Free Legal Aid in India

Why in News?

Recently, Department of Justice has announced the nomination of Supreme Court judge Justice BR Gavai as the Chairman of the Supreme Court Legal Services Committee (SCLSC).

What is the need for legal services?

- Indian Constitution has provisions that specifies the need for providing legal services.
- **Article 39A** – The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity and shall provide free legal aid by suitable legislation or schemes, ***to ensure that opportunities for securing justice are not denied*** to any citizen by reason of economic or other disabilities.
- **Article 14** – It entails right to equality and make it obligatory for the state ***to ensure equality before law***.
- **Article 22(1)** – It entails the rights to be informed of grounds for arrest which make it obligatory for the State ***to ensure a legal system that promotes justice*** based on equal opportunity.
- **Committee for implementing legal aid schemes** – It was constituted in 1980, at the national level under the chairmanship of then SC judge PN Bhagwati to monitor legal aid activities throughout India.

What is Legal Services Authorities Act?

- **Constituted in** – 1987
- **Objectives** – To give a statutory base to legal aid programmes and to provide free and competent legal services to eligible groups.
- It envisages a nationwide network for providing legal aid and assistance
    - **At National level** – NALSA
    - **At State level** – SLSA
    - **At District level** – DLSA
    - **At Taluk level** – TLSA
    - **At Supreme Court level** – SCLSC
    - **At High Court level** – HCLSC
- **NALSA** – National Legal Services Authority was constituted in 1995 to monitor and evaluate the implementation of legal aid programmes and to lay down policies for making them available.
- It also disburses funds and grants to SLSA and NGOs for implementing legal aid schemes and programmes.
- **SLSA** – State Legal Services Authorities were established to implement NALSA's policies and directions, give free legal services to people and conduct Lok Adalats.
- It is headed by the ***Chief Justice of the respective High Court*** and includes the

senior HC judge as its Executive Chairman.

While the HC Chief Justice is the patron-in-chief of the SLSA, the CJI is the patron-in-chief of NALSA.

- **DLSA** – District Legal Services Authorities are chaired by the ***district judge*** of the respective district.
- **Taluk (Sub-Divisional) Legal Services Committees** – They were established in most taluks and are headed by a ***senior civil judge.***
- **Collective function** – To provide free and competent legal services to the eligible persons
- To organize Lok Adalats for amicable settlement of disputes
- To organize legal awareness camps in the rural areas
- To supply and obtain certified order copies and other legal documents, among other functions

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• **Free Legal Services** - Payment of court fee, process fees and other charges incurred in connection with any legal proceedings. - Providing service of lawyers in legal proceedings. - Obtaining and supply of certified copies of orders and other documents in legal proceedings. - Preparation of appeal, paper book including printing and translation of documents in legal proceedings. • **Eligibility for getting free legal services** - Women and children - Members of SC/ST - Industrial workmen - Victims of mass disaster, violence, flood, drought, earthquake, industrial disaster. - Disabled persons - Persons in custody - Persons whose *annual income does not exceed Rs. 1 lakh* (in the SCSCL, the limit is Rs. 5, 00,000/-). - Victims of Trafficking in Human beings or beggar

What is the Supreme Court Legal Services Committee (SCSLC)?

- **Constitution** – Under *section 3A of the 1987 Act* which states that the Central Authority (NALSA) shall constitute the committee.
- **Objective** – To provide free and competent legal services to the weaker sections of society, in cases falling under the top court's jurisdiction.
- **Composition** – It consists of a ***sitting SC judge***, who is the chairman, along with other members possessing the experience and qualifications prescribed by the Centre.
- As of date, it consists of ***chairperson and 9 members***.
- **Selection criteria** – Under 1987 Act, the Centre is empowered to make rules in consultation with the CJI, by notification.
- Rule 10 of the NALSA Rules, 1995, entails the numbers, experience, and qualifications

of the SCLSC members.

- **Appointment** – ***CJI nominates*** both the chairman and other members of SCLSC and appoints the Secretary to the Committee.
- The Committee can appoint officers and other employees as prescribed by the Centre, in consultation with the CJI.

Other Initiatives for Free Legal Aid in India
• **Nyaya Bandhu** (*Pro Bono Legal Service*) – An initiative of the Department of Justice, launched in 2017 to enhance access to justice for marginalised sections of the society. • **Tele-Law Services** – It is to facilitate *delivery of legal advice* through a panel of lawyers stationed at the front office of Legal Services Authorities and CSC. • **Tele-Law 2.0** – It entails the *fusion of Tele-Law Services with Nyaya Bandhu* pro bono legal services, a merger to further enhance citizen accessibility to legal aid.

References

1. The Indian Express| SC Legal Services Committee
2. Department of Justice| NALSA

