

## ACCESS TO JUSTICE THROUGH PRO-BONO LEGAL SERVICES: PAVING THE GATEWAY FOR MARGINALIZED INDIANS

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### Abstract

*Access to Justice for all is the main motto of a welfare state. The machineries of a well organized state have been playing a pro-active role in providing accessibility and ensuring accountability. The role of pro-bono legal services in this regard is necessitated to ensure the visionary role played by the founding fathers of our Constitution. The Preamble, Fundamental Rights and the Directive Principles of the State Policy embodied as trinity of the Constitution is moulded with such a duty driven approach and in such an effective manner that it seeks to achieve equity and ensure protection under the rule of law for all classes of community, more particularly the marginalized section. A responsive attitude is warranted on the part of the stakeholders to translate the noble mission of the Constitution into reality. The role of the civilized society, law schools, non-governmental organisations and all the appropriate forums has a dominant role to play in this regard so that accessing justice no longer remains a myth and something beyond the promises made in the noble and sacrosanct texts could find a prominent place of reflection making deprived and disadvantaged sections to stand on their own thereby exercising the rights bestowed upon them as persons of Independent India.*

### INTRODUCTION

***‘The Court has to innovate new methods and strategies to provide access to justice to large masses of people who are denied basic human rights, to whom freedom and liberty have no meaning’.-Justice P.N Bhagwati***

Alchemy of Constitutional values is a commitment to render justice to the disadvantaged community wherein the legal obligations imposed on a welfare state find way through the lens of ethics and morality. Free legal service for all is the fundamental tenet embodied in the spirit of the Constitution. The phrase ‘Pro Bono Publico’ means ‘for the public good’ and it aims at welfare of the community. The very aim and idea of Pro bono activity is inspired by the idea of justice. The main objective of this service is to bring about greater benefit for the larger sections of the society which is also the mandate of a welfare state.<sup>1</sup> The Constitution of India, national legislations and Judiciary together articulates the relevance of pro-bono legal services on the contemporary era. Further, the legislative, institutional and jurisprudential developments in India have laid the foundation for the provisions of free legal services to the poor in order to establish a just and social equilibrium in the society.

The principles of equity, justice and good conscience form the core values of a democratic country. The Constitution recognizes the right of citizens to receive free legal aid from the state under the standards of professional Conduct and Etiquette to be observed by the advocates. Moreover, advocacy, being labeled as social engineering, it is the foremost duty of the advocates and the law students to volunteer to the path of dharma, thereby showing a way for the needy to reach the doors of justice. But, it is pertinent to note that only a handful of these organizations deliver these services effectively. It is seen that a conducive environment for pro-bono culture is demanded in this regard.

This article makes a humble attempt to highlight the fact that the problem of the downtrodden section in accessing the justice delivery system has been the single largest factor bedeviling the Indian life for a long time. This justifies the necessity of pro-bono legal programs in the nook and

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<sup>1</sup> Latham & Watkins, Pro Bono Practices and Opportunities in India, available at: <https://www.lw.com> (last visited on March 21, 2024).

corner of the country spearheading a ray of hope amidst the people living below the poverty line. The very objective of writing this article is to bring home the fact that the pro-bono legal programs are the ways and means to usher the true spirit of moral wisdom so as to ensure that the schemes and initiatives meant for the downtrodden sections reach them in true sense of the term.

### **The Rationale for Pro-Bono Legal Services**

“Access of justice for all” is the vision of Legal Service in India. This kind of service is generally used for work which is undertaken willingly for public service and customarily without money. With the 42<sup>nd</sup> Amendment, Article 39A was introduced as one of the Directive Principles of State Policy brought the concept of Legal Aid Committee. In order to implement the ‘Constitutional Vision’ in letter and spirit, it is a statutory obligation of the state to make legal services all inclusive, particularly having regard to the entitlement (as indicated in Section 12) of marginalized or weaker sections of the society like victim of trafficking of women, children, elderly persons, people with disabilities and so forth.

The UN Sustainable goals are a universal call of action to end poverty, protect the planet and ensure that all people can enjoy with peace and prosperity. SDG is both a goal in itself and a necessary enabler for all other goals. Without peace, justice and strong institutions, achieving objectives such as ending poverty, ensuring education or promoting economic growth will remain difficult. On the other hand, truly peaceful and just societies based on rule of law with effective, accountable and inclusive institutions can protect human rights and drive forward development that is truly sustainable. In SDG 16 the following terms are defined- ‘Peaceful societies’, ‘Access to justice’ and ‘inclusive societies’, ‘effective and accountable institutions’ and ‘Rule of Law’.<sup>2</sup>

Access to justice according to UN is a basic principle of rule of law.<sup>3</sup> In the absence of access to justice, people, especially members of vulnerable groups, are unable to have their voice heard, exercise their rights, challenge discrimination or hold decision makers accountable. Raising alarm and awareness about legal rights as well as legal aid services to overcome financial obstacles is a step ahead towards accessing justice. The social and institutional dimensions play a key role in this regard.

Access to justice is particularly critical for the poor who often depend on legal entitlements to meet basic needs such as food, housing, and medical care. Voluntary assistance is also a way to express deeply felt ethical and religious commitments. People of India are committed to rule of law and protection of human rights because of the Constitutional values. During the formative stages of their professional identity, future lawyers need to develop the skills and values that will sustain commitments to public service. The rationale for pro bono programs in schools does not however, rest solely on the benefits. Whatever their effects on later public service, such programs have independent educational value. Participation on public service helps to bridge the gap between theory and practical experiences and enriches understanding on how law relates to our daily lives. For students as well as for beginners in the legal profession, pro bono work often provides valuable training in interviewing, negotiating, problem solving and working with individuals from different background.<sup>4</sup>

For law schools, pro bono programs can prove beneficial in several respects apart from their educational value as these programs demonstrate a tangible commitment to community. Given the wide range of benefits, it is hard to find anyone who would oppose pro bono programs in law schools at least in principle. The lawyers are silent witnesses to the crippling barriers that the disadvantaged and marginalized face in accessing justice. There are several reasons why people can’t access justice - firstly, illiteracy, secondly cultural barriers and thirdly institutional reasons like for instance, there are aren’t enough judges or courts as it doesn’t function fast enough and lastly they do not have access to legal assistance. Moreover, its not mandatory for the lawyers to

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<sup>2</sup> SDG 16: Peace, Justice and Strong Institutions , available at: <https://www.a4id.org>> (visited on 10.05.2024)

<sup>3</sup> id

<sup>4</sup>Deborah L. Rhode , Cultures of Commitment: Pro Bono for Lawyers and Law Students 67-68 (Fordham Law Review).

do pro bono service. But, unless a lawyer engages in pro-bono services, his vision becomes very limited.

The culture of doing pro bono in India is not systematic. The whole spectrum of people who belong to disadvantaged sections are at the mercy of the states. Duty and responsibility are centre pieces for pro bono work. The rights and duties of individuals are lingered in the minds of young lawyers right from tender age. Moreover, the law schools has been providing education in like manner by organizing moot court competitions and so on where adversarial system is introduced and the scenario is limited either on winning or losing. Lawyers are motivated to do pro bono work due to certain reasons which is deeply personal. There is a pattern to explain why successful lawyers do pro bono work. The expression of empathy i.e the ability to perceive the client's situation or the ability to recognize the difficulties in his or her situation should be inculcated in young minds. It does not mean patronizing or getting emotionally involved in the case.

The value of inter-relatedness is the second factor or else the lawyers would connect only to people in their own vicinity. They should get a chance to explore a larger surface and third is to be the pursuit of happiness. In a talk, Swathi Sukumar stated about New York Times which conducted a study in 2015 only to find that out of the 6200 lawyers they interviewed, there was a zero correlation between the traditional markers of success which is having jobs in top corporate sectors and partner tracks to that of happiness and wellbeing. On the other hand, it was found that people who work in public defenders offices or low paying jobs but are actually meaning had a positive relation with the well being. In 1990, Johns Hopkins University conducted a study and found that lawyers are four times more likely than the average persons to be to be depressed. Yale Law School conducted a survey with questionnaire and found that seventy percent of the law students who answered the survey had mental health issues and mostly they suffered from anxiety and mental disorders. Most importantly, the advocates want their work to hold significance.<sup>5</sup>

#### **Indian Philosophy behind the Pro bono culture**

*Om Sarve Bhavanty Sukhina*

*Sarve Santu Niramaya*

*Sarve Bhadrani Pashyantu*

*Ma Kaschiddukhbhagabhavet*

Meaning that: May all be happy, May all be free from illness, May all see what is auspicious, May no one suffer.

'Dharma' is said to be much beyond the academic knowledge and it is actually the realized knowledge that drives on towards a duty driven approach which is a vital need in today's society. A man can live in poverty but he cannot live without justice. The very aim of legal fraternity is to observe that justice should not only be done but seen to be done. The chapter 17 verse of Bhagavad Geeta states- 'From wealth you have earned by rightful means, take out one-tenth, and as a matter of duty, give it away in charity. Dedicate your charity for the pleasure of God.' The Constitution of India envisages a socialistic pattern of state wherein free legal aid and optimum benefit to the poor is already embodied in the spirit and content of the sacrosanct text, both expressly and impliedly.

'Vasudeva Kutumbakam', meaning 'the whole is a family' emphasizes a global perspective, prioritizing the collective well being over individual interest. In a society shaped by the culture and traditional values of giving (sewa, nishkam karm, shramdaan) and deeply rooted belief that to contribute is to make one's own life better, volunteerism is a part and parcel of the living culture. The belief also finds place in the religious sentiments of the people where millions of Indians is of the opinion that the ideals of selfless service to mankind is one of the most significant tenets of the India's giving heritage.<sup>6</sup>

<sup>5</sup> Swathi Sukumar, Why should lawyers do Pro Bono Work? available at : TEDx NLUO (last visited on April 1, 2024).

<sup>6</sup> Pro Bono in India, An India @75 Foundation& Taproot Foundation Publication, available at: <https://india75.in>

Justice P.N Bhagwati observed: *“The legal aid means providing an arrangement in the society so that the missionary of administration of justice becomes accessible and is not out of reach of those who have to resort to it for enforcement of its given to them by law, the poor and illiterate should be able to approach the courts and their ignorance and poverty should not be an impediment in the way of their obtaining justice from the court. Legal aid should be available to the poor and illiterate, who don’t have access to courts. One need not be a litigant to seek aid by means of legal aid”*<sup>7</sup>

Justice Sabharwal, Former Chief Justice of India has rightly said- *“Given that the justice is defined in terms of rights, access person to approach the appropriate authority and effectively claim the enforcement of rights. Thus, access to justice, in more real terms, would include the sum total of all these rights and remedies available to a person through which he can seek the enforcement of his or her rights”*<sup>8</sup>.

Even the government programs since India’s independence in 1947 have focused on creating national volunteering platforms for Indians. Community based services would not only enhance benefits to the masses but would also help in the country’s progress.

### **Genesis of free legal aid in India**

India has declared itself a democratic state and this obliges on the part of India to provide equal justice to all. The Constitution bears the moral, ethical and institutional values cherished by the society at large. The Preamble, called the ‘identity of the Constitution’ by one of the Constitutional experts, N A Palkhivala, dwells on the theme of justice. Sworn all details the real carnal of the Constitution lies in the three aspects- Preamble, Fundamental Rights and Directive Principles of State Policy. In the year 1950’s and 1960’s the role of the welfare state changed and special goals were no longer assumed to be common goals as the individuals were free to pursue their own goal.<sup>9</sup> The concept of ‘welfare state’ expanded along with legal aid provisions as concerns emerged over the power of welfare providers and professionals.

The Law Commission of India stated in its report on ‘Reforms of Judicial Administration’, published in 1958, that free legal aid to the needy litigants is a basic requirement. In 1949, Bombay government set up a Bombay Committee on legal aid and advise under the chairmanship of Justice NM Bhagwati which took cognizance of the vital issues regarding the marginalized people living below the poverty line and also took measures to provide free legal aid to the citizens. The idea of ‘Dharma’ was proposed by the committee wherein it is the obligation on the part of the welfare state to take due care of the people within its jurisdiction. The committee proposed three suggestions-<sup>10</sup>

- a) Legal aid is a necessary obligation of a welfare state and it is not a charity.
- b) Legal aid is pertinent for the welfare of the citizens.
- c) The idea is to give legal aid to both the parties of the proceedings.

The Bengal Committee to discuss various ways of implementation of free legal aid was set up in 1950 by the Government of West Bengal. It submitted its report accordingly. The Central government in between 1952-1956 directed the states to legislate for the implementation of legal aid. It was done in consonance of the entry of the subject in the state list under the schedule VII of the Constitution. The 14<sup>th</sup> Law Commission Report on Reform of Judicial Administration, headed by Mr. MC Setalvad gave suggestions on legal aid which are as follows-<sup>11</sup>

- a) That it is the paramount duty of the state to provide free legal aid to persons of limited means.

<sup>7</sup>School of Law, K.U, ‘Legal Aid:Concept of Legal Aid and Constitutional Mandate’, available at: <https://law.uok.edu.in>> (last visited on March 20, 2024).

<sup>8</sup> Mumtaj and Ritu Salaria, Equal Justice and Free Legal aid (Article 39-A) a Constitutional Commitment, EPRA International Journal of Multidisciplinary Research (IJMR)- Peer Reviewed Journal.

<sup>9</sup> Shashank Kumar Dey & Nupur Kumary, Role of Legal Aid in Contemporary India, International Journal of Law, 2016 available at: <http://www.lawjournals.org/download/57/2-5-43-469> (visited on April 7, 2024)

<sup>10</sup> Genesis of Legal aid in India, available at: <https://viamediationcentre.org> (last visited on March 21, 2024).

<sup>11</sup> id

b) That the duty is not only confined to the states alone and it binds all the members of the legal fraternity.

c) That accessibility of justice should be for all.

The Gujarat Committee also came up with its report under the chairmanship of Justice P.N Bhagawati in 1970 and accordingly the Committee gave certain suggestions including the most important suggestion to create legal aid schemes at all levels- state, district and taluk and thereby creating certain funds for the deprived people. In 1973, an Expert Committee under the chairmanship of Justice Krishna Iyer said free legal aid is indispensable postulate of legal system and not charity. In consequence, Article 39 A<sup>12</sup> of the Constitution was enacted wherein the state was under the duty to look into the welfare of the oppressed and depressed section. In 1980, finally the law on legal aid was drafted by a Committee headed by Justice P.N Bhagavati and the Act, The Legal Services Authority Act, 1987 was enacted. National Legal Services Authority was constituted in 1995 which is the statutory body established to formulate policies and guidelines for making legal assistance available in accordance with the statutory provisions.

The Legal Services Act, 1987 prescribes the following criteria for giving legal services to eligible persons.<sup>13</sup>

1. A member of A Scheduled Caste or Scheduled Tribe.
2. A victim of trafficking in human beings or beggar as referred to in Article 23 of the Constitution.
3. A woman or Child
4. A mentally ill or otherwise disabled person.
5. A person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster.
6. An industrial workman.
7. In custody, including custody in a protective home or in a juvenile home.
8. Of in a psychiatric hospital or psychiatric nursing home within the meaning of this clause.
9. (g) of Section 2 of the Mental Health Act, 1987.
10. A person whose annual income less than fifty thousand or such other higher amount as may be prescribed by the State Government.<sup>14</sup>

Article 38 of the Indian Constitution categorically mentions the dimension of justice and in order to serve its end, Article 39 A of the Constitution which happens to be the conscience and principle of free legal aid stands embracing wholeheartedly for the security of the disadvantaged classes.

The Code of Criminal Procedure Code, 1973 and the Code of Civil Procedure Code, 1908 also deals with provisions relating to free legal aid namely Section 304 which states that it is the paramount duty of the state to ensure fairness in the trial proceedings in case of trial of nay offender.<sup>15</sup> Order XXXIII of Civil Procedure Code, 1908 also provides opportunities for the pauper to access justice by filling suits as indigent persons. The benefit can be availed by making an application in the appropriate authority showing that the person is eligible to entitle the free legal services.<sup>16</sup>

<sup>12</sup> Article 39A- 'The State shall secure that the operation of the legal system promotes justice, on the 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 not denied to nay citizen by reason of economic or other disabilities.

<sup>13</sup> Legal Aid in India and the role of Indian Judiciary, available at: <https://www.researchgate.net> (last visited on March 20, 2024).

<sup>14</sup> Section 10 of the Legal Services Act, 1987

<sup>15</sup> Article 304 states- ' Where in a trial before the court of Session, the accused is not represented by a pleader, and where it appears to the Court that the accused has not sufficient means to engage a pleader, the Court shall assign a pleader for his defence at the expense of the state'.

<sup>16</sup> Order XXXIII, Rule 9A, Civil Procedure Code, 1908



### Contributions of Indian Judiciary Towards Free Legal Aid

The Judiciary being the guardian of the Constitution has in time and again made series of attempts by various judicial pronouncements to implement the philosophy of the Constitution. The Supreme Court of India made a vehement pronouncement with regard to the rights of the poor and destitute in the judgment of *Hussainara Khatoon v State of Bihar*.<sup>17</sup> The Apex Court emphasized that ‘free legal services to the poor and needy is an essential element of any reasonable, fair and just procedure’. The State cannot avoid its constitutional mandate to ensure speedy trial and whatever is necessary for this purpose has to be done by the state.

In *Khatri v. State of Bihar*<sup>18</sup>, Justice Bhagwati highlighted that the state cannot ignore its constitutional duty to provide free legal services to the poor by pleading financial or administrative liability. The judge in this case opined that legal aid should be available to the needy and should not be left to the poor litigants to follow a definite procedure to ask for it, else the very aim of providing free legal services would be defeated and it would be reduced to mere paper promise.<sup>19</sup> The Hon’ble Court in *Suk Das v. Union Territory of Arunachal Pradesh*<sup>20</sup> observed that since majority of the Indian population is illiterate, they are not being able to exercise their right to reach the path to justice and hence legal literacy should be promoted so that legal awareness at every nook and corner of the state is recognized as a basic feature, thereby giving birth to legal aid movements in India.

Justice Krishna Iyer, a prominent advocate for social justice, in *Madhav H. Hoskot v. State of Maharashtra*<sup>21</sup> had rightly said that ‘if a prisoner sentenced to imprisonment is virtually unable to exercise his constitutional and statutory right of appeal inclusive of special leave to the Supreme Court for want of legal assistance, there is implicit in the Court under Article 142 read with Articles 21 and 39A of the Constitution, the power to assign counsel for such imprisoned individual for doing complete justice. It is a statutorily recognized public duty of each great branch of government to obey the rule of law and uphold the trust with the Constitution by making rules to effectuate legislation meant to help the poor’.<sup>22</sup>

The Supreme Court in its landmark judgement in *Indira Jaising v. Supreme Court of India*<sup>23</sup>, opines the need of lawyers in pro bono activities. Further, this is an important strategy to assess the applicants for senior advocates. Rule 46 of the Standards of Professional Conduct and Etiquette mentions: ‘Every advocate shall in the practice of the profession of law bear in mind that any one genuinely in need of a lawyer is entitled to legal assistance even though he cannot pay for it...free legal assistance to the indigent and oppressed is one of the highest obligations an advocate owes to the society’.<sup>24</sup>

Article 21 is prolific and serves the fertile ground for creation of new rights. It deals with all the unremunerated rights. The Judiciary by resorting to this valuable provision has made accessible many rights which are dynamic in nature. The point here is that the reality and the statutory implications needs to be bridged. It is worthwhile to state that free legal cases need not necessarily lead to conviction. The idea of Public Interest Litigation is to be stated in three phrases- a) A tool to give voice to the voiceless b) Diluting the idea of locus standi and creating public trust doctrine litigation c) Court felt that being the guardian of the Constitution, it had bounded duty to interrupt in corrupt practices. The PIL happens to be a jurisprudential arm in matters of all cases.

<sup>17</sup> (1980) 1 SCC 98

<sup>18</sup> (1981) 1 SCC 627

<sup>19</sup> id

<sup>20</sup> (1986) 2 SCC 401

<sup>21</sup> AIR 1978 SCC 1548

<sup>22</sup> Alfonso Saji, Judicial Eagle guarding the Constitutional right to free legal aid, available at: <https://msrcl.org> > judicial-eagle-(last visited on March 20, 2024).

<sup>23</sup> Indira Jaising v. Supreme Court of India, 12<sup>th</sup> May, 2023.

<sup>24</sup> Vishavjeet Chaudhary, A case for pro bono lawyering in India, available at: <https://www.barandbench.com> > (last visited on March 19, 2024).



### Schemes launched by Union Law minister at a glance

1. **Pro Bono Legal Services-** An online application on the Department of justice website to enroll advocates who are interested in imparting free legal aid has been launched. Any practicing advocate, enroll with a Bar Council irrespective of their age is eligible to register. The very objective is to imbibe in the lawyers the culture of pro bono activities and to create a database capturing vital information of advocates for referring to appropriate matters in the relevant field.

2. **Department of Justice partnered with National Legal Services Authority and CSC e-Governance Service India Limited<sup>25</sup>-** This scheme is initiated to connect citizens with lawyers through video conferencing facilities by para legal volunteers stationed at identified 1800 Panchayats. The e-interaction between lawyers and people would be through the video conferencing infrastructure available at the CSCs. The very objective is to use telecommunication and other means of artificial intelligence for the delivery of legal advice and information.

3. **The Nyaya Mitra Scheme<sup>26</sup>-** The scheme aims at facilitating expeditious disposal of 10-15 years old pending cases in High Courts and Subordinate Courts. This scheme aims at reducing delays in accessing justice for the marginalized group with a special focus on those pending cases for decades at several districts. A retired judicial officer or an executive officer with judicial experience would be in charge of those suffering from delays and latches on the part of justice delivery system. Nyaya Mitra will be engaged across the country from 2021-2026. For the year 2021-2022, 11 Nyaya Mitras have been engaged in the 11 District Courts in the month of April 2022.

Further, the National Legal Services Authority Act, also addresses few disadvantaged groups through their schemes. Some of the schemes may be mentioned below:

- The National Legal services Authority (Lok Adalats) Regulations, 2009
- The National Legal Services Authority ( Free and Competent Legal Services) Regulations, 2010
- The National Legal Services Authority (Legal Services to the Mentally Ill Persons and Persons with Mental Disabilities) Scheme, 2010
- The National Legal Services Authority (Legal services to workers in the unorganised Sector) Scheme, 2010
- The National Legal Services Authority (Legal Aid Clinics) Regulations, 2011
- A Scheme for Legal services to Disaster Victims Through Legal Services Authorities
- The Assam Victim Compensation Scheme, 2012
- Orders by the Government
- The National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and Other Institutions)Schemes, 2013
- Scheme for Para- Legal Volunteers (Revised)

#### Pro Bono Scenario in Assam

#### Shedding light on some Narratives

➤ One of the employees of a company residing in Assam, in Chandrapur area was forced by his employer/contractor to go for work. On his refusal due to the pandemic scenario, they threatened him with dire consequences and in fear of losing his job, he went to work even in the midst of curfew and lockdown. But, finding no alternative he took a train to travel to his workstation. While he was crossing the railway track, the train knocked him down and he died on the spot. Thereafter, the company refused to pay compensation to the family members as he was a contractual employee and that they were not liable to pay anything. The labour union and some supporting organizations approached one advocate and explained him the gravity of the situation and the plight of the family members, who were dependent on the only bread winner of the family. The advocate

<sup>25</sup> TeleLaw: Department of Justice partners with NALSA, CSC for mainstreaming legal aid, available at: <https://government.economictimes.com> > (last visited on March 19, 2024).

<sup>26</sup> Ministry of Law and Justice, ‘Nyaya Mitra Scheme’, available at: <https://pib.gov.in> > (last visited on March 19, 2024)

offered to provide legal assistance free of cost and helped the family of the deceased to avail 11 lakhs plus gratuity from the company as compensation.<sup>27</sup>

In light of the above, the researcher portrays how the pro bono legal service in Assam has paved a roadmap for the deprived class to reach the stepping stone of justice.

➤ Pro bono services was extended by an advocate to one of the victims of CAA protest in Assam. In Nalbari District in the state of Assam, some boys were arrested and they were given legal assistance by the advocate free of cost which helped them to get themselves released<sup>28</sup>

➤ In another case, as narrated by a social worker of that locality, in Amsang Wild life sanctuary, the researcher happened to meet a social worker who narrated about the woes of some tribal families who got eviction order. Later, one of the legal practitioners came forward to rescue these people on learning their fateful incidents via newspaper. The advocate finally managed to procure stay order and almost nine families were saved from evicting the place.<sup>29</sup>

The researcher humbly submits that the non-governmental organizations and some social organizations should be made well equipped with the knowledge of free legal aid and the pro bono mechanisms so that they can help the distressed sections of the society in times of need. The researcher opines that in many rural areas and also in some urban areas people are not acquainted with their legal rights. The organizations have a major role to play in this regard, provided they are armed with the basic legal knowledge.

#### **Key findings**

➤ Although much has been written about the value of public services and the merits of requiring it, relatively little attention has been focused on the factors that encourage support for either voluntary or mandatory programs.

➤ Legal aid Movement in India is unorganised, dispersed and intermittent with no proper coordination.

➤ Lack of awareness among the masses regarding the government's initiatives' on Pro Bon legal schemes.

➤ Illiteracy is also a significant barrier to get legal help. More than seventy percent individuals are unaware of the rights bestowed upon them and that leads to deprivation of the rights of the downtrodden sections.

➤ Less effort has centered on evaluating the effectiveness of law school programs. About one-third of schools have no law-related pro bono work or projects. The majority of the students have no legal pro-bono work as part of their educational experience.

➤ Financial Resources also gives a setback in carrying out the pro-bono task by lawyers.

➤ Right to speedy adjudication is the core object for access to justice but often there are stumbling blocks on the path causing obstruction in the way of justice. Inadequacies of courts, lawyers, judges and poor infrastructures are the areas that need to be addressed.

➤ Lack of interaction on the part of many advocates with the rural community, as a result of which their need for legal assistance goes unanswered.

➤ Training in empathy are hardly done in law schools. Recasting of the institutions are not done and cases of poor people are considered as charity cases. Court buildings are inaccessible. People are intimidated even to walk in to the court.

➤ Lack of participation on the part of stakeholders to foster the culture of social engineering among the young lawyers.

➤ Some Projects are taken as task by Pro Bono Clubs of various law schools like NALSAR in Hyderabad, NLU's in India like- Right to Health, Land Rights and Caste, Rythu Bandhu Scheme, Secondary Education, Right to Food, Sanitation and so forth and the researcher finds it worth

<sup>27</sup> This information was collected by interviewing one of the social workers in the Chandrapur area in state of Assam. The researcher personally visited the place for the purpose of the study.

<sup>28</sup> This information was gathered via telephonic conversations from one of the advocates in the Nalbari District in the state of Assam.

<sup>29</sup> This information was collected from the localite of that area which the researcher had visited for the purpose of the study.



mentioning to state that the mission of promoting justice for public interest by organizing legal aid camps and programs in this regard have definitely benefitted the powerless people and the vulnerable communities.

- Independent Performance Audit for every legal services operating in the districts would help to a great extent to mark the services of the lawyers imparting pro-bono services.
- Courts had been playing a pro active role in comprehensive coverage of Constitutional values and ethos.

### **Way ahead**

Legal service is not a hobby. It needs full commitment and dedication. That should be the message of the legal Services Authority to all those who enter its doors. The need of the hour is to engage and train non profits on tapping business talent to power their social missions. Cases which do not require adversarial process should be put in Alternate Dispute Resolution. Equally imperative is the need to construct pro bono models which can enable delivery of pro bono legal services in the most efficient manner. In the social context, India is yearning for a change. A stronger civil society would fasten the pace of development, root out pressing social challenges and persistently forwards India's developmental mission. The concerned authorities should collect data on existing pro-bono programs in the state and issue a report with recommendations.

Adjudicated social justice is the need of the large number of Indians to uphold the supremacy of rule of law and the Indian value system. All of us strive to reach the ends and purposes which are encapsulated to the Directive Principles of State Policy. A holistic approach on the part of the stakeholders is warranted to create awareness campaigns in remote regions and make speeches available in local languages so that the true vision and mission to make legal aid accessible to all, no longer remains a farce. A sense of belongingness should come from within so that the future of legal aid in India is likely to continue to evolve in response to various factors and challenges. The primary goal always should be to ensure that justice is accessible to all citizens, especially those who are economically disadvantaged or face barriers in reaching the doorsteps of justice. The concerted effort should be to increase our understanding of what can build a culture of commitment to pro bono legal service. Learning by doing is recognized as an utmost important pedagogical method to study law. By actually engaging in the real activities of work related to law, they can learn doctrines, ethics, theory and test of law's strength and weaknesses.

Springing of Pro-bono culture into something which is real and impactful should be the aim with which the justice deliberation mechanisms should function. True professionals are those who leave their footprints in sands of time. The crux in the idea of justice is that the persons must show that he has suffered a legal injury and the doors should be opened by the visionaries who would recognize the theme of substantive justice. The idea should be to merge the Constitutional values and inspirations into Pro-bono culture. Hence, a socially cohesive society where all groups have a sense of belonging, participation, inclusion, recognition and legitimacy is the call for the new dawn.

As may be summarized from the Brihadaranyaka Upanishad,

'Om Asato Maa Sad-Gamaya

Tamaso Maa Jyotir Gamaya

Mrtyor- Maa Amrtam Gamaya

Om Shanti Shanti Shanti'

Meaning-

Om,

Lead me from the unreal to the real,

Lead me from darkness to light,

Lead me from death to immortality.

May peace be, may peace be, may peace be.



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