JOURNAL OF THE INDIAN LAW INSTITUTE

VOLUME 67 JULY-SEPTEMBER 2025 NUMBER 3

LEGAL AID AND ACCESS TO JUSTICE: COMPARATIVE AND INDIAN PERSPECTIVE

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Abstract

Access to legal aid is a cornerstone of justice delivery and a vital component of the rule of law. This paper traces the doctrinal and historical evolution of the right to legal aid in India, beginning with its roots in the Directive Principles of State Policy and its eventual transformation into a fundamental right under the Indian Constitution. It further examines the interplay between the right to legal aid and the right to a speedy trial, highlighting the legislative milestones such as the Legal Services Authorities Act, 1987. The paper situates India's approach within the broader international framework by analyzing early recognitions through UN Principles (2012), Sustainable Development Goals and regional Human Rights instruments. A comparative constitutional analysis explores diverse global models of legal aid delivery, funding mechanisms, and statutory protections across jurisdictions. The paper aims also aims to evaluate India's policy framework under NALSA, its institutional architecture, targeted initiatives, funding patterns, and empowerment strategies. The discussion underscores how proactive measures, including helpline services and outreach programs, have strengthened access to justice for marginalized communities. The paper concludes by reflecting on the persisting challenges and the need for sustained innovation in ensuring equitable legal aid delivery.

I Introduction

ACCESS TO justice is the very soul of constitutional democracy. It transforms the abstract ideals of liberty, equality, and fraternity into lived realities for ordinary citizens. In any legal system, particularly one that is adversarial, the promise of justice cannot be fulfilled unless parties can present their case effectively. Legal aid is the practical mechanism that bridges the gap between formal legal guarantees and substantive justice for marginalized communities. Without it, the principles of fair trial and opportunity of hearing remain lofty promises rather than enforceable rights.

The rationale for legal aid stems from two interconnected realities. First, the law is inherently complex. Legal processes involve specialized knowledge of statutes,

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precedents, evidentiary rules, and procedural norms. To expect an ordinary citizen—particularly one who is indigent, illiterate, or socially marginalized—to navigate these processes unaided is to set them up for failure. Second, access to justice is expensive. Litigation involves not only the cost of hiring legal counsel but also expenses related to court fees, documentation, travel, and lost wages during proceedings. For the poor, these barriers are insurmountable, leading to exclusion from the justice system. Legal aid addresses both these structural impediments by ensuring that the lack of resources does not translate into denial of justice.

Legal aid acts as a tool to ensure "equal justice" into a lived reality and ensures that equal opportunity of hearing is not a privilege of the few. It must be the entitlement of all. This paper will examine the Indian trajectories, tracing its evolution into a constitutionally recognized and state-funded right. It explores comparative innovations across several jurisdictions to highlight diverse models of ensuring access to justice. The aim is to situate legal aid not merely as charity but as a tool to enforce the constitutional tenets.

The pervading socio-economic reality shows that around 15.5 %[1] of the Indian population lives below the poverty line. World population review places this figure at 21%. This is indicative of the fact that this significant portion of the population has no means to afford the cost of private legal representation. A former Chief Justice of India highlighted this issue, noting that in a country where 70% of the population is marginalized, a mere 10-12% of criminal cases are handled by the National Legal Services Authority (NALSA). He further observed that the remaining marginalized population, desperate for legal representation, would resort to mortgaging properties or selling personal assets like jewellery, leading to profound financial hardship, which perpetuates a cycle of poverty and injustice. Against this backdrop, the Indian approach to legal aid is remarkable. Despite being a developing country with resource constraints, India constitutionally entrenched free legal aid as a Directive Principle of State Policy in 1976 and, through judicial interpretation, elevated it to a fundamental right under Article 21. The journey of legal aid in India, therefore, provides a valuable case study in how constitutional guarantees, judicial activism, and legislative frameworks interact to realize access to justice.

This paper will examine the concept of legal aid in its international and comparative dimensions before turning to its developments in India. It will analyze the UN framework, survey the position in other jurisdictions and discuss the Indian legal framework briefly established by the Legal Services Authorities Act, 1987, and subsequent regulations, and offer suggestions in concluding remarks.

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1 World Bank 2022-23.

II Historical evolution

When one party is unrepresented while the other enjoys the privilege of a trained prosecutor or someone having professional expertise, it renders the constitutional right to be heard to be a mere theoretical security. Legal aid addresses this disparity of opportunity by providing legal representation, thereby ensuring a level playing field. The significance of this concept was demonstrated by the opportunity granted to the prime accused Ajmal Kasab in the 26/11 terrorist attack in Mumbai, who was assigned legal aid counsel to ensure fair trial, upholding the non-negotiable component of a robust legal system, which is not conditional upon the alleged crime committed. Thus, legal aid is not a social service, rather a structural necessity for the fair functioning of justice.

Directive Principle of State Policy

This structural recognition came with the incorporation of Article 39A into the Constitution of India in 1976 through the 42nd Amendment Act. As a Directive Principle of State Policy, Article 39A mandated. The state to secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.[2]

Transition into a Fundamental Right

While the aforesaid amendment laid a foundation, it was the Supreme Court that elevated the provision of legal aid to the status of a fundamental right and interpreted it to include within the scope of Article 21, the Right to Life and Personal Liberty.

The seminal ruling in *M.H. Hoskot* v. *State of Maharashtra*,[3] brought the right to legal aid within the ambit of Article 21, with the court famously remarking that it is the "State's duty, and not Government's charity." This declaration transformed legal aid from a mere policy directive into a legally enforceable constitutional obligation.

In *Sunil Batra v. Delhi Administration*[4], the apex court expanded the scope of legal aid beyond trial and appellate stages to include prison administration. Sunil Batra, a death-row convict, wrote a letter to a Supreme Court judge complaining of torture and inhuman treatment in Tihar Jail. The letter was treated as a writ petition under Article

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2 S. 39A. Equal Justice and free legal aid: The state shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

3 (1978) 3 SCC 544; 1978 INSC 137.

4 AIR 1978 SC 1675; 1979 INSC 271

32, and the Ccourt examined whether prisoners were entitled to legal aid in administrative as well as judicial proceedings

> "197B(10) Legal aid shall be given to prisoners to seek justice from prison authorities, and, if need be, to challenge the decision in court — in cases where they are too poor to secure on their own. If lawyer's services are not given, the decisional process becomes unfair and unreasonable, especially because the Rule of law perishes for a disabled prisoner if counsel is unapproachable and beyond purchase. By and large, prisoners are poor, lacking legal literacy, under the trembling control of the jailor, at his mercy as it were, and unable to meet relations or friends to take legal action. Where a remedy is all but dead the right lives only in print. Article 39-A is relevant in the context. Article 19 will be violated in such a case as the process will be unreasonable. Article 21 will be infringed since the procedure is unfair and is arbitrary..."

This case broadened the ambit of legal aid jurisprudence, making it clear that access to justice is not confined to courtrooms.

Right to speedy trial

The doctrinal expansion continued with *Hussainara Khatoon* v. *State of Bihar*,[5] where the right to a speedy trial was also integrated into Article 21, and the court strongly recommended a comprehensive legal service program based on the mandates of Articles 14, 21, and 39A. Some extracts are below:

> 9. ...We would strongly recommend to the Government of India and the State Governments that it is high time that a comprehensive legal service programme is introduced in the country. That is not only a mandate of equal justice implicit in Article 14 and right to life and liberty conferred by Article 21, but also the compulsion of the constitutional directive embodied in Article 39-A.
>
> 10. ...Speedy trial… is an essential ingredient of "reasonable, fair and just" procedure guaranteed by Article 21 and it is the constitutional obligation of the State to device such a procedure as would ensure speedy trial to the accused...The State is under a constitutional mandate to ensure speedy trial and whatever is necessary for this purpose has to be done by the State..."

Taking further the view taken in *Sunil Batra,* the most expansive interpretation came in *Khatri* v. *State of Bihar*,[6] where the court extended the state's constitutional obligation

5 (1980) 1 SCC 98; 1979 INSC 88.

6 1981 SCR (2) 408; 1981 SCR (2) 408.

to provide free legal services at all stages of the legal process, not just at the trial stage, and held that a failure to do so would "vitiate the trial itself." This judicial activism created a legally binding and robust framework for legal aid that preceded formal legislation.

The Legal Services Authorities Act, 1987

This judicially-mandated right was subsequently operationalized with the enactment of the Legal Services Authorities Act,1987.[7] The Act provided a formal, standardized structure for legal help schemes for economically weaker sections, establishing a legislative backbone for the rights already recognized by the judiciary.

Section 12 of the 1987 Act, enumerates those who can avail free legal aid. They include members of the Scheduled Caste or the Scheduled Tribe; trafficking victims; women; children; persons in custody; persons with disabilities; victims of mass disasters, ethnic violence or atrocity; industrial workers and those whose annual income is less than 9,000 or such other higher amount as may be prescribed by the State government. With changing times and economic conditions of the country, there has been a state-wise distinction in the income bracket of persons who wish to avail benefits of legal aid. To name a few, in Dadar and Nagar Haveli and Mizoram, it is 15,000/- and 25,000/- respectively, while in other bigger states it varies between 1 Lakh to 3 Lakh.

The evolution of legal aid in India is fundamentally distinct from a purely legislative or constitutional trajectory. It represents a profound instance of judicial activism shaping the nation's legal landscape. The transition of legal aid from a non-justiciable Directive Principle (Article 39A) to a judicially enforceable fundamental right (*via* Article 21) created a legally binding obligation on the state that did not exist before. This dynamic means a citizen can now demand legal aid as a matter of right, rather than relying solely on the state's discretion to implement schemes. The explicit linkage of legal aid to the fundamental right to life gives the Indian model a unique and powerful dimension.

III Early international recognition

The right to legal aid has its roots in the post-Second World War international human rights movement. The Universal Declaration of Human Rights, 1948 (UDHR)[8], though not legally binding, proclaimed in article 8 that:

> Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

7 Hereinafter referred to as "the 1987 Act".

8 The Universal Declaration of Human Rights, 1948, art. 8.

The right to an effective remedy implies not only access to a court but also the ability to meaningfully participate in proceedings, which in turn necessitates legal assistance.

The International Covenant on Civil and Political Rights, 1966 (ICCPR)[9], which India has ratified, explicitly guarantees legal assistance in criminal proceedings. Article 14(3)(d) states:

> "In the determination of any criminal charge against him, everyone shall be entitled … to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it."

This provision imposes a positive duty on states to provide legal assistance to indigent accused persons when the interest of justice so requires. The Human Rights Committee, in its General Comment No. 32 (2007), clarified that the right to free legal assistance is an essential element of fair trial, particularly in cases where deprivation of liberty is at stake.

UN Principles and Guidelines on Access to Legal Aid (2012)

The UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,[10] a non-binding document adopted in 2012, further influences national frameworks by recommending that states guarantee the right to legal aid at the highest possible level. Although non-binding, these principles provide authoritative guidance to states on how to structure, fund, and administer legal aid systems.

i. Principle 1: States should guarantee the right to legal aid in their national legal systems at the highest possible level, including constitutional recognition.

ii. Principle 3: Legal aid must be provided to persons suspected of or charged with a criminal offence.

iii. Principle 4: Legal aid must also extend to victims of crime.

iv. Principle 5: Witnesses should also be entitled to legal aid when the interests of justice requires

v. Guideline 11: States are recommended to establish independent national legal aid bodies to administer, coordinate, and monitor legal aid services, with powers to handle complaints and develop long-term strategies.

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9 International Covenant on Civil and Political Rights, 1966, Art. 14(3)(d); UN Human Rights Committee, General Comment No. 32, CCPR/C/GC/32 (2007).

10 UN Principles and Guidelines on Access to Legal Aid (2012); United Nations Office on Drugs and Crime, Vienna, Resolution adopted by the General Assembly [on the report of the Third Committee (A/67/458)] 67/187.

By recognizing victims and witnesses alongside accused persons, the United Nations framework situates legal aid as an indispensable component of the broader justice ecosystem.

Sustainable development goals and legal aid

The 2030 Agenda for Sustainable Development,[11] adopted by the UN General Assembly in 2015, also implicitly incorporates legal aid within Goal 16, which seeks to "promote peaceful and inclusive societies … provide access to justice for all and build effective, accountable and inclusive institutions at all levels."Access to justice is impossible without legal assistance, particularly for marginalized populations. Reports by UNDP and UNODC have emphasized that functioning legal aid systems are cost-effective, reducing unnecessary detention, preventing wrongful convictions, and promoting trust in institutions.

Regional human rights instruments

Several regional human rights frameworks reinforce the obligation to provide legal aid:

i. European Convention on Human Rights (ECHR), 1950: Article 6(3)(c) guarantees free legal assistance when the interests of justice so require. The European Court of Human Rights has consistently held that denial of legal aid can amount to a violation of the right to a fair trial.

ii. African Charter on Human and Peoples' Rights, 1981: While the Charter does not explicitly mention legal aid, the African Commission has interpreted the right to fair trial (Article 7) as including access to legal representation. The African Court has also directed states to provide free legal aid in capital cases.

iii. American Convention on Human Rights, 1969: Article 8 guarantees the right to legal assistance. The Inter-American Court of Human Rights has expanded this right to include state-funded counsel for indigent accused in serious criminal cases.

International monitoring and critiques

Despite these developments, implementation remains uneven. The UNODC Global Study on Legal Aid (2016) found that while over 90% of countries recognize some form of legal aid, significant gaps exist in funding, coverage, and quality. Many low-income countries lack independent legal aid institutions, leading to reliance on underfunded pro bono schemes. Even in developed countries like the UK and the

11 Transforming our world: the 2030 Agenda for Sustainable Development, Resolution adopted by the General Assembly on Sep. 25, 2015, A/RES/70/1.

US, austerity measures and budget cuts have curtailed access. Critics argue that without adequate resources, the right to legal aid risks becoming symbolic.[12]

Implications for India

India, as a party to the ICCPR and a participant in the UN's access to justice agenda, has an international obligation to ensure that its legal aid framework is robust, adequately funded, and accessible. The incorporation of Article 39-A in the Constitution, the enactment of the 1987 Act, and the creation of NALSA can be seen as measures fulfilling these obligations. However, persistent challenges in awareness, quality of representation, and uneven implementation across states indicate that India still has a distance to travel in aligning domestic practice with international commitments.

IV Comparative constitutional approach

The legal recognition of the right to legal aid is a relatively recent phenomenon in many countries, and its form varies significantly across jurisdictions. A brief comparative analysis reveals diverse approaches to its institutionalization.

Tracing constitutional protection

The United States, with its oldest written constitution, does not explicitly use the term 'legal aid'. Instead, the right to legal assistance for indigent defendants is firmly established through the U.S. Supreme Court's interpretation of the 6th Amendment in the landmark case of *Gideon* v. *Wainwright*[13], where it held that the right to counsel is fundamental and obligatory upon the States. Justice Hugo Black famously declared that "lawyers in criminal courts are necessities, not luxuries." The court mandated that indigent defendants charged with serious offences must be provided state-funded counsel. Subsequent cases extended this right to all criminal prosecutions, including misdemeanours that may result in imprisonment.

In contrast, the United Kingdom, which lacks a codified Constitution, relies on a series of legislative enactments. It is a state-funded system which was first established by the Legal Aid and Advice Act of 1949 and is currently being governed by the Legal Aid, Sentencing and Punishment of Offenders Act, 2012 (LASPO). This model displays a reliance on statutory law rather than constitutional entrenchment.

Interestingly, younger democracies have incorporated the right to legal aid into their respective constitutions. Examples include:

i. Fiji, where Article 14(2) guarantees legal aid through a Legal Aid Commission;

ii. Kyrgyzstan, where Article 24(5) ensures the right to qualified legal aid right from the moment of detention; and

12 UNODC, Global Study on Legal Aid (2016),at 12–15; Roger Smith, Legal Aid in Crisis: Assessing Access to Justice in Developed Countries (2017).

13 *Gideon* v. *Wainwright*, 372 U.S. 335 (1963).

iii. South Africa, where Section 35(3)(g) provides for a legal practitioner to be assigned at the state's expense.

The presence of explicit provision for legal aid in the constitutions of these younger democracies, in contrast to the reliance of older nations on judicial interpretation or subsequent legislation, reveals a significant change in global trend. Newer constitutional documents derive inspiration from decades of established international human rights jurisprudence, embedding these principles from the outset. This suggests that the right to legal aid has transitioned from a developing concept to a fundamental principle expected of modern constitutional frameworks.

Global funding and delivery models

The funding and delivery mechanisms for legal aid also vary significantly.

Table 1: Comparative legal aid funding models

Country	Funding Model	Delivery Mechanism
USA	Government-funded	Delivered through public defender institutions and panel appointments of private lawyers who receive state funds.
UK	State-funded at the national level.	Services organized through a legal aid board, bar associations, and public defender institutions, alongside state-funded private practitioners. Recipients may pay a contribution for civil legal aid based on means and merit tests.
Canada	Provided at the provincial and territorial level.	Delivered through provincial/territorial legal aid boards, which work with public defender institutions and state-funded private practitioners. Separate state funding exists for specialized services (e.g., immigration).
Japan	State-funded at national, regional, and local levels.	Services are mainly organized through the Ministry of Justice and an independent legal aid administration. Legal aid lawyers can be full-time salaried or part-time contractual employees.
India	Government-funded.	Grant-in-aid is allocated and released by the government to the National Legal Services Authority (NALSA) to be distributed through a hierarchical network.

Special statutes providing for legal aid around the world

The legal aid framework around the globe often relies on specific statutes to create a detailed and effectively operational system. Instead of being solely enshrined in a constitution, many countries have chosen to establish a legal aid system through dedicated legislation.

For example:

i. Bangladesh established its legal framework through the Legal Aid Services Act 2000, followed by a series of additional policies and regulations; and

ii. Indonesia has 2011 Legal Aid Act which was enacted to ensure legal assistance for indigent persons in criminal, civil, and administrative cases, providing a clear legislative mandate for the right to legal aid.

Other countries have integrated legal aid provisions into a broader body of law rather than a single, standalone Act.

In the United Kingdom, which lacks a written constitution, legal aid is governed by legislative reforms, with the most recent legislation being the Legal Aid, Sentencing and Punishment of Offenders Act, 2012 (LASPO). While this Act is not a standalone law exclusively for legal aid, it contains a dedicated portion that furthers the right to a fair trial by ensuring legal assistance.

Similarly, in Tunisia, legal assistance is regulated by various laws within the Criminal Procedure Code, the Child Protection Code, and a specific Legal Aid Law (2002). These examples demonstrate the diverse legislative strategies countries employ to institutionalize legal aid as a structural component of their justice systems.

VI The Indian policy framework: NALSA's initiatives

Institutional structure and scale

In India, the 1987 Act, provides the legislative and institutional backbone for the country's legal aid framework. This Act set the foundation of a robust, hierarchical structure designed to provide free and competent legal services to the weaker sections of society. The overarching body is the National Legal Services Authority (NALSA), which is responsible for implementing the country's legal aid framework. Below NALSA, the institutional network is comprehensive, ensuring the delivery of services from the national level down to the grassroots.

Table 2: NALSA's Institutional Network

Authority Type	No. of Units
National	1 (NALSA)
State Legal Services Authorities (SLSAs)	37 (28 States)
High Court Legal Services Committees (HCLSCs)	38 (25 High Courts)

District Legal Services Authorities (DLSAs)	708 (785 districts)
Taluka Legal Services Committees (TLSCs)	2,439 (over 5,000 talukas)

This structure, with over 37 State LSAs and 708 District LSAs, represents a robust support mechanism that is capable of reaching a significant portion of the population. The sheer scale of this institutional network is a key aspect of the Indian model.

Targeted Initiatives and their outcomes

India's legal aid policy is not a static framework but a dynamic system of targeted initiatives designed to address specific needs. India's framework focuses on grassroots outreach. The Para Legal Volunteers (PLVs) scheme, initiated in 2009, aims to impart legal training to volunteers from various backgrounds to ensure legal aid reaches all sections of the population and removes barriers to access. As per the latest available data, there are 47,614 PLVs, a testament to the community-driven approach. This outreach is further supported by an extensive network of 14,045 legal aid clinics strategically located in villages, jails, and educational institutions. A study by the Centre for Research and Planning, Supreme Court, found that 53 out of 83 legal aid cells in law schools had adopted villages to conduct legal literacy and awareness programs, demonstrating a proactive, preventative approach to justice.

The Legal Aid Defence Counsel System (LADCS), launched in 2022, represents a strategic policy shift towards professionalizing legal aid for criminal matters. This system engages full-time lawyers who work exclusively on legal aid cases. The LADCS was first piloted in 13 districts in 2019 and has since been extended to 654 districts across the country by March 31, 2025. The rapid, phased rollout of this policy has resulted in the appointment of a significant number of dedicated professionals, including 586 Chief Legal Aid Counsels, 1,047 Deputy Chief Legal Aid Counsels, and 1,952 Assistant Legal Aid Counsels, totalling 3,585 counsels.

NALSA has also developed a wide array of specialized schemes that demonstrate a nuanced understanding of the specific needs of vulnerable groups. These schemes, listed in the table below, target categories like victims of trafficking, children, senior citizens, and persons with disabilities, among others.

Table 3: NALSA's Special Schemes and Impact

Scheme and Year	**Objectives**	**Total Beneficiaries**	**Awareness Programmes Conducted**
NALSA (Legal Services to Disaster Victims) Scheme[14]	To provide legal services to victims of man-made and natural disasters.	2,21,461	42,750

14 NALSA (Legal Services to Disaster Victims through Legal Services Authority) Scheme, 2010.

NALSA (Victims of Trafficking) Scheme[15]	To address concerns of trafficking victims at every stage.	3,43,020	47,718
NALSA (Legal Services to Workers in the Unorganized Sector) Scheme[16]	To institutionalize legal services for all unorganized workers.	3,26,344	57,243
NALSA (Child Friendly Legal Services) Scheme[17]	To ensure legal representation to children in need of care.	6,60,942	93,709
NALSA (Legal Services to Mentally Ill) Scheme[18]	To ensure mentally ill persons enforce their rights.	2,49,720	50,570
NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme[19]	To strengthen legal aid services for accessing poverty alleviation programs.	3,14,982	55,455
NALSA (Protection and Enforcement of Tribal Rights) Scheme[20]	To ensure access to justice for Tribal people .	2,78,636	53,344
NALSA (Legal Services to Victims of Drug Abuse) Scheme[21]	To disseminate awareness and provide legal services to victims of drug abuse.	5,97,379	2,83,040
NALSA (Legal Services to Senior Citizens) Scheme[22]	To strengthen legal aid for senior citizens.	3,29,798	51,396

15 NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015.
16 NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015.
17 NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015.
18 NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015.
19 NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015.
20 NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015.
21 NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015.
22 NALSA (Legal Services to Senior Citizens) Scheme, 2016.

NALSA (Legal Services to Victims of Acid Attacks) Scheme[23]	To strengthen legal aid and representation for victims of acid attacks.	2,25,598	47,911
NALSA Ensuring Access to Justice for Widows living in Shelter Homes[24]	Focused on ensuring access to justice for widows in shelter homes.	28,289	22,426
NALSA's Compensation Scheme for Women Victims[25]	To provide timely financial compensation & rehabilitation to female victims.	1,78,914	35,278
NALSA (Legal Services for Differently Abled Children) Scheme[26]	To ensure equal access to justice, education, and welfare for children with disabilities.	1,13,305	1,30,805
NALSA (Legal Services to Persons with Mentally Illness[27]	To ensure legal services are accessible to persons with mental illness & intellectual disabilities.	2,42,307	27,708

In addition to the above, in the North Zone Regional Conference 2025, NALSA also launched the following schemes-

Table 4: NALSA's New

Veer Parivar Sahayata Yojana 2025	It is a first-of-its-kind nationwide scheme that is aimed at providing free legal assistance to soldiers, veterans and their families.
NALSA (SAMVAD) Scheme	Focuses on strengthening access to justice for marginalized, vulnerable Adivasis, and De-notified/Nomadic Tribes. It also emphasises on implementing protective laws through a community-driven approach.

23 NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016.

24 NALSA Ensuring Access to Justice for Widows living in Shelter Homes, 2017.

25 NALSA's Compensation Scheme for Women Victims/ Survivors of Sexual Assault/ Other Crimes, 2018.

26 NALSA (Legal Services for Differently Abled Children) Scheme, 2021.

27 NALSA (Legal Services to Persons with Mentally Illness and Persons with Intellectual Disabilities) Scheme, 2024.

NALSA Drug Awareness and Wellness Navigation (DAWN) Scheme	Aims to create a drug-free India by establishing district-level units to provide legal awareness, support victims of drug abuse, and ensure access to justice to this vulnerable group.
NALSA Justice Awareness for Grassroots Information and Transparency Initiatives (JAGRITI) Scheme	Focuses on building an informed and empowered citizenry by raising awareness about legal rights and empowering them to recognize and address injustice.

This highlights NALSA's persistent efforts to expand its reach to all groups of society, however vulnerable they may be. The goal is to make justice as accessible and affordable as possible. Rolling out new schemes displays a welcome approach that continuously serves to bring multiple groups within folds of protection of the legal aid system.

Budgetary trends and beneficiary analysis

India's legal aid system is primarily government-funded, with grants-in-aid allocated to NALSA. A look at the budgetary trends reveals a strategic, targeted approach to funding. The budget increased from 145 crore in 2021-22 to 190 crore in 2022-23, and then saw a significant spike to 400 crore in 2023-24, with 200 crore of this amount specifically earmarked for the LADCS. This sharp, non-linear increase suggests a one-time capital investment for systemic reform, signalling a strategic policy decision to professionalize the legal aid delivery model for criminal matters. The subsequent allocation of 200 crore for both 2024-25 and 2025-26, with a portion of the latter year's budget again earmarked for LADCS, indicates a long-term commitment to this more professionalized structure.

The impact of these initiatives is reflected in the cumulative beneficiary data, which totals over 1.7 million individuals as of March 31, 2025.

Table 5: Beneficiaries of Legal Aid Services in India

Category	**No. of Beneficiaries**
Scheduled Caste	1,44,034
Scheduled Tribe	1,37,456
Women	3,33,305
Children	1,80,678
In Custody	3,09,582
Persons with Disability (including mental illness)	15,528
Industrial Workmen	11,256

Transgender	1,861
Victim of Trafficking in Human Beings or Begar Victim of Mass Disaster Violence, Flood, Drought, Earthquake, & Industrial Disaster	3,982 52,368
General (whose annual income does not exceed the prescribed limit)	1,43,683
Others	3,72,059
Total	**17,05,792**

This data provides quantitative proof of the reach and impact of the legal aid system, showing a clear focus on marginalized and vulnerable populations as beneficiaries.

Proactive empowerment initiatives

The extensive network of Legal Aid Clinics, especially those established in villages, jails, and educational institutions, alongside the large number of para-legal volunteers, signifies a strategic shift beyond simply providing legal representation. This represents a policy recognition that "access to justice" is not just a reactive service for those already caught in the legal system but a proactive process of demystifying the law, raising legal awareness, and empowering communities to prevent legal issues from arising in the first place. The collaboration between law schools and District Legal Services Authorities, where colleges adopt villages to conduct legal literacy programs, is a crucial component of this bottom-up, preventative approach. This proactive engagement, combined with the new, targeted investments in a professionalized system like the LADCS, indicates a sophisticated, multi-pronged policy aimed at both preventing injustice and ensuring effective recourse when it occurs.

Toll-free helpline number

NALSA operates a toll-free helpline(15100), connecting beneficiaries to immediate assistance. Several states have adopted online portals and mobile applications to register cases, track progress, and access information. Technology is increasingly seen as a tool for bridging the awareness gap. According to a Global Study on Legal Aid[28] provided by different countries, one in ten high-income countries reports operating a telephone hotline that people can call to obtain free legal advice.

VII Conclusion

The development of legal aid in India illustrates the dynamic interplay of constitutional vision, judicial creativity, and legislative innovation. From its early articulation in Hoskot and Hussainara Khatoon to its institutionalization through the 1987 Act, legal aid has evolved from charity into a fundamental right.

28 Global Study on Legal Aid Global Report, UNODC, 2016.

The Indian model, in particular, stands out for its powerful hybrid nature: it is neither purely constitutional nor purely legislative, but a system whose foundations were built on transformative judicial interpretation that elevated a policy directive to an enforceable fundamental right.

The lessons drawn from this comparative study and the deep dive into NALSA's initiatives are manifold. The Indian policy framework demonstrates a commitment to innovation through its strategic, targeted initiatives, such as the LADCS, which seeks to professionalize the delivery of legal aid, and its extensive grassroots outreach through Legal Aid Clinics and para legal volunteers. These on-the-ground efforts signal a move beyond traditional legal representation towards a model of proactive empowerment and legal literacy.

Ultimately, the success of legal aid is not solely dependent on a perfect legislative or institutional framework. Internationally, India's commitments under the ICCPR and the UN Principles on Legal Aid find reflection in Article 39-A and the 1987 Act. Yet, challenges remain: lack of awareness, uneven quality, and budgetary limitations. For the right to legal aid to be meaningful, the State must not only expand funding but also invest in training, monitoring, and legal literacy.

Law schools must be integrated into the movement, producing socially committed lawyers who view legal aid as professional duty rather than charity. One method to integrate law students is village adoption. Approximately 5 lakh law students study in different law colleges and universities in India. There are roughly 6 lakh villages. A scheme of allotting villages to groups of students can be devised to make legal aid more accessible and effective, and for providing hands on practical experience to the students. Technology can also be used in the process to access far-off areas in bigger states.

It is the collective effort of all stakeholders, including judges, students, lawyers, academics, and civil society, that will keep the promise of justice alive. To ensure that "access to justice for all" is not an empty phrase, the collaborative spirit between the legal fraternity and civil society, and between educational institutions and the justice system, must be institutionalized, strengthened, and celebrated. It is this partnership model, combined with a robust and targeted policy framework, which offers a compelling blueprint for other jurisdictions seeking to strengthen their own legal aid systems.

Experience shows that our legal aid system is one of the best in the world and is still improving further. This article is an effort to collate legislative and institutional policy initiatives along with some data on their impact. There is hope for a more robust and impactful system for legal aid in the coming time alongside an active and enthusiastic participation at grass root levels.