



Mains Practice Question

Q. Who are entitled to receive free legal aid? Assess the role of the National Legal Services Authority (NALSA) in rendering free legal aid in India. (150 Words) (GS-II, Mains 2023)

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Approach:

- Start by briefly introducing the concept of free legal aid in India and mention that it is Directive Principle provided by the constitution under Article 39A.
- Discuss who is entitled to receive free legal aid in India and explain the role and significance of NALSA in the context of providing free legal aid.
- You can conclude with a forward-looking statement or call to action.

Introduction

Free legal aid is the provision of legal services to the weaker sections of the society without any charge or at a nominal cost. Article 39A imposes an obligation on the State to provide free legal aid to ensure access to justice for all citizens. Free legal aid ensures that every citizen has equal access to justice and fair trial, irrespective of their economic or social status.

Body

The sections of the society as enlisted under Section 12 of the Legal Services Authorities Act are entitled for free legal services, they are:

- A member of a Scheduled Caste or Scheduled Tribe;
- A victim of trafficking in human beings or begar as referred to in Article 23 of the Constitution;
- A woman or a child;
- A mentally ill or otherwise disabled person;
- A victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- An industrial workman; or
- A Person in custody, including those in protective homes under the Immoral Traffic (Prevention) Act, juvenile homes under the Juvenile Justice Act, and psychiatric hospitals or nursing homes under the Mental Health Act; or
- A person with an annual income below a certain amount is eligible for free legal services depending on the type of court their case is being heard in.

Role of the National Legal Services Authority (NALSA) in rendering free legal aid in India: The National Legal Services Authority (NALSA) has been constituted under the Legal Services Authorities Act, 1987 to provide free legal services to the eligible persons and to organize Lok Adalats for amicable settlement of disputes.

- **Some of the roles and functions of NALSA are:**
 - To lay down policies and principles for making legal services available under the Act.
 - To frame effective and economical schemes for legal services.

- To monitor and evaluate the implementation of legal services under the Act.
- To conduct legal awareness programmes and promote legal literacy among the people.
- To encourage settlement of disputes by way of negotiations, arbitration, conciliation and mediation.
- To coordinate and cooperate with other governmental and non-governmental agencies engaged in providing legal services.
- **NALSA has played a significant role in rendering free legal aid in India by:**
 - Providing legal assistance to millions of beneficiaries through its panel lawyers and para-legal volunteers across the country.
 - Organizing thousands of Lok Adalats at various levels and disposing off lakhs of cases amicably.
 - Launching various schemes and initiatives such as:
 - NALSA (Free and Competent Legal Services) Regulations, 2010;
 - NALSA (Legal Aid Clinics) Regulations, 2011;
 - NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015;
 - NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015;
 - NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015; etc.
 - Conducting nationwide campaigns and programmes on various themes such as Access to Justice for All; Connecting to Serve; My Nation with Equality; etc.
 - Collaborating with various stakeholders such as judiciary, bar associations, law schools, civil society organizations, media, etc. for enhancing the outreach and quality of legal services.

Conclusion

Free legal aid is a constitutional right and a social obligation of the state to ensure equal access to justice and fair trial for all citizens, especially the weaker sections of the society. NALSA has been playing a vital role in rendering free legal aid in India by providing legal assistance, organizing Lok Adalats, conducting legal awareness programmes, launching various schemes and initiatives, etc. However, there are also some challenges and limitations faced by NALSA in rendering free legal aid in India, which need to be addressed and overcome by enhancing the resources, quality, coordination, uniformity and monitoring of legal services.