gets an advantage of representing their case by an efficient advocate.
- This concept promotes the internationally recognized principle of ‘equality for justice’ as it ensures equal opportunity to access relief through judicial process.<sup>13</sup>
- It ensure access to the remedies and it also have a future benefit to avoid disputes by launching programmes to educate people about legislation like National Rural Employment Guarantee Act, Maintenance and Welfare of Senior Citizens Act, etc. regarding matters related to the pension, benefit of the government schemes and many more.<sup>14</sup>

## DEVELOPMENT OF LEGAL AID THROUGH CASES

As India is a common law country, so, judicial pronouncements have a major role in law formation. The interpretation and evolution of a provision depends majorly on judicial precedents. Cases related to legal aid are following-

- *Hussainara Khatoon v. Home Secretary, State of Bihar*, 1980<sup>15</sup>  
Free legal aid to poor accused is a part of article-21 which ensures reasonable, fair and just procedure. Also, state cannot deny speedy trial on the ground that it has no financial resources.
- *Khatri v. State of Bihar*, 1981<sup>16</sup>  
State government cannot take plea that it is financially or administratively unable to provide free legal aid. These services can be claimed even at appellate stage and it is a part of Article-21.

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<sup>12</sup>Admin, ‘Objectives Of Legal Aid In India’ (2018) <<https://indiajusticefoundation.org/objectives-of-legal-aid-in-india/>> last accessed on 18/09/20

<sup>13</sup> ‘The Concept of Legal Aid’ <<https://www.assignmentpoint.com/arts/law/the-concept-of-legal-aid.html>> last accessed on 18/09/20

<sup>14</sup> K.V. Sreemithun, ‘Legal aid: catalyst for social change’, (2012)

<sup>15</sup> *Hussainara Khatoon v. Home Secretary, State of Bihar*, 1980 1 SCC 98

<sup>16</sup> *Khatri v. State of Bihar*, 1981 1 SCC 635

- Sheela Barse v. UOI, 1986<sup>17</sup>  
Constitution makers imposes obligation on state by giving guidelines in Article-39A to promote justice on equal opportunity. Also, it is directed by court that, as soon as the person is arrested, police should inform to the nearest legal aid committee about the same and the legal aid committee should provide legal assistance to the arrested person.
- Indira Gandhi v. Raj Naraian, 1977<sup>18</sup>  
Justice should be accessible by everyone and if there is absence of legal aid to a party then the trial can be vitiated.
- Sukh Das v. Union Territory of Arunachal Pradesh, 1986<sup>19</sup>  
It was said in this case that it is mockery of free legal aid that it is left on poor ignorant person to ask for free legal aid about which he is unaware. The whole purpose of the concept of legal aid fails when a person remains unrepresented before court of law.
- M.H. Hoskot v. State of Maharashtra, 1978<sup>20</sup>  
It is the duty of the state to provide legal assistance to a prisoner who is unable to access right of appeal including special leave to Supreme Court. Free legal aid should be provided to indigent person at all stages of proceedings.
- Ajmal Kasab v. State of Maharashtra, 2012<sup>21</sup>  
Person should be made aware of the right to consult legal practitioner and should be given legal aid at expense of state unless he clearly refuses in unambiguous manner.
- Ramakant v. State of M.P, 2012<sup>22</sup>  
Free legal assistance should be given at every stage, irrespective of severity of crime. There should be no distinction made between trial and appeal to provide free legal aid, that is, it should be provided at all stages.

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<sup>17</sup>Sheela Barse v. UOI, 1986 3 SCC 596

<sup>18</sup>Indira Gandhi v. Raj Naraian, AIR1977 SC 69

<sup>19</sup> Sukh Das v. Union Territory of Arunachal Pradesh ,1986 AIR 991

<sup>20</sup>M.H. Hoskot v. State of Maharashtra, 1978 AIR 1548

<sup>21</sup>Ajmal Kasab v. State of Maharashtra, 2012 9 SCC 1

<sup>22</sup> Ramakant v. State of M.P ,2012 8 SCC 553

- Mohd. Hussain v. State (Govt. of NCT) Delhi, 2012<sup>23</sup>

In this case, accused was denied legal assistance at the time of trial. Court said that '*denial of such right is denial of process of law*'.

- Kara Aphasias v. State of Bihar<sup>24</sup>

Right to get free legal aid is a part of Article-21 of Constitution of India. A person has fundamental right to represent before court of law at state's expense. Equal opportunity to access justice is a basic right that every person should get and made aware of.

## **FRAMEWORK OF LEGAL SERVICE AUTHORITY ACT, 1987**

The Legal Service Authorities Act, 1987 (herein referred as "*the Act*") is the 39<sup>th</sup> Act of year 1987 and was enacted on October 11, 1987. On bare perusal of long title of the Act, it is construed that the justice should provide to all the section of the society.

Here it is important to understand that what is meant by "legal service". It is categorically stated in the Act that "legal services include the rendering of any services in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter".<sup>25</sup> There are modes of free legal services which are provided by the authorities, such as payment of court fees and other payable charges in relation to legal proceedings, provide lawyers to represent the case in courts, provide certified copies and other important documents in legal proceeding, provide service of drafting appeal or translate documents, etc.<sup>26</sup>

Pursuant to the Act, Central Government and State Government of various States were under obligation to constitute Legal Service Authorities. Thereafter, the Central Government constitutes National Legal Service Authority at New Delhi, State Government constitute State Legal Service Authorities in each of the States and State Government constitute District Legal Services Authorities in consultation with Chief Justice of the High Court for every District in the State

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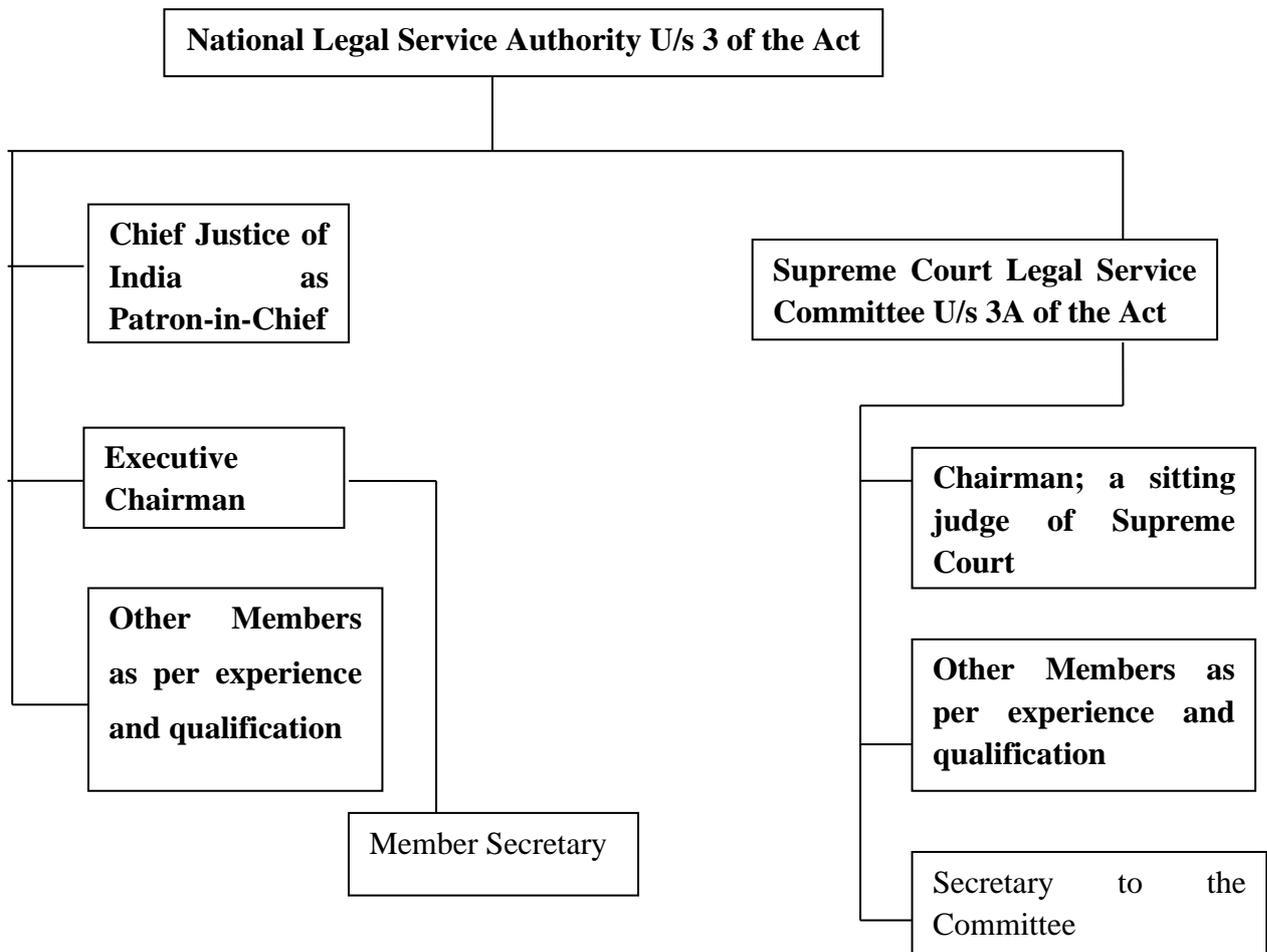
<sup>23</sup>Mohd. Hussain v. State (Govt. of NCT) Delhi, 2012 9 SCC 408

<sup>24</sup>Mitali Vani, 'Right To Free Legal Aid And Legal Functionaries Under Legal Services Authority Act, 1987' <[http://nja.nic.in/Interns\\_Report\\_2015-16/Research%20Report%20Mitali%20Vani%2027-11-15.pdf](http://nja.nic.in/Interns_Report_2015-16/Research%20Report%20Mitali%20Vani%2027-11-15.pdf)> last accessed on 15/09/20

<sup>25</sup> The Legal Services Authorities Act, 1987, Section 2(1)(c)

<sup>26</sup> The Supreme Court Legal Services Committee Regulations, 1996, Regulation No. 13

### Structure of National Legal Service Authority



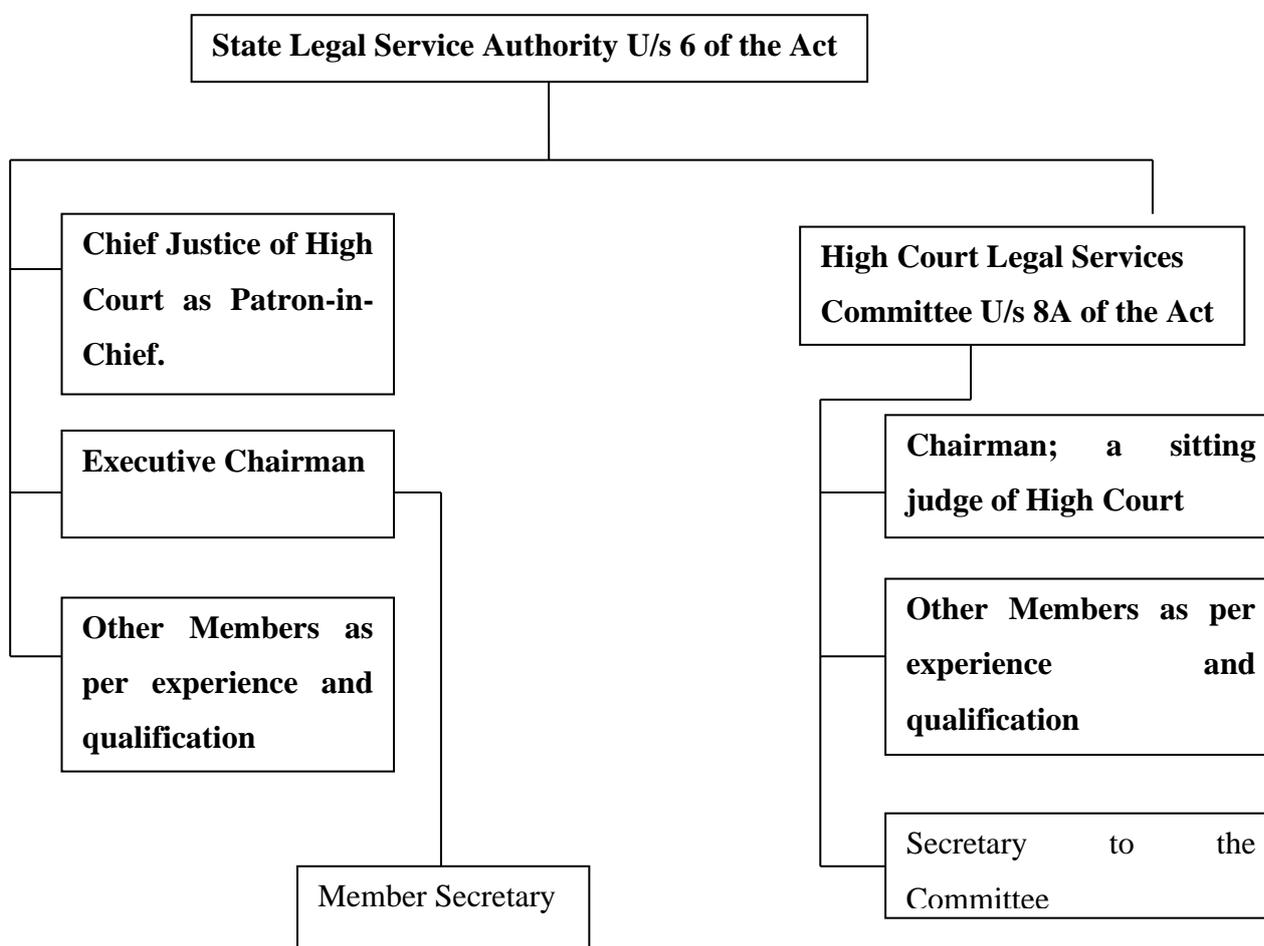
National Legal Service Authority is also known as Central Authority. Central Authority is the superior authority over other legal service authority. Central Authority perform many function such as laying down principals and policies for providing various legal services, framing effective and economical schemes for making legal services available, take necessary initiatives by way of social justice litigations, provide training sessions to the social workers in legal skills, and many more.<sup>27</sup>

To execute mentioned principals and policies, Central Authority constitutes the Supreme Court Legal Service Committee. The main function and power of the Committee is to take all the necessary steps to implement all the polices of Central Authority, maintain panel of AOR, Sr. Advocates and Advocates, receive and scrutinize the applications for availing legal

<sup>27</sup> The Legal Services Authorities Act, 1987, Section 4

services, prepare reports and statistical data in respect to legal services and submit to Central Authority and many more.<sup>28</sup>

### Structure of State Legal Service Authority



State Legal Service Authority is also known as State Authority. State Authority is the inferior authority to Central Authority and superior to District Legal Service Authority. State Authority performs the functions such as to provide legal services, organize Lok Adalats, and organize function in consultation with Central Authority and many more.

To execute functions, State Authority constitutes the High Court Legal Service Committee. Pursuant to the Act, the State Authority is empowered to make all necessary regulation for the effective working of the Committee.

<sup>28</sup> The Supreme Court Legal Service Committee Regulations, 1996, Regulations No. 5

### **Structure of District Legal Service Authority**

District Legal Service Authority is also known as District Authority. District Authority consist of District Judge as Chairman and other Members possessing prescribed experience and qualification. State Authority in consultation with Chairman of District Authority may appoint the Secretary to perform or assist Chairman. District Authority is the inferior to all the Legal Service Authorities. It performs the functions to provide legal services, organize Lok Adalats and organize function in consultation with Central Authority and many more.

To execute functions, State Authority may constitute a Taluk Legal Services Committee. Committee consists of a senior-most Judicial Officer as *ex-officio* Chairman and appoints other member possessing prescribed experience and qualifications. Pursuant to the Act, the State Authority is empowered to make all the necessary regulation for the effective working of the Committee.

### **Person eligible and disqualified for Legal Service**

Pursuant to the Act, Section 12 clarifies the list of people who are eligible for legal services. Some of them are- people who belongs to scheduled caste and scheduled tribe, who is victim of trafficking or begar, any child or women, any person victim of flood, natural calamity, mass disaster, etc., any person who wants to represent its case before High Court and having annual income of less than Rs. 9,000/- , any person who wants to represents its case before Supreme Court and having annual income less than Rs. 12,000/- and many more. Moreover, a person who wants legal services has to declare his receipt of annual income by producing affidavit unless the authority may get a reason to disentitle the person from availing legal services<sup>29</sup>. There are various conditions where the committee is empowered to withdraw the legal services from the person who is getting aid. Some of them are- where the person having sufficient means to represent his case or matter or other legal works and availing free legal services by fraud or by misrepresentation, the person who does not corporate with members of the committee or the advocate assigned by the commission and many more.<sup>30</sup>

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<sup>29</sup> The Legal Services Authorities Act, 1987, Section 13

<sup>30</sup> The Supreme Court Legal Services Committee Regulations, 1996, Regulation No. 18

## DISPUTE REDRESSAL MECHANISM ORGANIZED BY THE LEGAL SERVICE INSTITUTION

**1. Lok Adalat** – Lok Adalat is one of the most effective dispute redressal mechanism organized by the legal service authorities and committees at particular intervals and exercise jurisdiction. Lok Adalat is consist of one retired or serving judicial officer and other persons specified by the authorities or committees organizing that Lok Adalat. Pursuant to the report of National Legal Service Authority, total 11285 Lok Adalats were organized on 08.02.2020 all over India where 1199575 cases were disposed off.<sup>31</sup>

### **1.1. Jurisdiction of Lok Adalat-** Any cases which are pending before the court-

- where both the parties agree to refer the case to Lok Aalat, or
- one of the party to the dispute make an application to the court for referring the matter to the Lok Adalat and the court is prima facie satisfy that there are chances of settlement, or
- Court suo moto refer the matter to the Lok Adalat.

Moreover, the matters which are falling into the jurisdiction of the Lok Adalat and subsequently the matter not brought before the court can be referred to the Lok Adalat. However, Lok Adalat has been empowered to take up the civil cases as well as compoundable criminal cases and pass the award. Lok Adalat has no jurisdiction to determine the matter related to offences which are not compoundable under any law.

**1.2. Adjudication of the case-** Pursuant to the Act, Lok Adalat is vested with the same powers of the Civil Court as vested under Code of Civil Procedure, 1908 and Code of Criminal Procedure and the proceeding of the Lok Adalat is considered as Judicial Proceeding under Indian Penal Code, 1860. When the matter is referred to the Lok Adalat for adjudication, Lok Adalat shall apply all the “*principles of justice, equity, fair play, and other legal principles*”.<sup>32</sup> Lok Adalat, after receiving the matter, shall proceed to determine the matter or arrive at compromise or settlement between both the parties and dispose off the matter. If the matter has not been settled or compromised and not determined, then the file of matter shall be returned to the court

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<sup>31</sup> National Lok Adalat Report 08.02.2020 <<https://nalsa.gov.in/statistics/national-lok-adalat-report/national-lok-adalat-2020/disposal-of-national-lok-adalat-held-on-08-02-2020-for-all-types-of-cases>>, accessed on 24.09.2020

<sup>32</sup> The Legal Services Authorities Act, 1987, Section 20 sub-section 4

and Lok Adalat advice the parties to get the remedy from the court. However, when both the parties arrive on settlement or compromise than the court fees paid by the party will be refunded in manner prescribed under Court Fees Act, 1870.<sup>33</sup>

**1.3. Lok Adalat Award-** When the Lok Adalat determines the matter or arrives on settlement or compromise between the parties, the award is passed by the Lok Adalat which is called as Lok Adalat Award. Lok Adalat award is deemed to be the decree of a Civil Court. Award is final and binding on both the parties. Moreover pursuant to the Act, Award by Lok Adalat is not appealable in any court. But the Supreme Court of India illuminate and held that “40. We, however, make it clear that the Respondents (Plaintiffs) would be at liberty to challenge the legality and correctness of the award dated 22.08.2007 passed by the Lok Adalat by filing the writ petition Under Article 226 or/and 227 of the Constitution in the High Court in accordance with law.”<sup>34</sup>

**1.4. Types of Lok Adalat-** There are various types of Lok Adalat which are organized by Legal Services Authorities such as Daily Lok Adalat, Continuous Lok Adalat, Mobile Lok Adalat and Mega Lok Adalat.

**2. Permanent Lok Adalat -** “The major defect of the mechanism of Lok Adalat is that it cannot take a decision, if one of the parties, is not willing for a settlement, though the case involves an element of settlement. The adamant attitude shown by one among the parties will render the entire process futile. Even if all the members of the Lok Adalat are of the opinion that the case is a fit one for settlement, under the present set-up, they cannot take a decision unless all the parties consent.”<sup>35</sup> To overcome the deficiency of Lok Adalat, legislation brought the concept of Permanent Lok Adalat (hereinafter referred as “PLA”) in 2002 where one party make the application and if the adverse party unreasonably opposing the appropriate settlement, then PLA can pass the award without the consent of both the parties. Pursuant to the report of National Legal Service Authority, total Pre-Litigation cases were taken up were 3430080 from all over India and out of which 674508 cases were disposed off.<sup>36</sup> Moreover, PLA consists of a district judge or

<sup>33</sup> The Legal Services Authorities Act, 1987, Section 21

<sup>34</sup> Bharvagi Constructions and Ors. Vs Kothakapu Muthyam Reddy and Ors.. AIR 2017 SC 4428

<sup>35</sup> The Concept of Permanent Lok Adalat and the Legal Services Authorities Amendment Act, 2002 by Justice K.A. Abdul Gafoor, (2003)5 SCC(Jour)33

<sup>36</sup> National Lok Adalat Report 08.02.2020 <<https://nalsa.gov.in/statistics/national-lok-adalat-report/national-lok-adalat-2020/disposal-of-national-lok-adalat-held-on-08-02-2020-for-all-types-of-cases>> accessed on 25.09.2020 at 4:30 AM

additional district judge or any judicial officer of higher rank of district judge as chairman and two other persons who possessed with experience in Public Utility Services recommended by the government or authorities or government in consultation with authorities.

**2.1. Jurisdiction of PLA-** Pursuant to the Act, PLA have jurisdiction to adjudicate the matters related to Public Utility Service only. Public Utility Services means Transport services, Postal services, Telephone services and many more.<sup>37</sup> Any party to the dispute can make an application to PLA for the settlement of the dispute and the PLA is empowered to take cognizance of the case. Moreover, pecuniary jurisdiction of PLA is upto Rs. 10 Lakh which can be increased by the central government in consultation with central authority. However, PLA has no jurisdiction to determine the matter related to offences which are not compoundable under any law.

**2.2. Adjudication of case-** When the party makes the application to the PLA, PLA shall conduct the conciliation proceeding, settle the matter amicably and passes the award. When no settlement arrives between both the parties then PLA shall decide the dispute. Moreover, the process of adjudication of PLA is mostly similar to that of Lok Adalat.

**2.3. PLA Award-** When the PLA arrives on settlement or make the agreement between the party and the award is passed by the PLA, it is called as PLA Award and the PLA award is deemed to be the decree of a Civil Court. Award passed by PLA is final and binding on both the parties and shall be executed by the civil court without determining the error of jurisdiction of the PLA. Moreover, Award by PLA must be passed in majority of the members of PLA and if the award is not passed in majority of members of PLA then the award will be considered as non-est. In the Supreme Court, the issue was adjudicated that- the award by PLA is appealable or not and the Apex Court held that “*33. There is no inherent right of appeal. Appeal is always a creature of statute and if no appeal is provided to an aggrieved party in a particular statute, that by itself may not render that statute unconstitutional..... No appeal is provided from the award passed by the Permanent Lok Adalat but that, in our opinion, does not render the impugned provisions unconstitutional..... Secondly, and more importantly, if at all a party to the dispute has a grievance against the*

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<sup>37</sup> The Legal Services Authorities Act, 1987, sub-section b of Section 22A

*award of Permanent Lok Adalat he can always approach the High Court under its supervisory and extraordinary jurisdiction under Articles 226 and 227 of the Constitution of India.....*<sup>38</sup>

- 3. Mediation Center-** “An onus of mediation is worth a pound of arbitration and a ton of litigation” by Joseph Grynbaum. Mediation is one of the most effective way to resolve the dispute alternatively with the assistance of third party i.e. mediator. Mediator is the third person in the dispute who assists both the parties to resolve it and being neutral for both the parties. When parties approaches to the mediator, then mediator understands the dispute and take joint session and individual session (session with one party at a time) and try to resolve the dispute amicably and bring both the parties to an agreement. If no agreement arrives between both the parties, the mediator issues a certificate for failure of the mediation. Moreover, legislation made mandatory mediation in some of the statutes which reduce the pending cases of the courts of India like section 12A of the Commercial Courts Act, section 4 of Companies Act, 2013, Consumer Protection Act, 2019, section 4 of Industrial Dispute Act, 1947, MSME Act, 2006, Hindu Marriage Act, 1995, Special Marriage Act, 1954 and Real Estate (Regulation and Development) Act, 2016.

## **ROLES, RESPONSIBILITIES AND OBLIGATIONS**

- 1. Role of Judiciary-** “Law without justice is a wound without a cure” by William Scott Downey contemplates that the making of statute on a particular thing is not just enough but the implementation of law is also crucial to provide the justice. Judiciary must focus on the proper implementation of the Act and promote the parties to the dispute to refer the matter to Legal Service Authorities for conciliation or mediation. Judiciary also plays the vital role to recommend the loopholes of the Act and suggest the appropriate amendments in the Act.
- 2. Role of Advocates-** Advocates plays very crucial role to provide free legal aids to particular section of society who are weakest, economic unstable, poor, suffering from any kind of disability, etc. by which they are not able to afford the fees of professional lawyers or expenses incurred in judicial proceedings. Though, every committee of legal service authorities maintains the panel of Advocates, Sr. Advocates and AOR. It is the duty of Advocates to perform all tasks entrusted to him, render optimum services to his clients, help other members of the authority in organizing legal awareness camps, do not

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<sup>38</sup> Bar Council of India v. UOI, (2012) 8 SCC 243

disclose any insider information of the authority or client, represent the client in the court and put up all the matter without hiding any facts of the case, do all the efforts to compromise the civil matter or matters of compoundable nature and to resolve the matter out of the court, take all necessary steps in favour for his clients and duties pursuant to The Advocates Act, 1961

- 3. Role of Government-** Government plays very indispensable role to implementation of the Act. No policy or scheme for the welfare of the public can be successfully implement without the sufficient funds allotted to the Legal Services Authorities by the Government. Objective of legal awareness schemes or policy will be achieved when every person of the nation will get aware of their legal rights and to achieving this object the policy or scheme must affect the roots and branches of the society which subsequently needs monetary help.
- 4. Role of Law Universities/ Colleges-** Pursuant to the Act, Authorities shall organize the legal awareness campaigns or promoting the cause of legal services to poor with the coordination of universities, NGOs or other Governmental agencies.<sup>39</sup> Pursuant to the latest statistical report of National Legal Service Authority in respect of legal service clinics, total 955 clinics has been set up in Universities or law colleges all over India and 38916 people has been aided from April, 2019 to March, 2020.<sup>40</sup> Universities or Law Colleges must encourage student pursuing law to do atleast one internship with Legal Services Authorities or any Advocate who would be the member or in panel of Legal Service Authority.

## CONCLUSION

Legal aid is that arrangement in society which makes administration of justice easily accessible to all for the enforcement of rights given to people by law. This concept becomes important in India because illiteracy and poverty rate in India is so high that we cannot expect every citizen of our country to be capable to spend enough money on litigation without any help from the government. Also, as we are inclined towards welfare state with time, this concept of legal aid becomes more important. The main objective to introduce this concept is to provide 'equality for justice'. The statutory acknowledgement of this concept, that is,

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<sup>39</sup> The Legal Services Authorities Act, 1987, Section 5 and 11

<sup>40</sup> National Legal Service Authority Stats Report From April 2019 to March 2020 <<https://nalsa.gov.in/statistics/legal-service-clinics-april-2019-to-march-2020>>, accessed on 26 September at 09:30 PM

Legal Services Authority Act, 1987 also provide for the structure of national legal service authority, state legal service authority and district legal service authority, eligibility for legal aid and its dispute redressal mechanism. To fulfill the purpose of this concept, the roles of judiciary, advocates, government and universities/law colleges should be increased, that is, Judiciary should effectively implement this law and remove the loopholes through amendments, advocates should honestly perform their tasks with which they are entrusted and make efforts for compromise between the parties, government should provide sufficient funds to Legal Service Authority and Universities/law colleges must promote legal aid clinics. This is how we can make legal aid more effective and helpful to the citizens and which can increase the rate the standard of living and livelihood of people.