

CHAPTER XI

FREE LEGAL AID

Today Usha came to Meera didi for help, as her husband, Bhiku was taken away by the police and when she went to meet him in the police lock-up she was told that her husband would be presented before the magistrate the next day and it would help her if she can engage a lawyer to get her husband Bhiku bailed out. Now she was distraught, as she knew that a lawyer is beyond her financial means so she came to Meera didi. Meera didi consoled her and told that the State provides Free Legal Aid to those who cannot afford lawyers and other expenses of litigation.

Now everybody present was keen to know what free legal aid is, who can get it and how it can be secured? Asha didi went on to explain the concept of Legal Aid and how to get it.

❖ **Legal Services - meaning**

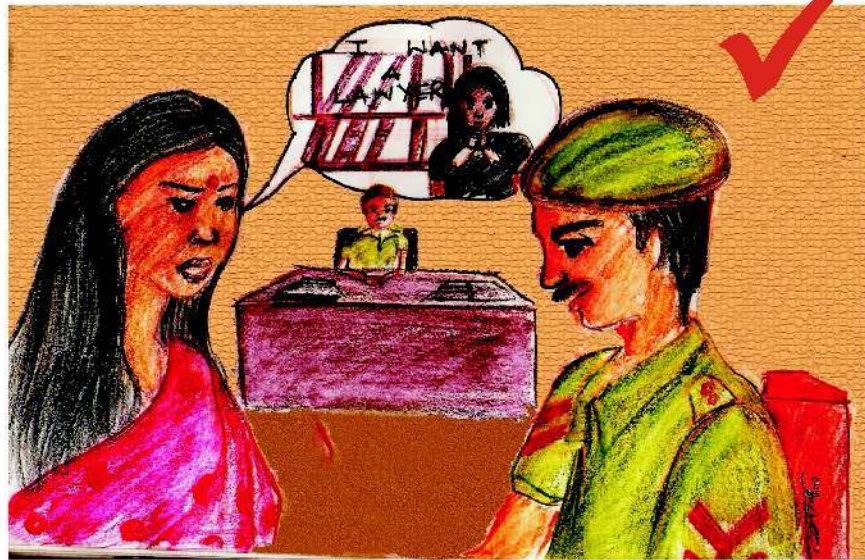
- Free legal aid is provided to ensure that opportunities for justice are not denied to any citizen by reason of economic or other disabilities.
- Legal services includes rendering of any service in the conduct of any case or other legal proceedings before any court and giving of advice on any legal matter.

❖ **Entitlement for Giving Free Legal Services:-**

A person shall be entitled to Free Legal Aid, Legal Advice or free Legal Services if that person is:

- a. A member of Scheduled Caste or Scheduled Tribe
- b. A victim of trafficking in human beings or begar

- c. woman or a child
- d. A mentally ill or otherwise disabled person;
- e. victim of mass disaster ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster;
- f. An Industrial workman
- g. Person in custody



Seeking the services of a lawyer

➤ **Availing of Legal Services**

- Legal aid can be provided to a person for a case which includes a suit or any proceeding before a court.
- Person to whom legal aid is provided is not required to pay anything on the litigation. Legal services to be provided may include anyone or more of the following:
 - a) Payment of court-fees, process fees and all other charges payable or incurred in connection with any legal proceedings;
 - b) Charges for drafting, preparing and filling of any legal proceedings and representation by a legal practitioner in legal proceedings;

- c) Cost of obtaining and supply of certified copies of judgements, order and other documents in legal proceedings;
 - d) Cost of preparation of paper book (including paper, printing and translation of documents) in legal proceedings and expenses incidental thereto.
- In every State and District Legal Services Authorities have been established.
 - Taluq or mandal legal services committees have been constituted at the Taluq/mandal.
 - The National Legal Services Authority is the Central Authority which implements the various schemes such as lok adalats for disposing of pending matters, legal literacy and awareness campaigns, legal aid facilities in jails etc.
 - For availing legal services one is required to approach the High Court or the District Courts which have constituted Legal Services Authorities for providing legal services.

IMPORTANT JUDICIAL PRONOUNCEMENTS:

- ***A.M.Hoskot v. State of Maharashtra AIR 1978 SC 1548***
- ***Hussainara Khatoon v. Home Secretary, State of Bihar, AIR 1979 SC 1322***

Article 39-A of the Constitution provides for equal justice and free legal aid. On several occasions, like in the cases mentioned above, it has been held by the Supreme Court that legal aid and speedy trial are to be treated as a part of the fundamental rights under Article 21 of the Constitution. It is enforceable by the Courts and the ***State is under a duty to provide legal aid and legal assistance to a poor and needy person at its own expense.***