



A STUDY ON FREE LEGAL AID UNDER INDIAN CONSTITUTION

Dr. Naresh Mahipal

Assistant Professor, C R Law College, Hisar

counselnareshmahipal@gmail.com

Abstract-- In the Indian constitution, the rule of law speaks about the basic rights that every Indian citizen has owned by his/ her birth in our country. Right to free legal aid or having legal awareness programme is a very essential one in the present scenario. There is will a equal justice and there will be a decrease of injustice happening in our Indian judiciary. Free legal aid means giving free legal services for people who cannot afford an advocate or a legal service for an issue. In simple words the free legal aid implies that providing free legal service to the poor and needy who cannot afford a advocate to conduct a case or a legal proceeding in the court. And for the entitlement of providing free legal aid has some criteria. If not the legal service or the legal aid can be rejected .In this research paper the main objectives of study are to analyse about the free legal aid services and the other is to analyze about the right to legal aid under Indian constitution.

INTRODUCTION

Free legal aid means giving free legal services for people who cannot afford an advocate or a legal service for an issue. In simple words the free legal aid implies that providing free legal service to the poor and needy who cannot afford a advocate to conduct a case or a legal proceeding in the court. And for the entitlement of providing free legal aid has some criteria. If not the legal service or the legal aid can be rejected .In this research paper the main objectives of study are to analyse about the free legal aid services and the other is to analyze about the right to legal aid under Indian constitution.

OBJECTIVISE

- To analyse about the free legal aid services.
- To analyze about the right to legal aid under Indian constitution.

LIMITATIONS

As this research paper is mostly of secondary data, secondary data has its own limitations.

REVIEW OF LITERATURE

According to the case law which happened in 1981 (Khatri II Vs State of Bihar) “The Constitutional duty to provide legal aid comes or arises from the time the accused person is produced before the Magistrate for the first time and continues whenever he is produced for the proceedings or remand”.

And according to sec 304 of criminal procedure code , 1973 states that “If a person accused for a case or a legal proceeding and not having money to afford a advocate then the court must provide one for the defense of the accused person in the expense of the state.”

CHAPTER I

The preamble of the Indian constitution says that to secure to the people of India by justice – socio economic and political. Justice P.N. Bhagwati stated that legal aid means providing an arrangement in the society which makes the machinery of administration of Justice accessible and in reach of those who cannot afford the legal assistance for enforcement of rights given to them by law. Article 38(1) states that the State shall promote and protect the welfare of the people by securing and protecting the social order including justice. Article 21 states that every person has an equal right to live a life and liberty and right to life in any situations except according to the procedure established by the law.



CHAPTER II

If the applicant has adequate means to access and afford justice. And we he /she does not fulfill the eligibility criteria. In these cases the legal services can be rejected. If the cases in respect of defamation, contempt of court, perjury etc the legal aid is not available. And any legal Proceedings relating to election. Then Cases where the fine is not more than Rs.50/-. In these cases the legal aid is not available. When can the legal services be withdrawn. If the aid is obtained through fraud or in illegal form the legal service committee can withdraw it. And most importantly if there is any misconduct, misbehavior or negligence on the part of the person. If the person does not cooperate with the allotted advocate or the legal aided persons appoints another legal practitioner or advocate. And in some case if the aided person dies.

SUGGESTIONS

- It is suggested that it is the need of every person of our country to know the basic rights and legal knowledge from the grass root level and he /she should be educated the basic judiciary rights of every single person in India.
- And for judiciary needs the support from state administration to conduct legal literacy programme to create awareness among poor and illiterate people.
- The judiciary should focus more on Legal Aid and legal awareness programme because it is essential in this present scenario.
- Free Legal Services Authorities and other private NGO's must be provided with sufficient funds by the State and central administration.

CONCLUSION

The legal aid programme, if implemented will wipe the tears from the poor who all want to seek justice. By providing legal aid and free legal assistance for poor and illiterate people the lower strata of the society also would be able to contribute meaningfully in building a litigation free nation.

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