

# Legal Aid in India: Article 39A and Access to Justice

Constitutional Law · Legal Aid & Access to Justice

## Constitutional Basis

Article 39A, inserted by the 42nd Constitutional Amendment (1976), directs the State to secure a legal system that promotes justice on a basis of equal opportunity, and to provide free legal aid to ensure that no citizen is denied justice due to economic or other disability. It is a Directive Principle, given statutory teeth through the Legal Services Authorities Act, 1987.

## Who Is Eligible for Free Legal Aid

Under Section 12 of the Legal Services Authorities Act, free legal services are available to, among others:

- Women and children.
- Members of Scheduled Castes and Scheduled Tribes.
- Persons with an annual income below the limit prescribed by the relevant State Government (or Rs. 5 lakh for cases before the Supreme Court's Legal Services Committee).
- Victims of trafficking, disaster, or industrial workmen, irrespective of income.
- Persons in custody, including those in a protective home or juvenile home.

## The Legal Services Institution Structure

- **National Legal Services Authority (NALSA)** — apex body, laying down policies and principles for legal aid.
- **State and District Legal Services Authorities** — implement legal aid schemes and organise Lok Adalats at the state and district level.
- **Lok Adalats** — forums for amicable settlement of disputes, whose awards are final and binding, with no appeal, and are treated as a decree of a civil court.

## Key Case Reference

**Hussainara Khatoon v. State of Bihar (1979)** — the Supreme Court held that the right to free legal aid for an accused unable to afford a lawyer is part of the 'reasonable, fair and just' procedure required under Article 21.