

EXPLORING ACCESS TO JUSTICE THROUGH THE FUNCTIONING OF LEGAL AID SERVICES AUTHORITIES IN INDIA

AUTHOR – ANUJ WANKHADE, RESEARCH SCHOLAR AT VISHWAKARMA UNIVERSITY, PUNE

BEST CITATION – ANUJ WANKHADE, EXPLORING ACCESS TO JUSTICE THROUGH THE FUNCTIONING OF LEGAL AID SERVICES AUTHORITIES IN INDIA, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (14) OF 2025, PG. 298-313, APIS – 3920 – 0001 & ISSN – 2583-2344. DOI – <https://doi.org/10.65393/YLFM5109>

Abstract

Access to justice, recognised as a fundamental human right and guaranteed under Articles 14, 21, and 39A of the Constitution of India, is key to maintaining a democratic and rule-based society. However, India continues to face significant challenges in providing equitable access to its legal system for a population exceeding 1.21 billion. NJDG records show nearly 44.7 million pending cases before District and Taluka courts, indicating that only about four per cent of the population interacts with the justice system at any time. Socio-economic barriers, low legal awareness, high litigation costs, and poor quality of legal representation remain critical obstacles preventing marginalised and vulnerable groups from receiving timely and effective remedies. The Legal Services Authorities Act, 1987, aims to fill these gaps by creating a multi-level network of legal aid institutions at the national, state, district, and taluka levels. Through mechanisms such as Lok Adalats and specialised programs for disaster victims, human trafficking survivors, acid attack victims, undertrial prisoners, senior citizens, and women, the Act encourages accessible and affordable justice. Judicial recognition, notably in Anita Kushwaha v. Pushpa Sudan (2016), further reinforces the constitutional obligation of access to justice. Despite these efforts, numerous challenges, geographical barriers, bureaucratic delays, socio-economic disadvantages, low legal literacy, and inconsistent quality of legal aid continue to impede effective implementation. This research investigates the functioning, impact, and limitations of legal aid authorities in India, assesses their capacity to realise the goal of “Access to Justice for All,” and suggests reforms to strengthen the legal aid system.

Keywords: Access to Justice, Human Rights, Constitution of India, Legal Services Authorities Act, Lok Adalats, Human Trafficking, Undertrial Prisoners

In a democratic society like India, the right to access justice is fundamental to ensuring that all individuals can seek justice and receive a prompt legal remedy. That’s why, in the Indian legal system, the Legal Services Authorities Act of 1987 was established to provide free legal aid services at various levels across the country, including the national, state, district, and taluka levels. This legislation upholds and promotes the core principle of access to justice, especially by focusing on vulnerable and underprivileged groups.

Access to justice, a fundamental human right, is vital for the proper functioning of a democratic country like India, where individual

equality and the rule of law are emphasised. India's population is approximately 1.21 billion, according to the 2011 Census,²⁶⁴ and the National Judicial Data Grid (NJDG) indicates that around 44.7 million court cases are pending before District and Taluka courts in India.²⁶⁵ Consequently, only 4 per cent of India's total population has access to justice through the District and Taluka-level judiciary at any given time. The majority of the population in India is unfamiliar with the judicial system due to various reasons, including socioeconomic

²⁶⁴ Available at <https://censusindia.gov.in/census.website/data/population-finder> (last visited on November 19, 2025).

²⁶⁵ Available at <https://njdg.ecourts.gov.in/njdgnew/?p=main/index> (last visited on November 19, 2025).

factors, lack of awareness, the high cost of litigation, and the expense of hiring good lawyers.

To address the issue, the Legal Services Authorities Act 1987 was enacted to bridge the gap between the legal system and vulnerable sections of society. This act established a multi-tiered structure of national, state, and district authorities to provide legal aid and services to the needy, who have no other options for justice. Thus, this helps eliminate poverty as a barrier to access to justice by enabling them to meet their litigation expenses. Additionally, the Supreme Court also noted that “access to justice is a facet of rights guaranteed under articles 14 and 21 of the Constitution of India” in its judgment.²⁶⁶

But nowadays, legal services for people with low incomes often mean poor quality legal assistance, which affects the marginalised and underprivileged sections of society. Thus, denying access to justice can create the perception of injustice among low-income individuals. Access to justice is not a new concept in our legal system, but it is an essential part of it, also enshrined in Article 39A.²⁶⁷ It is a fundamental responsibility of the administration to deliver social justice in the true sense, especially to those whose rights have been limited by social and economic factors and by illiteracy.

The eligibility criteria and procedures for obtaining legal aid and services are essential and affect the population. The provision of Lok Adalat in the act benefits the parties, as “no Court fee is required for placing the matter before the Lok Adalat. If the Court fee has already been paid, the amount will be refunded to the litigants if their dispute is settled in Lok Adalat according to the rules.”²⁶⁸

The schemes and regulations established by the National Legal Service Authorities for disaster victims, victims of

human trafficking, acid attack survivors, under-trial prisoners, senior citizens, and female victims of sexual assault have helped these individuals see a ray of hope regarding their cases and aimed to secure timely justice without delay. To ensure access to justice, although the act provides a legal framework, committees are formed to coordinate efforts, and various challenges emerge in the effective implementation of services and schemes under the Legal Services Authorities Act.

Section 12 outlines the eligibility criteria to promote the goal of “Access to Justice for all.”²⁶⁹ Still, many individuals, victims, and underprivileged people struggle to obtain legal assistance due to various surrounding factors such as geographic constraints, socio-economic issues, lack of legal awareness, bureaucratic hurdles, and others. Furthermore, the quality of legal aid and services provided by institutions should be considered, because in some cases, free legal assistance for impoverished people results in poor legal aid, which should not happen. These are the issues the research aims to examine. That’s why the researcher further explored the role and functioning of legal services authorities in India in the context of access to justice, an essential legal challenge that humanity must address.

CONCEPT OF ACCESS TO JUSTICE

An essential function of law is to ensure equality before the law²⁷⁰ and social justice, free of discrimination. These important ideals are also enshrined in the Preamble of the Constitution of India. The State, bound by its obligation to create a welfare state, must enact appropriate laws and policies that ensure that everyone in society has their human rights protected with dignity. This helps to realise familiar people’s full potential. However, it is tough for everyone to access justice for many reasons, such as a lack of awareness, financial constraints, and other factors. If everyone has

²⁶⁶ Anita Kushwaha vs Pushpa Sudan AIR. 2016. SC.

²⁶⁷ The Constitution of India.

²⁶⁸ Available at <https://slsc.gov.in/Lok-adalat> (last visited on November 19, 2025).

²⁶⁹ Legal Services Authorities Act, 1987.

²⁷⁰ Article 14 of The Constitution of India.

the right to access justice, they can obtain quick remedies.²⁷¹

In simple terms, Access means 'to reach', and Justice means 'a legal right'. Thus, "Access to Justice" means 'to reach to your legal right'. It aims to ensure justice for everyone, without discrimination.²⁷²

BACKGROUND OF ACCESS TO JUSTICE

Justice has made its place in the Preamble of the Constitution of India, which helps to establish the rule of equality before the law and equal protection of the law.²⁷³ The right to access Justice is fundamental to achieving equal justice for weaker sections and oppressed classes without discrimination. Article 39A of the Constitution of India obligates the state to provide free legal aid services for everyone. Still, it has a lengthy background to study, which is explained as follows:

From Ancient times in India, the Vedas, Upanishads, Shrutis, and Smriti clearly show the justice delivery system for the people. In the medieval period, the Administration of justice evolved in the King's court, where conciliation was the primary method. Further, in modern times, especially after the Industrial Revolution, the legal development system in India was brought under British rule for the first time. At the end of the Great Revolt of 1857, the British enacted several crucial acts, including the Indian Penal Code of 1860 and the Indian Evidence Act of 1872. Further, in 1925, the Bombay Legal Aid Society started providing free legal aid to people experiencing poverty in Bombay. Finally, in 1945, this society attracted the attention of the British Government in India.

Further, in 1949, Justice P.N. Bhagwati chaired a committee on legal aid and legal advice in the State of Bombay, which studied the significance of legal aid facilities to the backward classes. Similarly, in West Bengal, the committee headed by Mr Arthur Trevor Harris

recommended that people get free legal aid in criminal and civil cases.²⁷⁴ However, a significant development occurred after 1958 when the 14th Law Commission of India submitted its report to the Government of India.

The 14th report of the Law Commission of India 1958¹⁷ included a chapter on legal aid.²⁷⁵ This commission, chaired by Mr M.C. Setalvad, recommended that the state accept its obligation to provide free legal assistance to poor persons and that legal professionals owe a moral and social responsibility to these members of society.

In 1962, the Government of India called a Conference of State Law Ministers to discuss these legal aid issues, but no concrete decisions were made. After this, in 1970, Mr Mudhulimaye, a Member of Parliament, introduced the Free Legal Aid Bill 1970. In the meantime, legal aid committees had already appeared in various states of India, such as Gujarat, Madhya Pradesh, and Tamil Nadu, to implement legal aid programmes. Madhya Pradesh was the first state to pass the Legal Aid and Advice Act 1976.

In 1975, under the Chairmanship of Swaran Singh, the Constitutional Committee was formed and recommended that legal aid be included in the Constitution of India by inserting a new Article 39A into the Directive Principles of State Policy; this was done by the 42nd Constitutional Amendment of 1976.²⁷⁶

After tremendous efforts and recommendations from various committees and commissions, legal aid was constitutionalised and legalised through the Legal Services Authorities Act, 1987.²⁷⁷ Further, this act was amended in 2002 to create a Permanent Lok Adalat to settle disputes related to public utility services.

²⁷¹ <https://egyankosh.ac.in/handle/123456789/52035>.

²⁷² Andrew Higgins, "Legal Aid and Access to Justice in England and India," National Law School of India Review 26, no. 1, 2014, pp.13-30.

²⁷³ Ibid.

²⁷⁴ Recommendations of the Harris Committee, 1949.

²⁷⁵ The Constitution of India.

²⁷⁶ Law Commission of India, "14th Report on Reform Judicial Administration", September 1958.

²⁷⁷ The Legal Services Authorities Act 1987 was passed by parliament on October 11th, 1987, and came into force on November 9th, 1995.

ASPECTS OF ACCESS TO JUSTICE

Legal Aid

In simple terms, legal aid means legal assistance, but in a democratic country like India, legal aid means free legal help available to people who are socially and economically poor. They cannot afford stamp duty, process fees, or hire a lawyer for their litigation. That's why legal aid ensures free assistance with equal justice for the weaker sections of society. The Constitution of India also provides for legal aid for everyone without discrimination.

Legal Services

The definition of legal services is mentioned under Section 2(1)(c) of the LSA Act 1987. It defines "any service rendered in the conduct of any case or other legal proceeding before any Court or other authority or tribunal, as well as the giving of advice on any legal matter."²⁷⁸ It includes legal advice, court representation, drafting legal documents, and other forms of legal assistance. It covers many legal matters, including criminal cases, civil disputes, family matters, etc."²⁷⁹

Legal Awareness

Legal literacy is also critical in people's day-to-day lives. Through legal awareness and its programmes, community engagement is vital so that ordinary people can acquire the requisite knowledge of their legal rights and duties, as well as the existing provisions of law that apply to them. Legal awareness programmes help improve institutions' capacity to provide schemes and programmes for people experiencing poverty and Disadvantaged people.²⁸⁰

Scope of Access to Justice

Access to justice is a comprehensive concept familiar to the world. People have fought for access to justice since ancient times. That's why the idea of the Magna Carta emerged in the United Kingdom,²⁸¹ and why Justice was upheld in India through the Dharma and Nyaya for ordinary people. The traditional view of access to justice has broadened in scope due to the arrival of English law. The modern welfare state focuses on access to justice through the lens of various natural rights, such as human rights and fundamental rights. International organisations like the United Nations also recognise access to justice through various declarations and covenants, such as the International Covenant on Economic, Social and Cultural Rights,²⁸² the International Covenant on the Elimination of All Forms of Racial Discrimination,²⁸³ the International Covenant on Civil and Political Rights,²⁸⁴ and the Universal Declaration of Human Rights.²⁸⁵

Problems of Access to Justice

The reality is far different from what it seems. Many people who seek help have to combat various problems like financial conditions, legal unawareness, geographical location, psychological issues, etc., which prevent them from moving towards justice. Due to their financial condition, they can't afford the litigation costs in court, which prove to be very expensive of hiring a good lawyer and the stamp duty fee. This creates a loss of trust for the people in the judicial system.

People's unwillingness is also a critical barrier to access to justice. The legal structure

²⁷⁸ Section 2(1)(c), Legal Services Authorities Act 1987.

²⁷⁹ <https://articles.manupatra.com/article-details/Legal-Aid-in-India-current-scenario-and-future-challenges> (last visited on November 19, 2025).

²⁸⁰ Biljana Macura, Francisco Zorondo-Rodríguez, Mar Grau-Satorras, Kathryn Demps, Marie Laval, Claude A. Garcia, and Victoria Reyes-García. "Local community attitudes toward forests outside protected areas in India. Impact of legal awareness, trust, and participation." *Ecology and Society* 16, no. 3, 2011.

²⁸¹ James Clarke Holt, George Garnett, and John Hudson, *Magna Carta*, Cambridge University Press, 2015.

²⁸² <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights> (last visited on November 19, 2025).

²⁸³ <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-elimination-all-forms-racial> (last visited on November 19, 2025).

²⁸⁴ <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> (last visited on November 19, 2025).

²⁸⁵ <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (last visited on November 19, 2025).

and institutions at work are insufficient to excite the people, but they also include the feeling that justice should be done for them. The poor need help understanding the legal language of the form, court procedures, judgments, and related documents, which hinders their understanding of the judicial process.

Access to Justice in India

The Preamble of the Constitution of India enshrines the objectives of Justice, Equality, Liberty, and Fraternity for every citizen of India. The Fundamental Rights and Directive Principles of State Policy are mentioned in Parts III and IV of the Constitution of India to secure these objectives.

Constitutional Perspective

After independence, India sought to become a welfare state, and it achieved this through the Constitution of India. The preamble declares India to be a Sovereign, Socialist, Secular, Democratic and Republic, to achieve its objectives of Justice, Liberty, and Equality for all citizens and to promote Fraternity to maintain the Unity and Integrity of the nation.²⁸⁶ These principles are also enshrined in the Fundamental Rights and the Directive Principles of State Policy. Also, the right to access justice for everyone, without discrimination, was enshrined in the Constitution of India.

Part III of the Constitution of India recognises the importance of access to justice and enshrines it in various articles. Article 14 upholds the principle of equality by stating that "the state shall not deny to any person equality before the law and equal protection of the laws within the territory of India". This article ensures that everyone is treated equally without discrimination, a fundamental human right.

Also, Article 21 stated, "No person shall deny right to life and personal liberty except procedure established by law". The procedure mentioned in this article can be curtailed only by the procedure established by law, which is a

just, fair, and reasonable procedure, as held in *Hussainara Khatoon v. State of Bihar*.²⁸⁷ The Supreme Court also declared that a speedy trial is a fundamental Part of fundamental right given in Article 21.²⁸⁸

Article 22 of the Constitution safeguards individuals against arbitrary arrest. The article clearly states that every person arrested must be informed immediately of the reasons for their arrest. Additionally, they are entitled to consult with and be defended by a legal practitioner. It is illegal to deny them this right.²⁸⁹ This shows that Article 22 is one step ahead in protecting a person's rights compared to Article 21. The Supreme Court issued detailed guidelines on arrest and fair proceedings in the case of *D.K. Basu vs the State of Bengal*.²⁹⁰

Drawing on the Irish model, India adopted the Directive Principles of State Policy to achieve a welfare state for the people. Part IV of the Constitution imposes a positive obligation on the Government when making laws. Article 39A was added to the Indian Constitution through the 42nd Constitutional Amendment Act of 1976. The article mandates that the State must guarantee that the legal system operates in a way that promotes justice based on equal opportunity. To achieve this goal, the State must provide free legal aid to all citizens through appropriate legislation or schemes so that everyone has access to justice, regardless of their economic or other disabilities. The primary objective of this article is to eliminate inequalities among citizens and ensure equal justice for all.

Legislative Provisions

Some legislative provisions also provide the right to legal assistance. For example, criminal law aims to protect a person's life and liberty and to ensure they have access to justice. This can be achieved only through the right to assist in the administration of justice.

²⁸⁷ (1980) 1 SCC 98.

²⁸⁸ Ibid.

²⁸⁹ Ibid.

²⁹⁰ AIR 1997SC 610.

²⁸⁶ Ibid.

Section 303 of the Code of Criminal Procedure 1973 stated that “any person accused of an offence before a Criminal Court, or against whom proceedings are instituted under this Code, may be defended by a pleader of his choice”. The Criminal Procedure Code also ensures free legal aid to victims through the victim compensation scheme. In the case of *Sheela Barse v. State of Maharashtra*,²⁹¹ the Supreme Court expressed the right to free legal assistance available to all prisoners, whether it is under trial or convicted persons.

The code of civil procedure also puts down Section 88, Order XXXIII and Order XLIV to ensure access to justice by developing its concept of a needy person.²⁹²

The Advocates Act 1967 also lists the functions prescribed by the Bar Council of India, including providing legal aid to people experiencing poverty. Section 9A of this act also expresses the intention of the constitution of one or more legal aid committees by concerned bar councils for legal aid programs.

Further, the Juvenile Justice (Care and Protection of Children) Act 2015 has some provisions that are directly related to legal aid services, like Section 8 (3)(b), Section 30 (xvii) and Section 53(1) (viii).

- Section 8 (3)(b): “The functions and responsibilities of the Juvenile Justice Board shall include ensuring that the child’s rights are protected throughout the process of apprehending the child, inquiry, aftercare and rehabilitation.”²⁹³
- Section 30 (xvii): “The functions and responsibilities of the Child Welfare Committee shall include accessing appropriate legal services for children.”²⁹⁴
- Section 53(1) (viii): “The services that shall be provided by the institutions registered under this Act in the process

of rehabilitation and reintegration of children shall be in such manner as may be prescribed, which may include legal aid where required.”²⁹⁵

Judicial Development

India is a diverse country. Most citizens don’t know their rights or the procedure for approaching the judiciary. Over time, new concepts such as public interest litigation and judicial activism have emerged to bring justice to the people and the underprivileged.

The Supreme Court and High Courts also have the power to examine the constitutionality of legislation. If an act is found inconsistent with the provisions of the Constitution, the court declares it unconstitutional. Judicial activism plays a vital role in protecting citizens’ rights. PIL is a crucial instrument for social change. Its original purpose is to make justice accessible to all. It can be filled when the public interest is involved. It evolves for the benefit of citizens, ensuring justice never suffers.

FUNCTIONING OF LEGAL SERVICES AUTHORITIES

To help those who cannot afford legal services, many legal systems have implemented the right to free legal aid. In India, this system is based on the Constitution, which ensures that justice is promoted and available to all citizens, regardless of their economic status or disabilities. The Constitution specifically mandates that the state provide free legal aid through legislation, schemes, or other means. This is to guarantee that all citizens have equal opportunities to secure justice.

Background of the Act

The Legal Aid Society was established in Bombay, West Bengal, and Delhi to provide free legal assistance to people experiencing poverty.²⁹⁶ After independence, Kerala was the first state to formulate a comprehensive legal aid policy in 1958. The governments of

²⁹¹ AIR 1983 SC 378.

²⁹² The term indigent was adopted in place of Pauper, The Code of Civil Procedure (Amendment) Act, 1976.

²⁹³ The Juvenile Justice (Care and Protection of Children) Act 2015.

²⁹⁴ Ibid.

²⁹⁵ Ibid.

²⁹⁶ N. R. Madhwa Menon, ‘Legal Aid and Justice for Poor’, in Upendra Baxi (ed.), *Law and Poverty Critical Essay*, Tripathy, 1988.

Maharashtra and Tamil Nadu also framed the same scheme, which provides legal assistance to the backward classes of society.

Further, the government of Bombay constituted the Legal Aid and Advice Committee in 1950 under the chairmanship of Justice P.N. Bhagwati. The committee recommended that legal services be provided in all civil and criminal proceedings.

Later, the 14th report of the Law Commission of India also suggested accepting this committee's report in 1971. Again, the committee was established under the chairmanship of Justice P.N. Bhagwati, who indicated that a constitution be adopted for the three-tier committee at the state, district, and Taluka levels. Another similar committee was established under the chairmanship of Justice V.R. Krishna Iyer in 1973, which suggested providing free legal aid at any cost to vulnerable sections.

Further, in 1977, the committee of two judges, Justice P.N. Bhagwati and Justice V.R. Krishna Iyer, submitted their report titled "National Juridicare: Equal Justice, Social Justice," and, with it, the draft of the National Legal Services Bill, 1977.

In 1980, another committee was constituted to implement legal aid schemes and aid programmes at the national, state, district, and Taluka levels. The Committee was known as the "Committee for Implementing Legal Schemes" (CILAS), which Justice P.N. Bhagwati headed.

Finally, in 1987, the Legal Services Authorities Act 1987 (LSA Act) was passed by the parliament and came into force on November 9, 1995. The act confirmed that the legal services authorities must provide equal free legal services to the weaker sections of society. Also, there is a provision for Lok Adalat, organised under the act to ensure justice for all with equal opportunities.

Salient Feature of the Act

The Legal Services Authorities Act 1987 provides a comprehensive provision for

implementing the right to free legal aid and services through various schemes and programmes.

The silent features of the Act are given as follows:

- This act recognises economic equality among the people and provides a right to free legal aid.
- This act created National, State and District-level authorities to provide free legal aid and services to the unprivileged class.
- This Act also works on the decentralisation model, creating Legal Services Authorities at all levels, including National, State, District, and Taluka.
- This act aims to provide free legal aid and services without any discrimination among the people of society.

Criteria for Providing Legal Aid

Sections 12 and 13 of Chapter 4 of the LSA Act list the criteria for providing free legal aid. Section 12 of this Act mentions the persons benefiting from free legal assistance.

The list of persons is given as follows:

- a. A member of a Scheduled Caste or Scheduled Tribe;
- b. A victim of trafficking in human beings or beggars as referred to in Article 23 of the Constitution;
- c. A woman or a child;
- d. A person with a disability as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;
- e. A person under circumstances of undeserved wants such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- f. an industrial workman; or
- g. In custody, including custody in a protective home within the meaning of

clause (g) of section of the Immoral Traffic (Prevention) Act, 1956 (104 of 1956), or in a juvenile home within the meaning of clause (j) of Section 2 of the Juvenile Justice Act, 1986 (53 of 1986), or a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987 (14 of 1987); or

- h. In receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.²⁹⁷

Procedure for Seeking Legal Aid

A person seeking free legal aid and services can approach the nearest District Legal Services Authority (DLSA) or the Taluka Legal Services Committee (TLSC) on the premises of the District Court or the court in that Taluka, respectively. Further, the cases relating to the State Legal Services Committee are on the premises of the High Court and the Supreme Court Legal Services Committee.

A needy person can also seek help from a Para Legal Volunteer (PLV) or apply through the National Legal Solutions Authority (NALSA) website with the requisite documents. Also, there is no fee for filing applications for free legal aid from the lower court to the Supreme Court.

CONSTITUTION OF LEGAL SERVICES AUTHORITIES

The LSA Act aims to provide free legal aid and services without discrimination among people. To achieve the objectives mentioned under the act and to promote justice with equality. This Act established the authorities at three levels, national, state, and district, to effectively implement legal aid programmes.

1. National Legal Services Authority

Section 3 of the LSA Act, 1987, created the National Legal Services Authority (NALSA) with the tagline 'Access to Justice for All'. It is the apex body, based in New Delhi. The first chairman of the NALSA was Hon'ble Dr Justice A.S. Anand, and currently, the serving executive chairman is Hon'ble Justice Sanjeev Khanna.

A. Composition of NALSA

The Central authority shall consist of;

- a) The chief justice of India, who shall be Patron-in-Chief;
- b) A serving or retired Judge of the Supreme Court to be nominated by the President, in consultation with the Chief Justice of India, who shall be the Executive Chairman; and
- c) Several other members possessing such experience and qualifications as may be prescribed by the Central Government are to be nominated by that Government in consultation with the Chief Justice of India.

The Central Government, in consultation with the Chief Justice of India, will appoint a qualified individual to serve as the Member-Secretary of the Central Authority. This person will possess the necessary experience and qualifications as prescribed by the government and will work under the Executive Chairman of the Central Authority. The Member-Secretary will perform duties as assigned by the Executive Chairman or as specified by the government. The Central Government, in consultation with the Chief Justice of India, will determine the terms of office and other conditions for both members and the Member-Secretary of the Central Authority.

The Central Authority may hire officers and other employees as needed to carry out its responsibilities under this Act. The Central Government, in consultation with the Chief Justice of India, will determine their number, salaries, allowances and other service conditions. All expenses, including salaries, allowances, and pensions payable to the

²⁹⁷ The Income Ceiling Limit prescribed u/S 12(h) of the Act for availing free legal services for the State of Maharashtra is Rs.3,00,000.

Member-Secretary, officers and other employees of the Central Authority, will be paid from the Consolidated Fund of India. The Member Secretary or any other officer authorised by the Executive Chairman of the Central Authority will confirm all orders and decisions made by the Central Authority. Any act or decision made by the Central Authority will not be invalid simply because of a vacancy or defect in its constitution.²⁹⁸

B. Functions of Central Authority

Sections 4 and 5 of the LSA Act 1987 lay down the functions of the apex body, NALSA. The Central Authority shall perform all or any of the following functions, namely:

- a) lay down policies and principles for making legal services available under the provisions of the Act;
- b) frame the most effective and economical schemes to make legal services available under the provisions of this Act;
- c) utilise the funds at its disposal and make appropriate allocations of funds to the State Authorities and District Authorities;
- d) take necessary steps by way of social justice litigation concerning consumer protection, environmental protection or any other matter of particular concern to the weaker sections of society and, for this purpose, give training to social workers in legal skills;
- e) organise legal aid camps, especially in rural areas, slums or labour colonies, with the dual purpose of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through Lok Adalats;
- f) encourage the settlement of disputes by way of negotiations, arbitration and conciliation;
- g) undertake and promote research in the field of legal services with particular reference to the need for such services among people with low incomes;
- h) to do all things necessary for ensuring commitment to the fundamental duties of citizens under Part IVA of the Constitution;
- i) monitor and evaluate the implementation of the legal aid programs at periodic intervals and provide for independent evaluation of programmes and schemes implemented in whole or in part by funds provided under this Act;
- j) provide grants-in-aid for specific schemes to various voluntary social service institutions and the State and District Authorities from out of the amounts placed at its disposal for the implementation of legal services schemes under the provisions of this Act;
- k) develop, in consultation with the Bar Council of India, programmes for clinical legal education and promote guidance and supervise the establishment and working of legal services clinics in universities, law colleges and other institutions;
- l) take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate weaker sections of the society about the rights, benefits and privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures;

²⁹⁸ Section 3, The Legal Services Authority Act, 1987.

- m) make special efforts to enlist the support of voluntary social welfare institutions working at the grass-root level, particularly among the Scheduled Castes and the Scheduled Tribes, women and rural and urban labour; and
- n) coordinate and monitor the functioning of State Authorities, District Authorities, Supreme Court Legal Services Committee, High Court Legal Services Committees, Taluk Legal Services Committees, voluntary social services institutions and other legal services organisations and give general directions for the proper implementation of the legal services programmes.²⁹⁹

In discharging its functions under this Act, the Central Authority shall, wherever appropriate, act in coordination with other governmental and non-governmental agencies, universities, and other entities engaged in promoting legal services for people with low incomes.³⁰⁰

2. State Legal Services Authorities

Section 6 of the LSA Act, 1987 created the State Legal Services Authority (SLSA) apex body for each State to exercise the powers and perform the functions mentioned under the Act.

A. Composition of SLSA

The State authority shall consist of:

- a) the Chief Justice of the High Court, who shall be the Patron-in-Chief;
- b) a serving or retired Judge of the High Court to be nominated by the Governor, in consultation with the Chief Justice of the High Court, who shall be the Executive Chairman; and
- c) Several other members possessing such experience and qualifications as may be prescribed by the State Government are to be nominated by

that Government in consultation with the Chief Justice of the High Court.

The State Government, in consultation with the Chief Justice of the High Court, will appoint a person belonging to the State's Higher Judicial Service who is not ranked lower than a District Judge as the Member Secretary of the State Authority. This person will exercise the powers and perform the duties under the Executive Chairman of the State Authority, as prescribed by the government or assigned by the Executive Chairman. The State Government will set the terms and conditions of the members of the State Authority in consultation with the Chief Justice of the relevant High Court.³⁰¹

B. Functions of State Authority

It shall be the duty of the State Authority to give to effect to the policy and directions of the Central Authority. This State Authority performs all the functions as follows:

- a) give legal service to persons who satisfy the criteria laid down under this Act;
- b) conduct Lok Adalats, including Lok Adalats for High Court cases;
- c) undertake preventive and strategic legal aid programmes; and
- d) perform other functions that the State Authority may fix by regulations in consultation with the Central Authority.

In discharging its functions, the State Authority shall appropriately coordinate with other governmental agencies, non-governmental voluntary social service institutions, universities and other bodies engaged in promoting the cause of legal services to people with low incomes. Directions shall also guide it as the Central Authority may give it in writing.³⁰²

3. District Legal Services Authorities

²⁹⁹ Section 4, The Legal Services Authority Act, 1987.

³⁰⁰ Section 5, The Legal Services Authority Act, 1987.

³⁰¹ Section 6, The Legal Services Authority Act, 1987.

³⁰² Section 7, The Legal Services Authority Act, 1987.

The State Government shall, in consultation with the Chief Justice of the High Court, constitute a body to be called the District Legal Services Authority (DLSA). Under Section 9 of the LSA Act 1987, each district is required to exercise the powers and perform the functions mentioned under the Act.

A. Composition of DLSA

A District Authority shall consist of the District Judge, who shall be its Chairman, and several other members possessing the experience and qualifications as may be prescribed by the State Government, to be nominated by that Government in consultation with the Chief Justice of the High Court.³⁰³

B. Functions of District Authority

It shall be the duty of every District Authority to perform such functions of the State Authority in the District as may be delegated to it from time to time by the State Authority. The District Authority performs all the tasks as follows:

- a) coordinate the activities of the Taluk Legal Services Committee and other legal services in the district;
- b) organise Lok Adalats within the District and
- c) perform other functions that the State Authority may fix by regulations.³⁰⁴

While performing its duties under this Act, the District Authority must coordinate with other governmental and non-governmental institutions, universities, and other organisations dedicated to providing legal services to low-income people. Furthermore, the District Authority must follow any written directions by the Central Authority or the State Authority.³⁰⁵

COMMITTEES APPOINTED UNDER THE ACT

Legal Services Committees are formed at all levels to properly implement the Act. The

committees created under the Act are as follows:

1. Supreme Court Legal Services Committee

Section 3A of the LSA Act, 1987 authorises the Central Authority to establish a Supreme Court Legal Services Committee to exercise such powers and functions mentioned under the Act.³⁰⁶ The Supreme Court Legal Services Committee consist of:

- a) A sitting Judge of the Supreme Court who shall be the Chairman; and
- b) such a number of other members possessing such experience and qualifications as may be prescribed by the Central Government to be nominated by the Chief Justice of India.³⁰⁷

Rule 3 of the Supreme Court Legal Services Committee, 2000, directs the Number, Experience and Qualifications of Members of the Supreme Court Legal Services Committee. The Supreme Court Legal Services Committee shall consist of at most nine Members. The following shall be the ex officio Members of the Committee:

- i. Attorney General of India,
- ii. Additional Secretary in the Department of Legal Affairs, Ministry of Law, Justice and Company Affairs, Government of India or his nominee.
- iii. Additional Secretary in the Department of Expenditure of the Ministry of Finance, Government of India or his nominee; and
- iv. Registrar General of the Supreme Court of India.

The Chief Justice of India has the authority to appoint additional members who meet the qualifications and experience outlined in sub-rule (4) of the rules. As per Rule 4, a person can only be nominated as a member if they are an eminent person in the field of law, a person of repute with a keen interest in the implementation of Legal Services Schemes, or a distinguished social worker who is actively

³⁰³ Section 9, The Legal Services Authority Act, 1987.

³⁰⁴ Section 10, The Legal Services Authority Act, 1987.

³⁰⁵ Section 11, The Legal Services Authority Act, 1987.

³⁰⁶ Section 27(a), The Legal Services Authority Act, 1987.

³⁰⁷ Section 3A (2), The Legal Services Authority Act, 1987.

involved in uplifting the weaker sections of society, including Scheduled Castes, Scheduled Tribes, women, children, rural and urban labour.

2. High Court Legal Services Committee

Section 8A of the LSA Act, 1987, allows the establishment of a Legal Services Committee for each High Court. This committee is authorised to carry out the powers and functions specified in the Act. The committee will be chaired by a sitting Judge of the High Court and include other members with the necessary qualifications and experience as may be determined by regulations made by the State Authority, to be nominated by the Chief Justice of the High Court.

3. District/Taluka Legal Services Committee

Sections 11A and 11B of the LSA Act, 1987 authorise forming a Taluka Legal Services Committee for each taluk or mandal or a group of taluks or mandals to exercise such powers and functions mentioned under the Act.

The Committee shall consist of:

- a) The “senior-most judicial officer” operating within the jurisdiction of the Committee, who shall be the ex officio Chairman and
- b) Several other members possessing such experience and qualifications as may be prescribed by the State Government are to be nominated by that Government in consultation with the Chief Justice of the High Court.

The Committee can appoint officers and employees to carry out its functions efficiently. The State Government will make these appointments in consultation with the Chief Justice of the High Court. The officers and employees will receive a salary and allowances and be subject to other conditions of service as prescribed by the State Government in consultation with the Chief Justice of the High Court. The District Authority will pay the Committee's expenses from the District Legal

Aid Fund. The Taluk Legal Services Committee is responsible for coordinating legal services activities in the Taluk, organising Lok Adalats within the Taluk, and performing other functions as assigned by the District Authority.

LOK ADALAT

Lok Adalat means a Lok Adalat organised under Chapter VI of the LSA Act.³⁰⁸ “Lok Adalat ” is an alternative dispute redressal mechanism. It is a forum where disputes/cases pending in court or at the pre-litigation stage are settled/ compromised amicably.

Lok Adalats have been granted legal status under the Legal Services Authorities Act 1987.³⁰⁹ National-level Lok Adalats are regularly organised, and daily Lok Adalats are held.

Since February 2015, National Lok Adalats have been held on a specific subject matter every month nationwide. Mobile Lok Adalats are also organised in various parts of the country, travelling from one location to another to resolve disputes and facilitate their resolution through this mechanism.”

Benefits of Lok Adalat

- i. No Court Fee: No court fee is required to place the matter before the Lok Adalat. Although the court fee has already been paid, it will be refunded to the litigants if their dispute is settled in the Lok Adalat in accordance with the rules.
- i. Procedural Flexibility and Speedy Trial: Lok Adalat's essential features are procedural flexibility and speedy trial of disputes. While the Lok Adalat assesses the claim, procedural laws such as the Civil Procedure Code and the Evidence Act are not strictly applied.
- ii. Award of Lok Adalat: The award by the Lok Adalat is binding on the parties, it has the status of a decree of a Civil Court, and it is non-appealable (except in certain situations), which prevents

³⁰⁸ Section 2(d) The Legal Services Authority Act, 1987.

³⁰⁹ <https://nalsa.gov.in/lok-adalat> (last visited on November 19, 2025).

delay in the final settlement of disputes.³¹⁰

Lok Adalats are held regularly across the country. Since February 2015, National Lok Adalats have been held once a month, focusing on a specific subject. Another type of Lok Adalat is the Permanent Lok Adalat, established under Section 22-B of the Legal Services Authorities Act, 1987. Permanent Lok Adalats consist of a chairperson and two members and serve as permanent bodies. They offer a pre-litigation mechanism for conciliation and settlement of Public Utility Services such as transport, postal, and telegraph disputes.³¹¹

“Mobile Lok Adalats are also organised in various parts of the country and travel from one location to another to resolve disputes to facilitate the resolution of disputes through this mechanism³¹²

SCHEMES FRAMED BY NALSA

The LSA Act 1987 was established to provide free legal aid and services to the unprivileged class. So that justice is not denied to them due to their financial circumstances. To promote its objectives, NALSA also adopted schemes, which are as follows:

- i. NALSA (Legal Services to Disaster Victims Through Legal Services Authorities) Scheme, 2015: Disaster victims are entitled to free legal services under Section 12(e) of the Legal Services Authorities Act. The main objective of the Scheme is to coordinate with the Government and other non-governmental agencies to provide development measures to reduce the duration of crises, support early recovery and development, and offer free legal aid and assistance to them in availing the benefits of legal provisions and schemes announced by the Government.³¹³

- ii. NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015: Most of the time, innocent women and children, as young as nine years old, are pushed into this trade by people known to them, including their own families. Once in the trade, the victim has no escape route and has to languish in an environment of violence, abuse and exploitation. The primary objective of the Scheme is to provide legal assistance against trafficking and sexual exploitation. Within its wide ambit, the Scheme covers children, adolescent girls and women of all ages. The Scheme seeks to provide an action plan to prevent the sexual exploitation of these individuals while ensuring the rescue and rehabilitation of the victims of trafficking and voluntary sex workers.³¹⁴

- iii. NALSA (Legal Services to the Workers in the Unorganised Sector) Scheme, 2015: The unorganised sector contributes to more than 50% of India's GDP and employs almost 95% of India's workforce, according to the Economic Survey of India (2007-2008) and the National Sample Survey (2009-2010). The scheme's main objective is to enable workers in the unorganised sector to avail themselves of their entitlements under Legislation, and schemes are framed for their benefit. To further this aim, the Scheme provides for the institutionalisation of essential legal services for workers in the unorganised sector through the establishment of a Special Cell. The Special Cell would disseminate information among workers in the unorganised sector regarding their entitlements under existing legislations and schemes, provide assistance for registration under welfare legislations, and enable them to avail of the benefits of schemes framed for their benefit. This Scheme would improve access to justice

³¹⁰ <https://sclsc.gov.in/Lok-adalat> (last visited on November 19, 2025).

³¹¹ Ibid.

³¹² Ibid.

³¹³ <https://sclsc.gov.in/Schemes> (last visited on 1st May 2024).

³¹⁴ Ibid

for the marginalised and vulnerable workers employed in the unorganised sector.³¹⁵

- iv. NALSA (Child-Friendly Legal Services to Children and their Protection) Scheme, 2015: Children constitute about 46 per cent of the population of India. As persons, they are the most vulnerable group of people, tender in age and inexperienced in the vicissitudes of life. Social evils like child marriage, child labour and other atrocities against them are pretty prevalent. Unless the justice providers reach out to the children, the justice requirements of children will go unnoticed and unredressed. Through the Child-Friendly Services to Children and Their Protection Scheme, 2015, the National Legal Services Authority aims to improve access to justice for children. The primary purpose of the Scheme is to facilitate the proper implementation of existing legislation and policies in favour of children and to ensure practical legal assistance to children who come into conflict with the law or require care and protection.³¹⁶
- v. NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015: The objective of the Scheme is to ensure that the mentally ill or mentally disabled are not stigmatised and they can enforce all rights they are entitled to and as assured to them by law. As regards mentally disabled persons, they are to be treated as persons with disabilities under Section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PWD Act). Under the Scheme, the Legal Services Authorities are expected to ensure that the mentally disabled persons access the benefits under this Act and to take any remedial action as required.³¹⁷

- vi. NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015: Poverty is a multi-dimensional experience that includes health, housing, nutrition, employment, maternal care, child mortality, access to water, schooling, sanitation and basic facilities. There are also issues of social exclusion and discrimination. Income in terms of money is not the only factor responsible for this. Various vulnerable and marginalised sections experience poverty in myriad and unique ways. The main objective of the Scheme is to ensure access to fundamental rights and benefits under the Government's Poverty Alleviation Scheme and Programmes for economically and socially backward sections of society by strengthening legal aid and support at all levels.³¹⁸
- vii. NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015: Scheduled Tribes constitute 8.2 per cent of the population in India as per the 2011 census. Their traditional customs and practices govern the tribal population in India. They are highly vulnerable as they have not yet been assimilated into the mainstream culture. At the same time, their habitats have vanished, and the needs and pressure of development have circumscribed their rights. They must be relocated whenever a forest is cleared for development, but adapting to other cultural environments is extremely difficult. There is also a vast chasm between the various government schemes designed for tribals and the ones that are not reaching them. Tribals often have a brush with the law and suffer greatly because neither the formal justice system understands them, nor do they comprehend the judicial system. The Scheme aims to ensure Access to Justice for the Tribal population in India,

³¹⁵ Ibid.

³¹⁶ Ibid.

³¹⁷ Ibid.

³¹⁸ Ibid.

including rights, benefits, legal aid, and other legal services, so that they meaningfully experience the assurance of the Constitution of justice, social, economic, and political.³¹⁹

- viii. NALSA (Legal Services to the Victims of Drug Abuse and the Eradication of the Drug Menace) Scheme, 2015: Drug trafficking is one of the most dreadful organised crimes in the world today. Because of its location between the Golden Crescent and the Golden Triangle, India is highly vulnerable to drug trafficking. The effects are appalling. About seven crore people are said to be involved in drugs and substance abuse. 17% of them are said to be addicts. The threshold age for children to try drugs has come down to 9 years. This results in severe effects on the health and mental well-being of individuals, as well as on the robustness of society and the country's economy. The main objectives of the Scheme are to spread awareness amongst all stakeholders of the effects of drug abuse and the legislative provisions, government schemes, policies, etc., available for the victims, to work with Government/Non-Government agencies to prevent trafficking and to put in place effective de-addiction and rehabilitative facilities.³²⁰
- ix. NALSA (Legal Services to Senior Citizens) Scheme, 2016: As per the National Policy for Senior Citizens, 2011, nearly 8 per cent of India's population, which in numbers is about 104 million, are above the age of 60. This is also 1/8th of the world's total population of senior citizens. They face myriad challenges - social, physical, mental and economic. The breakup of the joint family system further exacerbates the problem. With productive family members migrating,

older people are left to fend for themselves. The main objective is to strengthen legal aid, advice, and counselling to senior citizens at the National, State, District and Taluka levels, to enable them to avail benefits of various legal provisions, to ensure access to governmental schemes and programmes for them and to devise ways to extend prompt health care facilities and physical and social security measures in coordination with police, health care authorities and district administration etc.³²¹

- x. NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016: Acid attacks are one of the most vicious forms of violence, and they are usually directed towards women. These attacks are often the result of rejection of marriage proposals or sexual advances, and they can also occur during dowry, property, land, and inheritance disputes. The purpose of the Scheme is to create awareness about the rights of acid attack victims and to provide them with access to medical facilities, rehabilitation services, adequate compensation, and other benefits available under various legal provisions and government programs.³²²

CONCLUSION

The right to access justice is the most basic human right, available to all without discrimination. It takes a long legal aid movement to ensure this right is available to all, especially to the underprivileged class seeking justice from the judicial system. Thus, by overcoming all the odds, the concept of access to justice travels through the various developmental phases to knock on the door of needy people. Various legal aid schemes, programmes, and services are available across PAN India for ordinary people to address justice issues in their lives and increase their

³¹⁹ Ibid.

³²⁰ Ibid.

³²¹ Ibid.

³²² Ibid.

participation in the formulation and implementation of schemes and programmes. As a result, the legal services authorities and committees across various Ministries and departments, including the esteemed audience, strive to ensure access to justice for all.

RECOMMENDATIONS

The researcher wants to recommend the following points:

- i. The permanent judicial member should be appointed as a chairperson and secretary to the various legal service authorities to effectively implement the schemes and policies, which can give positive long-term results.
- ii. Also, the financial resources allotted by the Government should be increased to the appropriate level so that the various authorities and committees perform their functions well in implementing the legal aid programmes. Your support in advocating for this increase is crucial.
- iii. To increase legal awareness, there should be awareness programmes on a regular frequency arranged for ordinary people in society, which also helps to increase legal literacy among people
- iv. To effectively implement the schemes framed by the legal services authorities, there should be well-trained paralegal staff and para-legal volunteers who assist them in implementing and promoting these schemes on the grassroots levels.
- v. To access justice for ordinary people, a more effective legal clinic should be established in various institutions, government offices, and public places to provide schemes and know information.