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THE ROLE OF LEGAL AID CLINICS IN INDIA

- Swain Alekh Ranjan

This raises the question of whether the poor in the country should be left without justice, and the answer is no, because our constitution and the laws of the country talk about equality before the law.

Historical Evolution of Free Legal Aid

For the very first time, the jurist C. Setalvad recommended in the 14th report that the State should provide free legal aid services to poor people. The provision of free legal assistance is the responsibility of the state, as indicated in section 304 of the CrPC 1973.

Challenges in Accessing Legal Support

Addressing the root cause is essential to resolving any issue. Presently, the lack of free legal aid stands as a significant challenge in the legal sector, potentially denying underprivileged individuals access to legal support. Considering the contemporary developments from foreign corporatization to local money-making, the effects can also be seen in the legal field. Where advocates charge high fees to compete for justice, the high fee criteria is considered the best solution to access justice. However, if a financially backward individual is to receive the appropriate rights in the justice system, impartial and free legal aid must be made accessible to every poor person.

The Constitutional Mandate for Legal Equality

In the Indian constitution, in Article 39A, it is mandated that the state shall ensure the enhancement of our justice system and justice through suitable legislation, provide free legal aid through schemes, and ensure that no citizen is deprived of justice due to financial constraints.

Legal Framework and Eligibility Criteria

In order to lead forward with legal aid work, the Legal Services Authorities Act 1987 was enacted in 1987. In essence, the eligibility of the applicant is checked according to the law, and if there is a prima facie case in their favour, the state provides a lawyer at the state's expense in legal matters involving the poor who do not have a court. and bear all related expenses.

The criteria for who is eligible to provide free legal aid to people are given in section 12 of the Legal Services Authorities Act 1987. Section 12 states that a person is entitled to legal aid services when they file a case, or defend a case, and they are part of a scheduled caste or tribe, a victim of human trafficking, a beggar, a woman or child economically or mentally disabled, a victim of a natural disaster or communal violence, a worker. in a protective home under the Immoral Traffic Prevention Act 1956 or in a juvenile home under the Juvenile Justice Act 1986, or in a mental asylum or nursing home under the Mental Health Act 1987.

Application Process and Provision of Legal Aid

The ways to obtain this aid are that there is a legal cell established in every court whose work is to provide legal assistance to those in need. In any court where there is work, and there is a need for this assistance, the request must go to their legal cell and the form must be filled out in the name of their secretary and deposited after filling out the form. After submitting the form, legal assistance will be provided to the right candidate by a lawyer who will complete the legal aid process, help the needy in court, and represent their case in court.

Sometimes a complainant appears in court without a lawyer, then the judge may direct the provision of a lawyer from the legal cell himself.

Constitutional Safeguards for Justice

Article 14 and 22A of the Indian Constitution ensure equality before the law, and ensure that our justice system enhances justice on the basis of equal opportunities for everyone. Our preamble also aims to provide social, economic, and political justice to the citizens of India. Article 38(1) pledges to ensure social orders for the states and protect them and promote the welfare of the people and Article 21 clearly states that every individual has the right to life and liberty. Understand that receiving justice is your right and you will only receive it when you are aware of it.

The state's biggest responsibility is to ensure justice so that rights are protected, allowing for a valid defence even for the poor through the provision of an advocate by the state.

Government Initiatives for Legal Aid

For those deprived individuals who do not have the means to hire a lawyer to safeguard their rights and interests, this Legal Aid Cell provides assistance.

Through the online web-based platform doj.gov.in, every poor person will receive pro bono services from an advocate.

Another important initiative partnered by the Department of Justice and NALSA with CSC Governance Service Limited is aimed at providing free legal aid to marginalized communities and sections. In this initiative, paralegal volunteers will also operate, with around 1000 female paralegal volunteers enrolled to provide services to the poor.

Role of Legal Aid Cells in Society

Legal aid service is very essential in our society to ensure that underprivileged groups can receive justice properly. In India, legal aid cells have been working well from the state to the district level, fulfilling their responsibility. Many times, free legal aid empowers women through women's organizations and NGOs, spreading legal awareness from districts to villages. Law colleges have also made a significant contribution, making it an important subject for every law student. Many advocates provide free services to the poor in collaboration with organizations, obtaining favourable outcomes, also maintaining trust in the law system.

Challenges and Improvements in Legal Aid Services

However, it has also been observed that at times the legal aid cell appears weaker due to incorrect information, infrastructure, cash pendency, non-appearance of clients, and new cases involving the poor. Sometimes, due to non-responsiveness and lack of accountability, the services appear slightly weak, but improvements are being made day by day to control these issues, resulting in a well-performing legal aid system today. By addressing these issues effectively, it will be most beneficial for the poor and strengthen our democracy.