ACCESS TO JUSTICE THROUGH FREE LEGAL AID: A LEGAL AND JUDICIAL APPROACH

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ABSTRACT

In order to ensure that no citizen is denied justice due to economic or other disabilities, Article 39A of the Indian Constitution requires the State to establish a judicial system that promotes justice on the basis of equal opportunity and to provide free legal aid. This essay explores the extent to which the Legal Services Authorities Act of 1987 and the judicial reasoning that has influenced it since Hussainara Khatoon v. State of Bihar have turned that constitutional promise into practical application. The study combines an empirical and theological methodology. The National Legal Services Authority (NALSA) and its subordinate bodies' statutory framework, the line of Supreme Court rulings that include free legal aid within the Article 21 promise of a fair trial, and the constitutional basis of legal aid are all traced from a doctrinal perspective. In order to determine whether institutional expansion has resulted in proportionate outcomes, it uses empirical data from the Department of Justice on Lok Adalats and the Tele-Law scheme, the India Justice Report 2025, and NALSA annual data. The main contention is that although access to justice in India has expanded due to a change from a lawyer-and-court-driven model to a technology-mediated delivery model, there hasn't been a commensurate increase in depth, quality, or judicial clarity regarding what constitutes effective legal aid. Rather than being presented as an open-ended wish list, the study concludes with a set of alternatives that are evaluated for administrative and financial viability.

Keywords: Access to justice, legal aid, Article 39A, NALSA, Lok Adalat, Tele-Law, Legal Services Authorities Act 1987.

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1. Introduction

The idea that a legal right without a practical means of enforcement is no right at all runs through the constitutional design of independent India. The Constitution guarantees equality before law under Article 14 and the right to life and personal liberty under Article 21, but these guarantees mean little to a person who cannot afford a lawyer, does not know a remedy exists, or lives at a distance from the nearest court that makes litigation practically impossible. The framers of the Constitution as it stood in 1950 did not initially write a justiciable right to legal aid into the text. It was the Forty-Second Amendment of 1976 that inserted Article 39A into the Directive Principles of State Policy, directing the State to secure a legal system that promotes justice on a basis of equal opportunity and to provide free legal aid so that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities (Constitution of India, 1950/1976, Art. 39A).

What began as a non-justiciable directive was gradually pulled into the enforceable core of Article 21 through judicial interpretation. The gap between that judicial promise and its institutional fulfilment is highlighted in this essay. It raises three connected questions. First, what is the judiciary's legislative and constitutional stance on the right to legal aid, and how has it interpreted its content? Second, to what extent can the right to free legal aid be strengthened by institutional mechanisms like the National Legal Services Authority (NALSA), Lok Adalats, and more contemporary technology-driven initiatives like Tele-Laware? Third, what administrative and financial improvements are realistic rather than merely utopian when the answer to the second question is not as good as the first?

This paper employs both theoretical and empirical approaches. The Legal Services Authorities Act of 1987, constitutional language, and the significant decisions that established the fair trial element of free legal aid include the theoretical component. Secondary data used in the empirical component came from a number of sources, including NALSA's own statistics and annual reports, the India Justice Report 2025, which was published by Tata Trusts in partnership with a number of research organisations, Department of Justice year-end reviews, and information gathered from the Press Information Bureau and parliamentary responses. Where these sources conflict or where data is incomplete, the paper notes the limitation rather than resolving it by assumption, since one of the paper's own findings is that data gaps are themselves part of the access to justice problem.

The unique contribution this paper attempts is a comparative institutional lens rather than a purely descriptive one. Much of the existing literature on legal aid in India describes NALSA's structure and lists constitutional provisions before arriving at a generic set of recommendations calling for more funding and more awareness. This paper instead tracks the shift in the delivery model itself, from courtroom and Lok Adalat based aid toward Common Service Centre and video-conferencing based aid under Tele-Law, and asks whether that shift has closed or merely relocated the access gap. It also treats the two-thirds anti-defection style precision the Constitution demands in other contexts as a useful contrast: unlike defection law, legal aid law has never been forced by the judiciary to define its own thresholds of adequacy, and this absence of a judicially defined floor is identified as a structural weakness running through the entire delivery chain.

2. Constitutional and Statutory Framework

2.1 Article 39A and its relationship with Article 21

Article 39A does not by itself create an enforceable right; as a Directive Principle it falls within Part IV of the Constitution and is, in terms of Article 37, not enforceable by any court. Its significance lies in what the judiciary did with it. In Hussainara Khatoon v State of Bihar, the Supreme Court held that a procedure which does not make legal services available to an accused person who is too poor to afford a lawyer cannot be regarded as reasonable, fair, or just, and that the right to free legal aid is therefore an essential ingredient of a fair procedure under Article 21 (Hussainara Khatoon v. State of Bihar, 1979). The Court read Article 39A into Article 21 to give it a justiciable core without disturbing its status as a Directive Principle for other purposes. This technique, reading non-justiciable directive principles into justiciable fundamental rights, has been repeated across several fields of Indian constitutional law, and legal aid is one of its earliest and clearest applications.

The following year, in M H Hoskot v State of Maharashtra, the Court extended the principle to the appellate stage, holding that the right to appeal and the right to free legal service in preparing and arguing that appeal are integral to Article 21, and that a prisoner unrepresented on appeal is denied a fair opportunity to be heard (M.H. Hoskot v. State of Maharashtra, 1978). When considered collectively, these rulings demonstrate that free legal aid is a part of the right to a fair trial, which extends from the time of arrest through the appeals process, rather than being a question of governmental generosity.

2.2 The Legal Services Authorities Act 1987

Parliament gave institutional form to this judicial reasoning through the Legal Services Authorities Act 1987, which came into force on 9 November 1995. The Act establishes a four-tier structure: NALSA at the national level, headed by the Chief Justice of India as Patron-in-Chief; State Legal Services Authorities (SLSAs) headed by the Chief Justice of the respective High Court; District Legal Services Authorities (DLSAs) chaired by the District Judge; and Taluk Legal Services Committees at the sub-district level (Legal Services Authorities Act, 1987; National Legal Services Authority, n.d.). As of the most recent reporting period, this structure comprises 37 SLSAs, 703 DLSAs, and 2,390 Taluk Legal Services Committees, in addition to the Supreme Court Legal Services Committee and 38 High Court Legal Services Committees (Press Information Bureau, 2024).

Section 12 of the Act defines eligibility for free legal services. It covers, among others, members of Scheduled Castes and Scheduled Tribes, victims of trafficking or begar, women and children irrespective of income, persons with disabilities, industrial workmen, persons in custody, and any person whose annual income is below the limit prescribed by the relevant State Government, or below five lakh rupees where the case is before the Supreme Court (Legal Services Authorities Act, 1987, § 12). An affidavit about income is usually sufficient proof of eligibility, according to Section 13(2) of the Legal Services Authorities Act, 1987, § 13(2), which lowers the evidentiary hurdle to obtain the right to free legal assistance. In accordance with Section 2(c) of the Legal Services Authorities Act, 1987, § 2(c), legal services are widely defined to encompass assistance in obtaining benefits under welfare legislation, advice on any legal subject, and representation in court. Theoretically, this term include everyday legal problem-solving in addition to litigation.

The NALSA (Free and Competent Legal Services) Regulations 2010 supplement the Act by establishing performance standards for panel lawyers, such as meeting the assigned client within twenty-four hours of case assignment and recording the initial briefing on the NALSA portal (National Legal Services Authority, 2010). Panels are reorganised every three years, and panel solicitors who are found to provide subpar service may be delisted.

Figure 1 gives an idea about the hierarchical distribution of the legal service institutions, from NALSA at the apex down to the Taluk Legal Services Committees at the grassroots level.

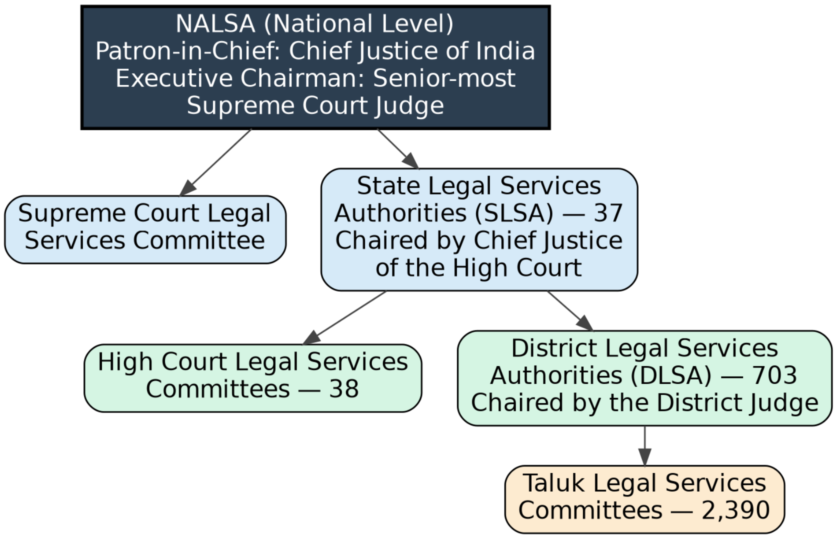

Figure 1: Hierarchical distribution of the legal aid delivery system under NALSA Act, 1987.

Source: Author's own derivation from the NALSA Act, 1987.

2.3 Institutional scale

Before going back to a ₹200 crore budget for 2024–2025, NALSA's government grants-in-aid climbed from ₹145 crore in 2021–2022 to ₹190 crore in 2022–2023 and ₹400 crore in 2023–2024 (Press Information Bureau, 2024). Over 3,100 legal services organisations serve over 50,394 legal aid attorneys and 43,706 panel attorneys functioning under the four-tier framework, according to the most recent NALSA data (Grokipedia, 2026). The Act's Sections 4 and 5 examine whether the financial trajectory is enough and whether this scale translates into effective legal help.

3. Judicial Approach to Access to Justice

3.1 From procedural fairness to structural obligation

The judicial approach to legal aid has moved through three distinguishable phases. The first phase, running through the late 1970s and 1980s, established legal aid as a component of individual fair trial rights. The second phase extended this to structural obligations on the State to create institutions rather than provide aid case by case. The third and current phase, still incomplete, concerns whether courts will hold the State to measurable standards of adequacy rather than to the mere existence of a legal aid apparatus.

In Khatri v State of Bihar, the Court went further than Hussainara Khatoon by holding that the State's constitutional obligation to provide free legal aid to an indigent accused does not arise only when the accused applies for it; the Magistrate or Sessions Judge before whom the accused is produced is under a duty to inform the accused of this right, since an accused who is illiterate or ignorant of the law cannot be expected to know that such a right exists (Khatri v. State of Bihar, 1981). This shifted the burden from the citizen having to assert a right to the State having to make the right known and operational.

In Suk Das v Union Territory of Arunachal Pradesh, the Court held that failure to provide free legal aid to an indigent accused, unless refused by the accused, would vitiate the trial entailing setting aside of the conviction and sentence, and it rejected the argument that unfamiliarity with such rights in a remote area like Arunachal Pradesh could excuse the State from its constitutional obligation, holding that if anything greater vigilance was required precisely in areas of low legal awareness (Suk Das v. Union Territory of Arunachal Pradesh, 1986). This decision is significant for the argument developed later in this paper because it explicitly rejects the idea that geographic remoteness or low literacy can lower the State's obligation; if anything, the Court treats such conditions as raising the obligation. This reasoning sits uneasily against the empirical finding, discussed in Section 5, that legal aid infrastructure remains thinnest precisely in the areas the Court identified as requiring the greatest vigilance.

3.2 The unfinished business of judicial standard-setting

Even after all these years, the judicial interpretations have not been able to provide a clear image of what constitutes qualified or sufficient legal aid is. The Constitution and the 1987 Act both refer to "free legal services" and "competent legal services," but neither the legislature nor the judiciary has defined a minimum standard by which the quality of free legal aid may be assessed. In situations where there was no legal help at all, courts have been prepared to reverse convictions, but they have been far less inclined to consider cases where legal aid was technically supplied but functionally inadequate, such as when a panel lawyer first meets a client minutes before a hearing. This is comparable to a problem that is common in other areas of constitutional adjudication, like the interpretive ambiguity that the Supreme Court itself faced in Subhash Desai v. Principal Secretary, Governor of Maharashtra regarding the meaning of a two-thirds threshold under the Tenth Schedule: a textual requirement can exist for decades without judicial clarification of its practical trigger point, until a crisis compels the question.

Legal aid quality has not yet had its own such reckoning before the Supreme Court, and this paper argues that this absence of a judicially defined floor for competence is one reason institutional expansion, discussed next, has not converted into proportionate outcomes.

4. Institutional Mechanisms and the Shift in Delivery Models

4.1 Lok Adalats and Permanent Lok Adalats

Lok Adalats are the oldest institutional mechanism for translating legal aid into dispute resolution outcomes, and they remain the single largest channel by volume. National Lok Adalats are held on fixed dates four times a year across every State and Union Territory, and the scale of disposal is considerable. The first National Lok Adalat of 2024, held on 9 March 2024, settled 1,13,60,144 cases across the country, including 17,14,056 pending cases and 96,46,088 pre-litigation cases, with settlements valued at approximately ₹8,065.29 crore (Business Standard, 2024). At the State level, the pattern repeats: the four National Lok Adalats held in Gujarat during 2024 collectively disposed of 21,61,048 pending cases with settlement amounts totalling ₹5,162.2 crore, and the final Lok Adalat of that year in Gujarat alone disposed of 2,46,184 pending cases and settled a further 3,30,655 pre-litigation matters (LiveLaw, 2024).

According to the aforementioned data, institutional processes can expedite the resolution of ongoing cases pertaining to a variety of concerns, including automobile accident claims, dishonoured checks under the Negotiable Instruments Act, compoundable criminal cases, and marital problems that do not lead to divorce. But volume disposal is not the same as access to justice in the larger sense that the Constitution envisions. The question of whether the less wealthy plaintiff, whom Article 39A is meant to protect, has true bargaining parity in that context or is just under pressure to make a speedy disposal arises when a settlement is reached in a large Lok Adalat sitting, often in a matter of minutes per case.

4.2 Legal Aid Clinics and Para-Legal Volunteers

Legal aid clinics and Para-Legal Volunteers (PLVs) are the grassroots layer of the system, meant to be the first point of contact in villages and urban slums. This is also the layer that the India Justice Report 2025 identifies as most severely weakened over the past five years. The number of functioning legal aid clinics fell sharply, from 14,159 in 2020 to 4,742 in 2022, meaning that on average one legal aid clinic now serves roughly 127 to 163 villages depending on the reporting period used (LawChakra, 2025; Insights on India, 2025b). PLV density fell by 38 per cent between 2019 and 2024, and several States pay PLV honorariums below the applicable minimum wage, which has predictable consequences for retention and motivation at the level of the system that is meant to be closest to the citizen (Insights on India, 2025b).

4.3 The shift toward technology-mediated delivery: Tele-Law

The most significant institutional development of the last decade is the Tele-Law scheme, launched in 2017 by the Department of Justice in partnership with NALSA and CSC e-Governance Services India Limited. Tele-Law connects citizens at Common Service Centres in gram panchayats to panel lawyers through video conferencing or telephone, targeting pre-litigation advice before a dispute escalates into a court case (Tele-Law, n.d.). The scheme's geographic reach has expanded considerably: by the 2025–26 financial year it covered 2.5 lakh gram panchayats across 776 districts, including 112 aspirational districts and 500 aspirational blocks, in 36 States and Union Territories, supported by approximately 275 engaged lawyers (Tripura Star News, 2026). As of 31 December 2025, more than 1.12 crore beneficiaries had received pre-litigation advice and consultation through the scheme (Department of Justice, 2025).

This is not just an addition to the current model, but a true structural change. For other government services, like bill payments and certificate applications, Tele-Law shifts the point of first contact to a Common Service Center already integrated into the village economy, whereas the 1987 Act's design assumed that a citizen would approach a physical Legal Services Authority office. Even at its high of 14,159 clinics in 2020, the clinic-and-PLV model was unable to reach the scale of 2.5 lakh gram panchayats. The comparative flaw, which is covered in Section 5, is that reach, as determined by consultations, does not account for whether the advice provided addresses the root cause of the issue or whether the digital divide specifically excludes the group that Article 39A is intended to safeguard.

Figure 2 places the two delivery models side by side on the same scale, and Table 1 sets out how they differ structurally, not merely numerically.

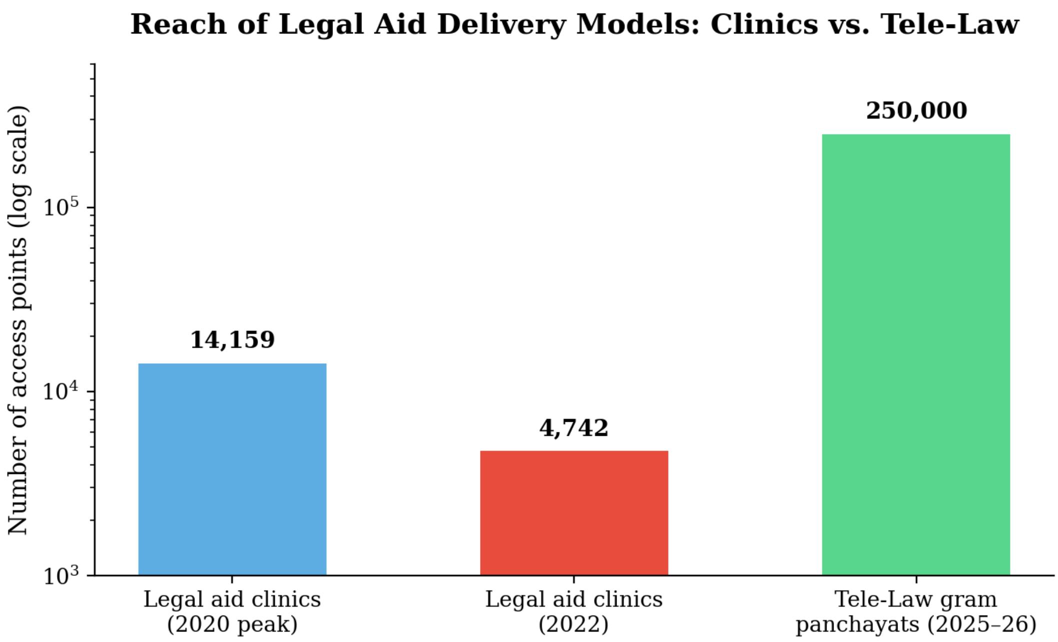

Figure 2: Reach of legal aid delivery models: physical clinics versus Tele-Law gram panchayat coverage (log scale)

Source: Author's own analysis from the data relating to the reach of legal aid through clinics and Tele-law.

Dimension	Traditional clinic / PLV model	Tele-Law model
Point of first contact	Physical legal aid clinic or Para-Legal Volunteer visiting the village	Common Service Centre already present in the village for other government services
Infrastructure required	A dedicated clinic building and a trained PLV posted locally	Existing CSC infrastructure and internet connectivity; a panel lawyer available remotely
Funding dependency	Recurring State and NALSA grants for clinic upkeep and PLV honorarium	Central Tele-Law scheme funding routed through the Department of Justice and CSC network
Principal limitation	Clinic numbers have fallen sharply since 2020, thinning grassroots presence	Effectiveness depends on digital literacy and connectivity, which are weakest exactly where need is greatest

Table 1: Structural comparison of the traditional clinic model and the Tele-Law delivery model

4.4 Specialised schemes and the Legal Aid Defence Counsel System

NALSA has also moved toward category-specific schemes rather than a single undifferentiated legal aid product. The Legal Aid Defence Counsel System (LADCS) creates dedicated defence counsel offices for criminal matters, targeting one office in each of the 703 districts; by September 2024 it had handled over 2.54 lakh criminal cases (Grokipedia, 2026). The 2025 Veer Parivar Sahayata Yojana for defence personnel and their families, the 2024 Child-Friendly Legal Services for Children Scheme, the Legal Services to Persons with Mental Illness and Intellectual Disabilities Scheme with its affiliated Mano Nyay Clinics, and the SPRUHA Scheme for dependents of incarcerated persons and victims of crime, which frames its support as a "cradle-to-reintegration" model that combines legal aid with counselling and career assistance (Grokipedia, 2026; Tripura Star News, 2026). In addition to increasing administrative complexity at the DLSA level, where a small number of staff members must now navigate an increasing number of parallel scheme guidelines with distinct eligibility and reporting requirements, this proliferation of schemes demonstrates institutional responsiveness to particular vulnerabilities.

5. Empirical Assessment

5.1 Beneficiary numbers against the eligible population

The India Justice Report 2025 contains the single most significant empirical finding for this paper: despite nearly 80% of India's population being income-eligible for legal aid under Section 12 of the 1987 Act, only 15.5 lakh persons used it in 2023–2024 (Insights on India, 2025b). Although this 15.5 lakh figure shows a 28% year-over-year growth over the prior year, it still represents a tiny portion of the eligible base. According to cumulative NALSA data, legal services organisations provided free legal services, including representation, advice, and document writing, to 39.44 lakh people between 2022–2023 and December 2024 (Grokipedia, 2026). Set against a country of over 1.4 billion people, with a large majority statutorily eligible, this is a low utilisation rate by any reasonable benchmark, and it indicates that the constraint is not the legal eligibility criteria, which are broad, but the practical steps between eligibility and actual receipt of aid.

5.2 Budgetary constraints

The India Justice Report 2025 places legal aid last among the four justice pillars it assesses, in terms of per capita public spending. National per capita spending on legal aid stood at approximately ₹6.46 per year in 2023, compared with ₹182 for the judiciary as a whole, ₹57 for prisons, and ₹1,275 for police (Mheducation Edge Blog, 2025). Within this already small allocation, utilisation has also declined: fund utilisation fell from 75 per cent to 59 per cent because of rigid expenditure restrictions that require State Legal Services Authorities to obtain prior approval even for routine expenditure such as staff hiring or outreach logistics (Insights on India, 2025b). NALSA's own funds fell in real terms from ₹207 crore in 2017–18 to ₹169 crore in 2022–23, before central grants-in-aid were increased sharply to ₹400 crore in 2023–24 and then reduced again to a ₹200 crore allocation for 2024–25, of which only ₹83 crore had been released by mid-2024 (Insights on India, 2025b; Press Information Bureau, 2024). This year-on-year volatility in central allocation makes multi-year planning at the SLSA and DLSA level difficult, since institutions cannot commit to hiring PLVs or opening clinics on the basis of funding that may not recur.

Per capita spending also varies sharply by State, ranging from approximately ₹2 to ₹16 depending on the jurisdiction, which means that the constitutional guarantee of legal aid under Article 39A is, in practical fiscal terms, delivered unevenly depending on where in India a citizen happens to live (Insights on India, 2025b). This unevenness sits uncomfortably with the judicial reasoning in Suk Das, which treated remoteness and low awareness as grounds for greater, not lesser, State vigilance.

5.3 Judicial capacity as a constraint on legal aid outcomes

The ability of the courts where assisted litigants must ultimately appear cannot be divorced from the results of legal help. India has about 21,285 judges compared to a population that would need nearly 50 judges per million in order to achieve the 1987 Law Commission's guideline; in reality, the ratio is closer to 15 judges per million (LawChakra, 2025). District court judges handle an average of 2,200 pending cases each, and in the most overburdened High Courts, like Allahabad, individual judges may be handling caseloads in the range of 15,000 matters (Mheducation Edge Blog, 2025; Political Science Solution, 2025). High courts report vacancy rates of about 33% and subordinate courts about 21%. Over five crore cases are still languishing at all court levels nationwide, and in states like Bihar, more than 70% of trial and district court cases have been pending for more than three years (Insights on India, 2025a). Legal aid by itself cannot provide access to justice in the sense of a prompt and efficient remedy without a comparable investment in judicial capacity. This is because a legally aided litigant who successfully obtains representation still faces this same systemic delay.

5.4 READING THE DATA TOGETHER

Three empirical patterns stand out when the data is read together. First, reach has genuinely expanded through Tele-Law's geographic penetration, which now exceeds anything the clinic-and-PLV model achieved even at its historical peak. Second, depth has weakened at the grassroots layer, evidenced by the collapse in the number of functioning legal aid clinics and the 38 per cent fall in PLV density, meaning that the system increasingly relies on a technology-mediated first point of contact precisely as its traditional in-person first point of contact has thinned out. Third, funding has been volatile and consistently the lowest, per capita, of any of the four pillars the India Justice Report tracks, which constrains both the clinic-and-PLV model and the technology-mediated model, since Tele-Law also depends on engaged lawyers, Village Level Entrepreneurs, and connectivity infrastructure that require sustained, not one-off, investment. Read together, this data supports the paper's introductory thesis: institutional reach has expanded, but the judicial and doctrinal framework, in particular the absence of any defined standard for the competence or effectiveness of aid actually delivered, has not kept pace with what that expanded reach now requires by way of quality control.

6. Critical Analysis: Successes, Gaps, and Feasible Solutions

6.1 Successes

Three achievements deserve recognition before turning to gaps. First, the judicial doctrine built from Hussainara Khatoon through Suk Das succeeded in converting a Directive Principle into an enforceable component of Article 21, a doctrinal achievement that gives Indian constitutional law one of its clearest examples of transforming aspirational text into justiciable content. Second, the ability of Lok Adalats to resolve pending cases is important for the class of disputes that are suitable for out-of-court settlement; settlement amounts exceeding thousands of crores of rupees per sitting indicate a functional, if imperfect, alternative dispute resolution channel that functions nationally. Third, Tele-Law represents a genuine institutional innovation in reach, connecting over 1.12 crore beneficiaries to pre-litigation legal advice through infrastructure, the Common Service Centre network, that was not originally built for legal purposes but has been successfully repurposed for them.

6.2 Gaps

The gaps identified through this paper's empirical review cluster around four themes. First, a utilisation gap: only 15.5 lakh of an eligible population running into hundreds of millions actually accessed legal aid in 2023–24, which indicates that eligibility on paper is not converting into access in fact, most plausibly because of low legal awareness compounded by the collapse in the physical clinic network that would otherwise carry that awareness to the village level. Second, a funding gap: per capita legal aid spending at roughly ₹6 to ₹6.46 annually is the lowest of the four justice pillars and is both volatile year to year and administratively rigid, since SLSAs need prior approval for routine expenditure, which discourages the kind of flexible, locally responsive spending that outreach work requires. Third, a quality gap: the 2010 Regulations' performance standards, like the twenty-four-hour first meeting requirement, are process standards rather than outcome standards, so compliance can be recorded without the underlying advice necessarily being sufficient. No court ruling has established a minimum standard of competent representation. Fourth, there is a capacity-of-forum gap: even in cases when legal assistance is provided, the plaintiff still joins a court system with 33% of High Court vacancies and multi-year pendency; therefore, aid without a suitably functional court is aid that results in another type of denial, delay.

6.3 Feasible Solutions

Consistent with the existing gaps, solutions should be feasible rather than aspirational; the following recommendations are tested against administrative and fiscal realism rather than proposed as an open list.

First, in terms of funding, the India Justice Report's own recommendation to mandate a minimum share of the justice budget, in the range of 2 to 3 percent, for legal aid is doable because it only calls for reallocation within an already-existing justice budget envelope that already provides far higher per capita funding for courts, police, and prisons (Insights on India, 2025b). Pairing this floor with DLS's authorised spending power. Since this can be done through NALSA regulations and State-level financial delegation orders, eliminating the requirement for case-by-case prior approval for routine outreach costs would solve the utilisation issue mentioned in Section 5.2 without requiring new legislation.

Second, considering the reported financing limits, reconstructing a parallel network of

14,159 clinics from the 2020 peak is not financially feasible in the near future due to the clinic and PLV collapse. Integrating legal literacy and referral services into the current rural outreach infrastructure such as the Accredited Social Health Activist (ASHA) network under the National Health Mission or the Anganwadi worker network under the Integrated Child Development Services scheme that already reaches the village level for other purposes is a more practical approach. Converting an existing government-to-citizen touchpoint into an additional legal aid entry point at marginal cost only requires a brief additional training module and a referral protocol connecting these current employees to the closest DLSA or Tele-Law Common Service Center. No new physical infrastructure is needed for this.

Third, on the quality gap, NALSA could introduce a modest, verifiable outcome-based standard rather than the current process-based standard, for example requiring a documented case-closure note assessing whether the client's stated legal problem was in fact resolved, cross-checked through a sample-based follow-up call conducted by SLSA monitoring staff rather than the panel lawyer's own DLSA. This converts the existing monitoring infrastructure created under the 2010 Regulations from a compliance checklist into an actual quality signal, without requiring new institutions.

Fourth, on the digital divide risk within Tele-Law, given that the scheme's own literature acknowledges that elderly and less literate beneficiaries struggle with video-conferencing interfaces, (Garg et al., 2020) the Village Level Entrepreneur already stationed at each Common Service Centre should be given a formal, funded mandate to provide in-person facilitation for such users rather than leaving this to informal goodwill, since the entire justification for locating Tele-Law within the existing CSC network was to use infrastructure and personnel that already exist.

Fifth, on judicial capacity, legal aid reform cannot substitute for judicial appointments reform, but a feasible interim step within the legal aid system itself is to prioritise Lok Adalat and Permanent Lok Adalat referral for the categories of aided cases most likely to face multi-year delay in the regular court system, such as motor accident claims and cheque dishonour matters, which the existing National Lok Adalat data already shows can be settled at volume. This does not solve the underlying vacancy crisis but channels aided litigants toward the part of the system that is already demonstrating capacity to deliver timely outcomes.

7. Conclusion

The Indian judiciary took a Directive Principle that Parliament placed beyond direct enforcement and, through a sustained line of reasoning from Hussainara Khatoon to Suk Das, made free legal aid an enforceable component of the fair trial guarantee under Article 21. That doctrinal achievement is not in question. What this paper has shown is that the institutional and fiscal apparatus built to deliver on that doctrine has grown unevenly: wide in geographic reach through Tele-Law's expansion to 2.5 lakh gram panchayats, but thin in grassroots depth as the clinic and PLV network has contracted, low and volatile in funding at roughly ₹6 per capita annually, and largely untested by any judicial standard of what competent, as opposed to merely available, legal aid requires. Access to justice, as the case law defines it, demands more than the existence of a scheme; it demands that the scheme actually reach the person Article 39A was written for, at a level of quality a court would recognise as fair. The data reviewed in this paper suggests that reach has improved faster than depth or quality, and closing that gap will require reallocating existing justice budgets, repurposing existing rural infrastructure, and asking the judiciary to do for legal aid quality what it has already done for legal aid access: define a floor below which the State cannot be said to have discharged its Article 39A obligation.

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