

A SOCIO-LEGAL STUDY OF FREE LEGAL AID AND ACCESS TO JUSTICE FROM THE PERSPECTIVE OF LAW, RELIGION AND SOCIETY**Ramphal Singh,****Research Scholar (Ph.D)**

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ABSTRACT

In the present era, legal awareness is essential for every individual. It is not merely a welfare measure but also a necessity for establishing a just and equitable society. This article examines the role of legal aid in ensuring access to justice from a socio-legal perspective. It analyses the constitutional mandates, statutory framework, and social realities that affect the delivery of legal aid, with particular reference to India.

The article adopts a socio-legal perspective to examine the role of free legal aid in promoting equitable access to justice, particularly in the context of religious ethics. It explores how religious traditions and ethical principles, such as compassion, charity, fairness, and social responsibility, support and reinforce the moral foundations of legal aid systems. The article also discusses the development of legal aid under common law, the recommendations of the Law Commission regarding free legal aid, and the constitutional guarantees provided under Articles 21 and 39-A of the Constitution of India.

Free legal aid has contributed significantly to increasing legal awareness, empowering vulnerable communities, and enhancing citizens' participation in the justice delivery system in India. From an international perspective, legal aid has also strengthened the rule of law and promoted global recognition of access to justice as an essential component of human rights.

KEYWORDS: Legal Aid, Equal Justice, freedom of religion or belief, Access to Justice, Law Commission, Public Interest Litigation (PIL), Mutual Legal Assistance Treaties (MLATs).

1. INTRODUCTION

Access to justice is not merely the existence of courts and laws; it is the real and practical ability of individuals to seek and obtain remedies through formal and informal justice mechanisms. Access to justice in today's fast-growing concept and practice signifies the rule of law, administrative justice, and good government. The term "access to justice" refers to a broad range of issues, including ease of access to the courts, sufficient legal representation, the availability of legal aid programs, legal education, and legal counsel. To ensure that everyone, regardless of social or economic standing, has access to the legal system and receives just and fair treatment, access to justice involves democratizing the judicial system. Access to justice is a universal concept and practice in the modern world. From a socio-legal perspective, legal aid must be understood not only as a legal entitlement but also as a social institution influenced by power relations, economics structures and cultural norms.

Access to justice through legal aid services is very important in present society. It is a constitutional and legal obligation to provide access to justice through legal aid services that promote and protect citizens' rights. The state shall not deny access to justice due to inequalities and disadvantages. Legal aid services are a part of access to justice to facilitate services to needy people. It plays a very significant role from global to local. Fairness is inherent, conjuring up ideas of the Rule of Law. Fairness, which recognizes the equality principle implicitly, is a prerequisite for justice. The definition of access to justice is the ability to seek and obtain a legal remedy through formal and informal institutions of justice, which implicitly offer access to remedy. It includes various services like legal awareness, protection, legal aid, adjudication, and enforcement.

Legal aid services provide access to justice and facilitate legal aid services to needy people. The term "legal aid" refers to free legal counsel, support, and representation for those who have been detained, arrested, or imprisoned, suspected of committing a crime, or charged with it, as well as for witnesses, victims, and other parties involved in the criminal justice system. Legal aid also refers to access to legal information, legal education, and other services offered to individuals through restorative justice and other alternative dispute-resolution approaches. The Constitution of India guarantees the right to freedom of religion not only to individuals but also religious groups in India. This is enshrined in Articles 25 to 28 of the constitution. From an international perspective, the Magna Carta was first recognized as "access to justice as a human right". The statute of Henry VII marked the first highlight of *forma pauperies* procedures in England.

The poor man was allowed to seek justice without paying anything simultaneously, the provision for assigning counsel for people experiencing poverty. "The Justice shall assign to the same poor person or persons counsel by their discretions, which shall give their counsels, nothing taking for the same and likewise all justices shall appoint attorney and attorney for the same poor person or persons". Access to justice has a dynamic from Magna Carta to today's modern world. International conventions,

Covenants, State legislations, Statutes, A key factor in emphasizing citizens' rights and liberties was the Magna Carta (1215), The Petition of Rights (1628), The English Bill of Rights (1689), and The American Bill of Rights (1789). Similarly, England Revolution (1688), the American Declaration of Independence (1776), French Declaration of Man (1789) all these instruments emphasized life, liberty and equality.

These historical instruments have given universal importance to the rights of citizens worldwide. The Liberal thinkers in 18th & 19th centuries debated and discovered universal valid theories on Rights, the Law of Nature, Human Reason and Natural Justice. These important factors play a significant role in life, liberty and equality. In the 20th and 21st centuries, the Social thinker discovered new theories on a broader approach to Human justice, Access to justice and Social justice internationally.

1.1 Objectives of the study

1. To examine the concept and significance of free legal aid in ensuring equal access to justice for all sections of society.
2. To study the relationship between religion, society, and legal aid in shaping awareness, equality, and social justice.
3. **Promoting Social Equity** analyzing how laws affect local communities, including access to resources, and promoting public participation in social decision-making.
4. To study whether legal aid services are effectively reaching the intended beneficiaries and to identify obstacles to gaining more further knowledge about legal aid services through socio-legal study.

2. Historical Background of Legal Aid

Tracing back to ancient Indian society, the philosophy of legal aid began during the Vedic Age in ancient Indian society. For Indians, Vedas are the ultimate source of all knowledge. The origin of the concept of legal aid can be traced to the historic Magna Carta of 1215. The 40th paragraph of the Magna Carta provides, "To no one will we sell, to no one will we deny or delay right or justice". The international concern for human rights found expression, after First World War in Covenant of the League of Nations and further in the Universal Declaration of Human Rights (UDHR). The Conventions which followed specifically incorporated the concept of legal aid. Article 8 of the Universal Declaration of Human Rights 1948 provides that, "everyone has the right or an effective remedy by the competent national tribunals for acts violating the fundamental rights granted by the Constitution or by law." Article 14(3) of the International Covenant on Civil and Political Rights 1966, guarantees to everyone, "the right to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing, to be informed, if he does not have legal assistance, of his right; and to have legal assistance assigned to him in any case where the interests of justice shall require, and without payment by him in any such case if he does not have sufficient means to pay for it." The Resolution was passed by the Human Rights Conference held in Tehran in 1968 under the auspices of the United Nations which emphasised the need for free legal aid to poor and indigent for protection of their human rights and safeguarding their fundamental freedoms. The need for accessible justice for all citizens has been recognized since the early days, leading to the gradual shaping of legal aid provisions. One of the earliest steps in this direction was the Legal Aid Committee Report of 1951, which laid the foundation for future developments.

International Treaties

The evolution of legal aid services has been impacted by India's adherence to international human rights treaties, such as the Universal Declaration of Human Rights. The focus on ensuring justice for all is consistent with universal values. A global consensus on the essential significance of guaranteeing access to justice for all people, regardless of their socioeconomic condition, is reflected in international commitments pertaining to legal assistance, which are firmly rooted in numerous human rights treaties.

The Universal Declaration of Human Rights (UDHR), adopted in 1948, underscores the right to a fair and public hearing, implying the necessity of access to legal representation, including legal aid, to guarantee a fair trial (Article 10). The International Covenant on Civil and Political Rights (ICCPR), 1966 a key international treaty, adopted by the United Nations General Assembly designed to protect fundamental civil and political rights, such as the rights to life, freedom of speech, religion, and fair trials. Article 14 of ICCPR, reinforces the right to legal assistance for everyone in criminal & civil court.

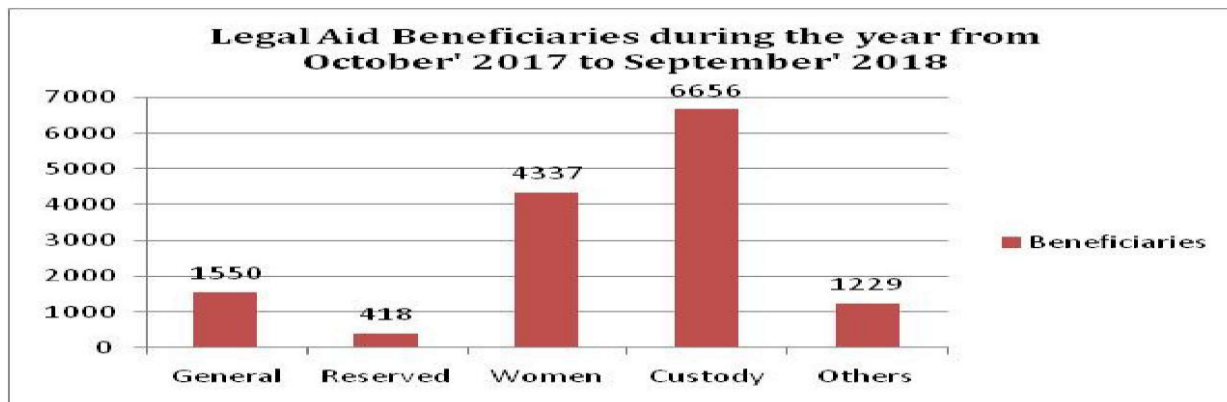
It is a cornerstone of international human rights law, establishing that all persons are equal before the law. It emphasizes the provision of legal aid for those who cannot afford it, emphasizing the principle that access to justice is a fundamental right that should not be contingent on financial means. The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, adopted in 2013, further delineate the importance of legal aid. These principles and guidelines stress the need for states to establish effective legal aid systems, ensuring that legal assistance is available at all stages of criminal proceedings. The focus is on providing access to justice, particularly for vulnerable and marginalized populations. International instruments such as the United Nations Convention against Corruption (UNCAC) also emphasize legal assistance, particularly for victims and witnesses of corruption offenses. Article 68 of UNCAC underscores the obligation of states to ensure legal aid is available in appropriate cases, contributing to the broader fight against corruption. In essence, these international commitments collectively advocate for the establishment and maintenance of robust legal aid systems to uphold the principles of justice, fairness, and human rights globally.

2.1 Concept of Free Legal Aid & Access to Justice in India

The preamble of the Indian Constitution emphasises securing justice for the people of India, both in socio-economic and political aspects. Justice P.N. Bhagwati has aptly described legal aid as a system that ensures easy access to the administration of justice for those who need it to enforce. Paranjape N.V., *“Directive Principles under the Indian Constitution”* The legal concepts and procedural elements pertaining to Free Legal Aid in India are thoroughly covered, this book has explained the state powers regarding providing legal aid services to the people experiencing poverty; the author used this concept to write about how adjudication and self-government will provide adequate training programs and other activities regarding to provide free legal aid. Right to an adequate means of livelihood to all the citizens their legal rights. The Indian Constitution’s commitment to justice is evident in several ways, including:

- Preamble- The Preamble’s opening lines states that one of the Constitution’s most important purposes is to secure justice for all citizens, including social, economic, and political justice.
- Articles 14, 15, 16, 17 & 39A - these Articles include provisions for equal justice and free legal aid. It also states that the legal system should promote justice based on equal opportunity.
- Articles 38 and 39 emphasize the concept of distributive justice, which is the fair distribution of resources and opportunities to reduce inequalities in society.
- Article 142 (I) of the Indian Constitution empowers the Supreme Court to pass any decree or order necessary for doing "complete justice" in any pending cause or matter. These orders are enforceable throughout India and allow the court to ensure justice.

The right to Free Legal Aid refers to the entitlement of individuals who cannot afford legal services to receive legal assistance and representation at no cost. It is a fundamental right aimed at ensuring equal access to justice for all, regardless of economic or social disparities. The right to free legal aid is recognised and protected by various legal frameworks and constitutional provisions in many countries. The essence of the free legal aid lies in the principle that justice should not be restricted to those who can afford legal representation. It acknowledges that individuals facing legal proceedings, particularly those from marginalized and disadvantaged backgrounds, may be unable to navigate the legal system effectively without professional assistance. Individuals are provided with legal services, including advice, consultation and representation, either fully funded by the government or through legal aid organisations. These services extend to various stages of legal proceedings, such as criminal trials, civil disputes and administrative hearings.



The adversarial system of law is generally followed in common law countries, and is characterized by the state's neutrality and in which the parties are responsible for initiating and conducting litigation except in criminal matters wherein the state initiates the proceedings. This mode of access to justice was also implemented by the British government in Indian masses. When India got independence the Constitution of India came into existence the approach towards access to justice was redesigned and modified, and an attempt was made to bring parity of power in modes of dispute resolution. The preamble of the Indian Constitution resolves to secure for all its citizens justice, social, economic and political. Further, Article 14 of the Indian Constitution reads as follows: "Equality before Law- the State shall not deny to any person equality before the law and the equal protection of the laws within the territory of India." This means no one is above the law and everyone, including citizens and non-citizens, is treated equally in the eyes of the law.

3. Research Methodology

The methodology adopted for this study is a mixed-method approach that integrates both qualitative and quantitative research

techniques to provide a comprehensive understanding of the free legal aid within the framework of Indian laws. Doctrinal and Non-Doctrinal research methodologies have been applied to conduct this research. To gather the data, Primary and Secondary sources have been relied upon. The analysis was made through a convenient sampling, where the survey was taken from general public, professionals, etc. Interviews with legal aid lawyers, panel advocates, para-legal volunteers (PLVs), judicial officers and officials from HSLSA.

This study is also includes analysis of various National and International statutes in the form of Acts, Bills, Treatise and Conventions and also the commentaries available. The internet was also used to shape to an idea of this research. Judicial precedents and judicial activism in the form of judgments related to the broad theme of this study have framed significantly. The research is based on the case laws, legislative provisions, commission reports, precedents, numerous other committee reports and various legal documents. The researcher after compiling all the facts and identifying legal problems by going through the articles, books, Journals, magazine etc. reached the conclusion and solution of the problem.

3.1 Role of Legal Services Authorities Act, 1987

Enacted by the Central Government of India under Article 39-A of the Constitution, the Legal Services Authorities Act of 1987 forms the foundation of India's system of free legal aid. It gives practical shape to Article 39A of the constitution. This legislation established legal services authorities at the national, state and district levels. The National Legal Services Authority (NALSA) at the apex level oversees and coordinates the legal aid programs in India. At the national level, NALSA works in collaboration with State Legal Services Authorities (SLSAs) and District Legal Services Authorities (DLSAs) to ensure the effective implementation of legal aid programs. These authorities facilitate legal aid through panel lawyers, legal aid clinics, Lok Adalats and other mechanisms. Legal aid services encompass a wide range of activities, including legal representation in courts, advice, drafting of legal documents, and organizing Lok Adalats.

Lok Adalats are people's courts that aim to provide speedy and affordable justice by encouraging compromise and settlement outside the formal court system. The Legal Services Authorities Act, 1987, extends beyond the scope of ordinary welfare legislation and serves as a vital constitutional mechanism for achieving social justice. By providing free legal aid, promoting alternative dispute resolution and spreading legal awareness, the Act plays a crucial role in ensuring that justice is not only privilege of the rich but also a right of common man.

National Legal Services Authority v. Union of India (2014) is a landmark judgement of the Supreme Court of India that recognized transgender persons as the "third gender," affirmed that the fundamental rights guaranteed under the constitution of India apply equally to them, and upheld their right to self-identify their gender as male, female or third gender. This judgment is regarded as a significant step toward achieving gender equality in India. The National Legal Services Authority (NALSA) was the principal petitioner in this case.

Current Scenario and Challenges of Access to Justice in India

"There can be no equal justice where the kind of trial a man gets depends on the amount of money he has."

- Justice Hugo Black

India still faces challenges in ensuring effective access to justice, such as a shortage of legal professionals, a slow legal process leading to case backlog, and a lack of legal awareness among certain communities. These challenges contribute to disparities in accessing the legal system, particularly for those who are socio-economically disadvantaged.

Use of Technology in the Delivery of Free Legal Aid Services

In the current era of rapid digital innovation, technology has influenced nearly every aspect of life. In India, the Department of Justice, (Ministry of Law and Justice), through the Nyaya Bandhu (Pro Bono Legal Services) programme, seeks to foster a culture of pro bono legal assistance and establish a robust framework for the effective delivery of such services. The Nyaya Bandhu programme was launched in April 2017 by the Hon'ble Minister for Law & Justice to establish a framework for the dispensation of pro bono legal services across the country. The Department's Nyaya Bandhu programme connects practicing advocates interested in pro bono work with eligible marginalized and vulnerable beneficiaries through an Android mobile application, after due scrutiny. To create an ecosystem for pro bono legal services, the Department of Justice has underlined the following four strategies:

- i) **Leveraging Technology:** Mobile Application in Android, iOS version has been developed and has been integrated with UMANG platform of MieTY. Virtual training was provided on the use of Nyaya Bandhu App. 100 Pro Bono Advocates participated in June 2021.
- ii) **Pro Bono Panels in High Courts** have been created with support from Registrar Generals of High Courts to provide state specific decentralized pool of Pro Bono Advocates. 14 High Courts created Pro Bono panels at High Courts & 463 advocates enrolled through these panels.

- iii) Pro Bono Club Scheme has been rolled out to in still in the young minds an understanding and philosophy on Pro bono and to assist the registered Pro Bono advocates in researching and legal drafting. A number of 29 Law Schools have agreed to be the part of the scheme.
- iv) In association with Pro Bono India, an NGO to provide an integrated platform for legal aid and awareness initiatives, the Department of Justice undertook Students Volunteer Engagement Programme. Forty-three law students from different law colleges and universities, designated as Pro Bono Associates, , assisted in research in research and compilation of Central and State schemes; different amendments / orders/ judgments on welfare laws since 2016 onwards; and updated directory of important helplines, as well as details of District and State Legal Services Authorities and vetted the Department of Justice’s IEC developed for legal literacy & awareness programmes.

3.2 Access to Justice within the Framework of the Rule of Law

It has rightly been stated by Gary Gaugen that “justice is doing for others what we would have done for ourselves.” Magna Carta was signed on 15 June 1215 by King Henry II and the Nobles. It was an outcome of revolt by the Nobles against the King, feeling suffocated under the feudal set up of the society and demand of unwarranted taxes from the period of King John. It was a greater charter of liberties. It developed a concept that the King is not above the law and thus evolved the theory of Rule of Law, i.e., law is supreme.

The concept of “access to justice” and “rule of law” was formulated in twelfth century, when King Henry II of England consented for formulating a system of Writs for every litigant from all classes of the society. Even the Roman concept “the access to justice” as the doctrine of “ubi jus ibi remedium” evolved, which means that if there is a right, there is a remedy. The term ‘justice’ is difficult to define, but it is visualised as the right to get one’s due. Articles 32 and 226 of the Constitution of India, read with the Directive Principles of State Policy recognise the concept of access to justice.

Article 21 of the Constitution includes the right of access to courts. The constitutional courts have repeatedly held that power of judicial review is a part of the basic structure of the Constitution and that this power, being permanent in nature, cannot be taken away by constitutional amendments. (Vide: **Re: Keshav Singh, AIR 1965 SC 745; Kesavananda Bharti v. State of Kerala, AIR 1973 SC 1461; and L Chandra Kumar v. Union of India, (1997) 3 SCC 261.**)

Protection of Human Rights

The first important provision of *free legal services in civil and criminal matters* for economically weaker section of the society and it protects fundamental human rights, ensures equality before the law, and enables individuals to hold decision-makers accountable by providing, affordable, and timely, legal remedies.

It preserves human dignity and safeguards against discrimination, arbitrary state action, and the violation of legal rights, safeguards basic rights, including those related to safety, family, and shelter with equality & non-discrimination ensures fair treatment for all, particularly for vulnerable groups, regardless of background or financial status. The Rule of law upholds the integrity of the legal system, ensuring accountability and preventing the abuse of power. Due Process protects rights through fair, transparent, and impartial adjudicatory mechanisms.

Protection of society

Another provision of the free legal aid is the protection of society, protecting society through legal aid involves establishing, strengthening and implementing accessible, high-quality legal assistance to vulnerable and marginalized populations, as detailed in various UNODC, UNDP, and international law studies.

Everyone has the right to freedom of thought, conscience and religion. This right includes the freedom to change one's religion or belief, as well as the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in worship, teaching, practice, and observance.

Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Legal aid is considered a fundamental human right, not a charity. It ensures equal access to justice, promotes the rule of law, and protects citizens from exploitation. Independent legal aid involves the establishment of autonomous bodies to manage, fund, and regulate legal aid schemes, ensuring that they are free from political influence, as highlighted in the Open Government Partnership report. Key models of legal aid delivery include:

- ❖ **Public Defender Offices:** Dedicated, state-funded lawyers who represent criminal defendants.
- ❖ **Community Legal Centres/Clinics:** Local centres that provide accessible, and often free, legal advice and assistance.
- ❖ **Pro Bono Services:** Programmes that encourage private lawyers to provide free legal services, particularly in rural or underserved areas.

Paralegals: Utilizing trained, non-lawyer personnel to provide basic legal advice and assistance, a key recommendation in the *UN Principles and Guidelines on Access to Legal Aid*.

Protection of public Rights

In England, the law protects religion primarily through the Human Rights Act 1998 (incorporating Article 9 of the ECHR), guaranteeing freedom of belief, and the **Equality Act 2010**, which prohibits discrimination on grounds of religion or belief. Free legal aid in India protects public rights by ensuring that economic or social disabilities do not prevent access to justice, as mandated by Article 39A of the Constitution of India. The Legal Services Authorities Act, 1987, implemented by NALSA, provides free legal services, including counsel representation, legal advice, and Lok Adalats to marginalized, women, children and victims of injustice. Constitutional Mandate: Article 39A directs the state to provide free legal aid to ensure justice for all. Legal Services Authorities Act, 1987, the legislation provides the framework for NALSA (National), SLSAs (State), and DLSAs (District) to offer free legal services, which include hiring lawyers, drafting documents, and covering court fees. Section 12 of Services Authorities Act, 1987 defines the criteria for eligibility to receive free legal aid includes persons in custody, women, children, Scheduled Castes/Tribes, victims of trafficking, and people with low income (as defined by state rules) in India. In the case of *Hussainara Khatoon v. State of Bihar*, it was established that if an accused person cannot afford legal services, they have the right to free legal aid provided by the state. This ensures that everyone can access legal representation regardless of their financial situation. Under section 304, of Code of Criminal Procedure, which is now referred to as section 341 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), if an accused person does not have sufficient means to hire a lawyer, the court must appoint one for their defense at the expense of the state. It was held that the state is constitutionally bound to provide such aid not only at the stage of trial but also when they are first produced before the magistrate or remanded from time to time.

It is pertinent to mention here that if the applicant is not covered under the categories mentioned in section 12, the Legal Service Authority must advise him/her to seek assistance from any other body or person rendering free legal services either voluntarily or under any other scheme.

4. A Closer Look at Lok Adalats

Lok Adalats, or "People's Courts," are an integral part of the Legal Aid system in India. It is an alternative dispute resolution (ADR) system in India with the objective of providing speedy, cost-effective, and voluntary settlement of disputes without going to courts. In a Lok Adalat, the parties to the dispute sit across the table and resolve their disputes through conciliation in presence of the Lok Adalat judges, who guide them on technical legal aspects of the conflict. The National Legal Services Authority, along with other legal services institutions, conducts Lok Adalats. It is a forum where pending or unresolved cases and disputes are settled amicably. Generally, legal aid refers to free or low-cost legal advice, assistance, or representation provided to individuals who, because of their financial condition, would otherwise be unable to obtain legal services.

All authorities and committees constituted under the provisions of the Legal Service Authorities Act, 1987 are mandated to organize Lok Adalats in order to provide a forum the litigating people to settle their disputes amicably. Even those disputes that are yet to be instituted in any court can be settled in a Lok adalat. A case may be referred to a Lok Adalat when both parties mutually agree to settle their dispute through this mechanism. Additionally, a dispute may be referred to a Lok Adalat if one of the parties submits an application to the court requesting such a referral and the court deems it appropriate. A Lok Adalat generally consists of a chairperson and other members, including legal professionals and social workers. The chairperson is typically a serving or retired judicial officer, while the other members are usually advocates and individuals engaged in social service.

4.1 The National Legal Services Authority and the Achievement of SDG 16

The Sustainable Development Goals: - it is also known as the global Goals. India is critical in determining the success of SDGs, globally. The UN Sustainable Development summit in 2015, India contributes to achieving these objectives. It is therefore, this study is very important as it pertains to one specific goal (No. 16) "**Peace, Justice, and Strong Institutions**" among the 17 Goals, with the aim of achieving these targets by the year 2030.

The promotion of peace, justice, and strong institutions is fundamental to achieving sustainable development and ensuring equal access to rights and opportunities for all citizens. In India, the National Legal Services Authority (NALSA) has played a significant role in advancing Sustainable Development Goal 16 by strengthening access to justice, particularly for marginalized and vulnerable populations. Since its establishment, NALSA has expanded legal awareness initiatives, provided free legal aid, and facilitated the resolution of disputes through Lok Adalats, thereby reducing barriers to justice and enhancing institutional effectiveness.

As of 2026, the National Legal Services Authority (NALSA) has completed 30 years of providing free legal services to marginalized communities in India. During this period, it has reached over 11.6 crore individuals through legal awareness programs and facilitated the resolution of more than 1 crore cases annually through Lok Adalats. The introduction of digital innovations such as e-Lok Adalats and the establishment of legal aid clinics in prisons have

further improved the accessibility, transparency, and efficiency of justice delivery. These initiatives contribute to building inclusive institutions, promoting the rule of law, and ensuring that justice is accessible to all.

International Commitments and Human Rights in India

India's commitment to international conventions and treaties, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, underscores its dedication to ensuring access to justice for all. These commitments contribute to the overall framework guiding legal aid and access to justice in the country. Non-governmental organizations (NGOs) and civil society actively contribute to legal aid initiatives. They collaborate with legal authorities, provide grassroots support, and act as intermediaries to bridge gaps between the legal system and marginalized communities.

Reforms and Continuous Improvement

The legal system in India is undergoing continuous reforms to address existing challenges. These reforms include measures to reduce case backlog, improve infrastructure, and enhance the effectiveness of legal aid programs, ensuring that they reach the most vulnerable sections of society. In conclusion, legal aid and access to justice in India are deeply rooted in the constitutional framework, legislation, and a multi-tiered organizational structure. The focus extends beyond litigation to legal awareness, technology integration, and collaboration with NGOs, reflecting a comprehensive approach to addressing the diverse challenges in ensuring justice for all. Continuous reforms and adaptation to changing needs remain crucial for an effective and inclusive legal aid system in India.

4.2 Measures of various governments at international level for implementing pro bono as a part of their legal system

Various governments and international legal bodies have implemented measures to formalize, encourage, and integrate *pro bono* (public good) legal services into their justice systems, aiming to bridge the gap in access to justice for marginalized populations. These measures range from mandatory hour requirements and tax incentives to the creation of digital platforms and, in some cases, linking *pro bono* participation to professional recognition, approaches by Different Governments:

- United States (Requirement/Target): the American Bar Association recommends that lawyers provide at least **50 hours** of *pro bono* service per year.
- South Korea (Mandatory Requirement): Lawyers are required to provide a minimum of **30 hours** of *pro bono* work annually.
- India (Institutionalization & Technology):

Nyaya Bandhu App: The Department of Justice launched an Android-based application to connect eligible marginalized citizens with registered *pro bono* lawyers.

- **Panel Integration:** High Courts are encouraged to set up dedicated panels of *pro bono* lawyers, maintained by the respective High Courts, to provide legal representation.
- **Recognition as Senior Advocate:** The Supreme Court of India now recognizes *pro bono* work as a qualifying parameter for designation as a Senior Advocate.
- **The Tele-Law Scheme:** means the use of communications and information technology for the delivery of legal information and advice. This e-interaction between lawyers and people would be through the video-conferencing infrastructure available at the CSCs. The concept of Tele-Law is to facilitate delivery of legal advice through a panel of lawyers of Legal Services Authorities and CSC. Tele-Law service is to be covered by 2,50,000 CSCs across 28 states and 8 UTs of India, through video conferencing and telephone services.
- **Philippines (Tax Incentives):** The Free Legal Assistance Act (RA 9999) allows lawyers to deduct the amount of their free legal services from their gross income, up to 10% of their gross income derived from the profession.
- **United Kingdom (Pro Bono Costs Orders):** The Legal Services Act 2007 allows courts to make "pro bono costs orders," requiring losing parties to pay costs to the Access to Justice Foundation (rather than the winning party), which funds further free legal help.
- **Singapore (Structured Services):** The Law Society of Singapore operates specialized schemes, including a Criminal Legal Aid Scheme (CLAS) and a Community Organization Clinic, matching in-house corporate counsel and law firms with those in need.

International and Collaborative Measures United Nations: The UN promotes the development of national legal aid systems, recommending that States enhance their legal aid services to meet one specific goal (No. 16) "**Peace, Justice, and Strong Institutions**" among the 17 Goals, with the aim of achieving these targets by the year 2030. (Access to Justice for All).

Recommendations from other international instruments of legal aid in India and UK

It is interesting that most international instruments, primarily guided by UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, recommend that both India and the UK ensure legal aid is accessible, effective, and free for the poor, recommendations include strengthening early access to counsel, expanding ADR, covering civil and criminal matters, and fostering international cooperation to combat transnational crimes.

As Fundamental Right: Legal aid is recognized as an essential, non-negotiable component of a fair, humane, and efficient criminal justice system, integral to the rule of law.

- **Early Access & Coverage:** Immediate, free legal aid should be available from the first point of contact with law enforcement, particularly for vulnerable groups.
- **Holistic Approach:** Legal services should not be limited to courtroom representation but include pre-litigation counseling, legal awareness programs, and legal aid clinics.
- **International Cooperation:** Strengthening Mutual Legal Assistance Treaties (MLATs) to handle cross-border financial crimes and ensuring legal aid for international.

5. Findings of the Study

The study highlights that free legal aid plays a vital role in promoting access to justice, especially for economically disadvantaged individuals, marginalized communities, women, children, prisoners, and other vulnerable groups. The findings indicate that legal aid initiatives have contributed to increased legal awareness and the resolution of disputes through alternative mechanisms such as Lok Adalats, reducing both litigation costs and judicial delays. The establishment of legal aid clinics, legal literacy campaigns, and digital platforms such as e-Lok Adalats has further enhanced the accessibility and efficiency of justice delivery.

From a religious perspective, the study finds that major religious traditions emphasize principles of compassion, fairness, charity, and the protection of the disadvantaged. These values support the concept of free legal aid by encouraging assistance to those who lack the resources to protect their rights and interests.

From a societal perspective, legal aid promotes social inclusion, empowers disadvantaged groups, and strengthens public confidence in the justice system. However, the study also identifies persistent challenges, including inadequate public awareness, limited financial and human resources, uneven quality of legal representation, and socio-cultural barriers that discourage vulnerable individuals from seeking legal assistance.

6. Conclusion

This paper examined the right to legal aid and the role of free legal aid to provide justice systems in India and also explained about at international level. Access to Justice and Legal Aid in India: A Socio-Legal Study identified the need to study whether India as a country is fulfilling its basic mandate to make sure that justice is not only the reserve of the privileged but also the right of even the poorest citizen. In essence, free legal aid and access to justice in India are grounded in the humanitarian and constitutional commitment to uphold the principle of equality before the law. These provisions ensure that every individual regardless of economic or social status can seek legal redress without facing procedural or financial barriers.

Legal aid serves not only as a statutory right but also as a moral and democratic imperative essential to maintaining the integrity of the justice system. Over the time, legal aid in India has undergone significant evolution, particularly through progressive judicial pronouncements and the increasing use of Public Interest Litigations (PILs), which have widened the scope of justice for marginalized and vulnerable communities, while several implementation challenges such as lack of awareness, limited resources, and administrative inefficiencies continue to affect the system, its impact on promoting social justice remains substantial.

This paper by analyzing statutory provisions, judicial interpretations, and community-based legal assistance initiatives, the study highlights the intersection between law, society, and religion in advancing justice for vulnerable groups. The research further evaluates the effectiveness of legal aid institutions in addressing structural inequalities and considers how faith-based values can strengthen legal empowerment efforts. The paper argues that integrating socio-legal analysis with religious ethical principles provides a deeper understanding of access to justice as not merely a legal entitlement, but a moral and social obligation. Ultimately, the study underscores the need for collaborative frameworks that bridge legal institutions and ethical traditions to enhance inclusive and sustainable justice delivery systems. Overall, concludes that free legal aid is an indispensable instrument for achieving substantive justice and social equity.

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