



Quality of Free Legal Aid

The National Law University, Delhi (NLUD) in a report titled '**Quality of Legal Representation: An Empirical Analysis of Free Legal Aid Services in India**' has revealed that people don't have faith over the services of legal aid counsel (LAC) under the free legal aid services.

- A majority of the people who are entitled to the free legal aid system see the service as an option only when they cannot afford a private lawyer.

Legal Services Authorities (LSA) Act

- In 1987, the Legal Services Authorities (LSA) Act was enacted to give free and competent legal services to the poor and paved the way for constitution of [National Legal Service Authority \(NALSA\)](#) and other legal service institutions at the State, district and taluka level.
- Free legal services under LSA Act are available to a person belonging to **Schedule Tribe and Schedule Caste, woman, child, victim of human trafficking, differently abled person, industrial workman**, and person in custody in a protective home and the poor.

Facts

- According to the Commonwealth Human Rights Initiative's (CHRI) report:
 - India's per capita lawyer ratio is better than most countries in the world.
 - There are about 1.8 million lawyers in India which means there is one lawyer for every 736 people.
 - There are 61,593 panel lawyers in the country, which translates to just one legal aid lawyer per 18,609 population or five legal aid lawyers per 1,00,000 population.
- According to NALSA, about 8.22 lakh people across India benefited through legal aid services from April 2017 to June 2018.

Key Findings

- About **75%** of beneficiaries responded that they opted for free legal aid because they had no means and resources to hire a paid private practitioner.
 - They would never have approached for the legal aid services if they had the resources to engage private legal practitioners.
- **22.6%** of the beneficiaries responded that they won't opt for free legal aid services for the **second time**.
- **60% of women**, who were aware of the free legal aid services, chose to opt for the private legal practitioner because they could have better control over their lawyer and they lack faith and confidence over the quality of services offered under the legal aid system.
- **56% of LAC** (Legal Aid Counsel) spends an average of 1 to 10 hours per week on legal aid cases.
 - On the contrary, around 58% LAC spend on an average of **20 hours** and above per week

on **private cases**.

- Around **33%** of the judicial officers claim that complaints were received against LACs for **demanding money** from beneficiaries.
- Majority of judicial officers (52%) rated the **overall skill** set of a private legal practitioner as of fairly good quality and that of LAC as of moderately low quality.

Constitutional Provision

- **Article 39A** of the **Constitution of India** provides that 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 disability.
- **Articles 14 and 22(1)** also make it obligatory for the State to ensure equality before the law and a **legal system** which promotes justice on a basis of equal opportunity to all.

NALSA's Efforts

Front offices at the district level are being upgraded to make them one-stop centers for legal aid seekers.

- **Updating** the record of legal aided cases.
 - This way, the legal aid seekers are kept updated about the progress of their cases and better monitoring of cases takes place.
- NALSA's outreach programmes (like door to door campaigns) have made people aware of the legal advice and other forms of legal services such as drafting of applications etc.

Way Forward

- **Full-time empanelment:** Currently, the engagement of LAC is usually on an ad-hoc basis.
 - Around 45% of the regulators opined that making them full time will definitely improve the level of commitment among the LAC.
- **Honorarium:** Study recommended that making honorarium (a payment is given for professional services that are rendered nominally without charge) for a legal aided case at par with private cases, will compel LAC to not withdraw or deny aided cases in middle.
- **Remuneration:** Remuneration towards the empanelled lawyers should be increased every year.
 - This is important for those who are serving in juvenile courts as they are not allowed to have their own private practice.