
Legal Aid and the Crisis of Access to Justice in Rural India – A Critical Socio-legal Assessment of Institutional Effectiveness in Kaimur District, Bihar

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ABSTRACT

Access to justice is recognized as an integral element of rule of law, and constitutional democracy in India. While the Constitution secures justice for all, socio-economic factors deny millions of rural Indians the ability to seek or protect their legal rights. Legal aid has since become one of the State's most important mechanisms for narrowing the justice delivery gap. Even as National Legal Services Authority, State Legal Services Authorities, District Legal Services Authorities, and Legal Aid Defense Counsel Systems have been created, rural areas continue to report inadequate legal literacy, infrastructure, qualified lawyers, and institutional inefficiencies. Kaimur district in Bihar state is a good example of a rural region with limited access to legal aid. It is predominantly rural, relatively economically backward, and dependent on state-funded legal aid. This paper explores the constitutional and statutory foundations of legal aid in India. It also evaluates the current state of legal aid institutions in rural Bihar to determine whether they serve as an effective mechanism for achieving justice. The paper argues that while India's legal aid infrastructure has grown considerably in the last decade, several qualitative shortcomings continue to hinder its capacity to serve as an effective pro-justice tool in rural areas. Legal literacy and institutional accountability must be prioritized to make legal aid a meaningful mechanism for achieving social justice.

Keywords - *Legal Aid, Access to Justice, NALSA, Bihar State Legal Services Authority, Rural Justice, Kaimur District, Article 39A*

INTRODUCTION

The ability to approach courts and secure remedies through them is one of the most fundamental features of a constitutional democracy. However, the mere existence of courts and procedures is insufficient to ensure justice, especially for poor and rural Indians. Legal literacy, financial resources, institutional support, and social status all play a role in determining whether a person can exercise their constitutional rights effectively. Rural areas remain particularly

vulnerable due to a combination of poverty, geographical isolation, illiteracy, social discrimination, lack of legal awareness, and administrative challenges.¹ India's commitment to equal justice is enshrined in Art. 39A of the Constitution, which obliges the State to provide free legal aid so that justice is not denied due to economic or other disabilities. This objective has been achieved through the Legal Services Authorities Act, 1987, which covers the entire country and provides legal aid to people who are economically or otherwise disadvantaged.

The need for legal aid has grown manifold in recent years due to the rising complexity and costs of litigation. According to the National Judicial Data Grid, as of 2026, over 5.3 crore cases are pending in India, which adversely impacts the right to timely justice. At the same time, the Department of Justice has been working to promote digital inclusion by developing e-Courts Phase III, e-Seva Kendra, virtual courts, and other initiatives to make justice more accessible to rural litigants. However, digitalization is only part of the solution, as many rural areas continue to lack even basic legal literacy and institutional support.²

Bihar State is a good example of the challenges faced by rural areas in accessing justice. Despite improvements in recent years, Bihar continues to lag behind the national average in several justice delivery indicators as reported by the India Justice Report. The state's justice delivery mechanisms remain largely dependent on District Legal Services Authorities, Para Legal Volunteers (PLVs), Lok Adalat, and legal literacy camps. Kaimur district is a typical example of a rural area with limited access to legal aid. It has a large rural population, with many villages, and has significant Scheduled Caste and Scheduled Tribe populations in some blocks. It is primarily an agricultural district with relatively few legal aid institutions.

The Government of India has been working to strengthen institutional capacity by promoting the Legal Aid Defense Counsel System, Tele-Law services, village legal care and support centers, and digital legal literacy initiatives. As of early 2026, Tele-Law services have enabled millions of people across the country to access legal services through technology. However, these figures only tell part of the story, as the ability of legal aid to deliver concrete benefits to vulnerable groups remains a key concern.³

Court has consistently recognized the right to free legal aid as an integral part of the rights to life and liberty enumerated in Art. 21. Starting with *Hussainara Khatoon v. State of Bihar*,⁴ court has held that free legal aid services are an essential component of a fair trial. This position has been reiterated in numerous subsequent rulings, including *Khatri (II) v. State of Bihar*⁵ and *Suk Das v. Union Territory of Arunachal Pradesh*.⁶ In particular, *Khatri (II)* held that the State is obligated to provide legal assistance to poor accused persons from the time of their first

¹ N. R. Madhava Menon, *Legal Aid to Poor and Voluntary Organisations in India*, 33 Indian J. Pub. Admin. No. 3, 634–42 (1987), <https://doi.org/10.1177/0019556119870320>.

² National Legal Services Authority, *Annual Report 2024–2025* (2025), <https://nalsa.gov.in/annual-reports/>.

³ T. P. Singh & Parihar Vandana, *Legal Aid System in India and Nepal: An Overview*, Kathmandu Sch. L. Rev., 60–66 (2013), <https://doi.org/10.46985/jms.v2i1.1033>.

⁴ (1979) 3 SCC 532.

⁵ (1981) 1 SCC 627.

⁶ (1986) 2 SCC 401.

appearance before a magistrate, regardless of their request. Similarly, Suk Das held that failure to provide legal aid to an accused person may violate their constitutional rights to a fair trial and equal protection of the laws.

The Constitution and various statutes provide a comprehensive basis for legal aid in India. Notably, the Legal Services Authorities Act, 1987 gives effect to the constitutional rights to free legal aid and justice. The Act provides for a four-tier system of legal aid delivery, including the National Legal Services Authority (NALSA), State Legal Services Authorities, District Legal Services Authorities, and Taluk Legal Services Committees.

Table 1 - Constitutional and Statutory Foundations of Legal Aid in India

Provision	Significance
Art. 14	Equality before law and equal protection of laws
Art. 21	Fair procedure includes access to effective legal representation
Art. 22(1)	Right of arrested people to consult and be defended by a legal practitioner
Art. 39A	Constitutional obligation to provide free legal aid and equal justice
Legal Services Authorities Act, 1987	Establishes NALSA, SLSAs, DLSAs and Taluk Legal Services Committees
Bharatiya Nagarik Suraksha Sanhita, 2023	Continues safeguards relating to legal representation and fair criminal procedure

CONSTITUTIONAL AND INSTITUTIONAL FRAMEWORK OF LEGAL AID IN INDIA

The constitutional and statutory framework of legal aid in India rests on the principle that justice should not be denied to any person on grounds of economic disability. While Art. 39A, inserted by the 42nd Constitutional Amendment, is the guiding star for legal aid in India, the judiciary interpreted Art. 14 and 21 of the Constitution in conjunction with Art. 39A to hold that the right to free legal aid is a fundamental right. In other words, the right to legal aid is justiciable, and its denial constitutes a violation of the Constitution.⁷

The landmark ruling as to *Hussainara Khatoon v. State of Bihar*⁸ played a crucial role in shaping modern legal aid jurisprudence in India. By directing the State to provide free legal aid to undertrials, court recognized free legal aid as a fundamental right. It was the first to hold that free legal aid is a part of the right to life and liberty under Art. 21.

The ruling was followed by *Khatri (II) v. State of Bihar*⁹ and *Suk Das v. Union Territory of Arunachal Pradesh*,¹⁰ which held that the right to free legal aid to accused people under Art. 39A is absolute and justiciable. Notably, *Khatri (II)*'s ruling held that the State is obligated to provide free legal aid to poor accused people from the time of their first appearance before a magistrate, regardless of their request. In *Suk Das*'s ruling, court held that failure to provide free legal aid to an accused person may violate his or her rights to life and liberty under Art. 21 and equality under Art. 14. The Legal Services Authorities Act, 1987 was passed in 1987 and came into force in 1995. It aims to provide free and effective legal aid to poor and marginalized sections of society and contains detailed provisions about the composition, functions, and powers of NALSA, SLSAs, DLSAs, and Taluk Legal Services Committees.¹¹

NALSA is the apex body for legal aid and legal literacy in the country and is responsible for formulating policies and programs for the delivery of legal aid and legal literacy. It also provides legal aid and advice to vulnerable groups, including women, children, senior citizens, victims of trafficking, persons with disabilities, undertrials, and persons in vulnerable situations. In recent years, NALSA has focused on promoting digital legal literacy through Tele-Law, digital legal awareness campaigns, and village outreach programs.

The BSLSA is the nodal agency for legal aid and legal literacy in Bihar. It oversees the functioning of the District Legal Services Authorities in all districts, including Kaimur. District Legal Services Authorities are the primary agencies for providing legal aid and legal literacy in their respective districts. In Kaimur, the DLSA conducts legal literacy camps, legal aid

⁷ Jaya Ganapathe, Satheesh Raja, Shakthitharan & Amalesh Kanthi, *An Empirical Research on Legal Aid System in India*, 5 Int'l J. Multidisciplinary Rsch. No. 5 (2023), <https://doi.org/10.36948/ijfmr.2023.v05i05.7833>.

⁸ (1979) 3 SCC 532.

⁹ (1981) 1 SCC 627.

¹⁰ (1986) 2 SCC 401.

¹¹ V. N. Vlasenko, N. A. Morozova & Vladislav Yurevich Panchenko, *About Some Current Problems of Ensuring Financial Accessibility of Legal Aid in Russia*, 4 Siberian J. Anthropology No. 3, 233–38 (2020), <https://doi.org/10.31804/2542-1816-2020-4-3-233-238>.

clinics, Lok Adalat, mediation, and victim compensation assistance. It also works closely with Para Legal Volunteers in the district. The introduction of the Legal Aid Defense Counsel System in the state has helped improve the quality and independence of legal aid defense counsel for economically poor accused persons.¹²

In *In Re: Policy Strategy for Grant of Bail*,¹³ court laid down bail policy guidelines for all courts in the country, and implementation of the guidelines has since been reviewed by court. *Satender Kumar Antil v. Central Bureau of Investigation*¹⁴ has been repeatedly cited by courts in 2023-2026 in bail matters. Court laid down detailed guidelines regarding the bail policy for undertrials and emphasized the importance of legal aid in ensuring that accused people are not unduly harassed.

CRITICAL SOCIO-LEGAL ASSESSMENT OF INSTITUTIONAL EFFECTIVENESS IN KAIMUR DISTRICT, BIHAR

Assessing the efficacy of legal aid requires a close examination of the existing institutional mechanisms and their ability to overcome the barriers to justice for vulnerable groups. The present district of Kaimur is an excellent example of how the provision of free legal aid to the poor is impeded by multiple socio-economic and institutional factors. Despite the Legal Services Authorities Act, 1987, the presence of BSLSA and DLSA, the district faces numerous challenges in ensuring effective justice delivery to the poor and marginalized. The gap between the legal empowerment of citizens and ground realities bears a direct impact on the access to justice in Kaimur.¹⁵

Kaimur is a predominantly rural district with about 90% of the people engaged in agriculture, cultivation, and allied labor activities. This has resulted in a relatively low level of literacy and financial stability among the working-age population. A majority of the population falls under the economically weaker sections entitled to free legal aid under Sec. 12 of the Legal Services Authorities Act, 1987. At the same time, there is a visible lacuna in the level of legal awareness about their rights, the availability of free legal aid, and functioning of the LSIs among the poor. As a result, disputes relating to property, maintenance, social security, and labor remain largely unaddressed or inadequately addressed through legal interventions.¹⁶

Legal aid delivery mechanisms in Kaimur have registered considerable improvements in the last decade. NALSA reports that the number of legal aids, legal literacy camps, prison legal aid, and mediation camps organized across the state have increased manifold in the last fiscal

¹² Viral Kanudawala, *Right to Free Legal Aid in India: A Constitutional Perspective*, J. Survey in Fisheries Sci., 17162–66 (2023), <https://doi.org/10.53555/sfs.v10i1.3270>.

¹³ (2022) 4 SCC 731.

¹⁴ (2022) 10 SCC 51.

¹⁵ P. D. Dovhopol, *The Principle of Accessibility of Free Legal Aid and Its Implementation Under Martial Law: Theoretical and Legal Aspect*, 1 Analytical & Comparative Jurisprudence No. 3, 30–36 (2026), <https://doi.org/10.24144/2788-6018.2026.03.1.3>

¹⁶ Ameer Hamza, G. Ragesh, K. Sajitha, B. Shrinivasa & Priya Treesa Thomas, *Service Users' Perspectives on Free Legal Aid Services in India*, 34 Indian J. Soc. Psychiatry No. 2, 178–83 (2018), https://doi.org/10.4103/ijsp.ijsp_18_17.

year (2024-25). Similarly, NALSA's Legal Services Beneficiaries Report 2025-26 shows that millions of people across the country are able to access free legal aid from LSIs every year.¹⁷

In Kaimur, free legal aid has been facilitated by the introduction of Tele-Law under the Department of Justice's DISHA Scheme through the Common Service Centers. The state's legal aid institutions acknowledge the benefits of introducing technology to legal aid in rural areas. According to the Ministry of Law and Justice, Tele-Law has so far facilitated more than 1.12 crore pre-litigation legal aid consultations in India as of 2026, thereby demonstrating its overall effectiveness in providing free legal assistance.¹⁸

Though Tele-Law consultations have reduced the distance between rural litigants and legal practitioners, they cannot entirely replace physical legal aid. Tele-Law's efficacy is limited by the lack of internet connectivity and techno-literacy in the district. Other factors associated with the provision of legal aid include the quality of legal representation, financial and infrastructural support to LSIs, and special legal aid to vulnerable groups in accordance with the legal aid policy. In addition, legal literacy remains a crucial aspect of the free legal aid system, without which legal empowerment and justice for all would remain theoretically impossible.

While legal aid to the poor has registered some improvements in Kaimur, the issue of quality legal representation still remains pertinent. The introduction of the panel lawyer's system in the past has been criticized on grounds that it failed to provide effective legal aid to vulnerable groups due to their low pay, high workload, and lack of responsibility. The newly introduced Legal Aid Defense Counsel System aims to address the shortcomings of the earlier system by providing full-time defense counsel for people from socially and economically backward classes who are unable to afford private legal practitioners. However, the success of the new system depends on the financial and infrastructural support extended to the selected lawyers as well as their training and supervision.¹⁹

The judiciary's approach to the problems of free legal aid plays a crucial role in determining the efficiency of LSIs and quality of justice delivered to poor and vulnerable groups. Court has consistently held that legal aid should be provided to indigent litigants if it is to serve a rehabilitative and egalitarian function. For instance, in *Anokhilal v. State of Madhya Pradesh*,²⁰ court held that legal aid could not be denied to indigent offenders in serious criminal cases on the grounds that they do not have the resources to prepare a defense.

¹⁷ National Legal Services Authority, *Legal Services Beneficiaries Report (April 2025–March 2026)* (2026), <https://nalsa.gov.in/legal-service-beneficiaries-report/>.

¹⁸ National Legal Services Authority, *Legal Services Clinics Report (April 2025–March 2026)* (2026), <https://nalsa.gov.in/legal-service-clinics-report/>.

¹⁹ Prabhjot Singh Chahal, *Legal Aid in India: Enhancing Access to Justice for All*, 6 Int'l J. Multidisciplinary Rsch. No. 2 (2024), <https://doi.org/10.36948/ijfmr.2024.v06i02.14836>.

²⁰ (2019) 20 SCC 196.

In *Satender Kumar Antil v. Central Bureau of Investigation*,²¹ court reiterated that the constitutional rights of undertrials must be protected by providing effective legal aid and bail to the poor and vulnerable. The ruling highlights the judiciary's view that legal aid must take the form of substantive and not procedural justice. Therefore, legal aid institutions and lawyers must provide effective legal defense and representation to poor litigants.

The problem of women accessing legal aid services is further exacerbated by patriarchal attitudes prevalent in rural areas. Women experience multifaceted barriers when seeking free legal aid in cases relating to domestic violence, harassment, maintenance, and other social issues. Despite NALSA's special schemes and legal aid for women victims of traffickers, sexual assault, and other violent crimes, women's access to justice remains limited by the lack of community outreach by legal aid institutions. Consequently, women litigants do not have sufficient awareness about their rights and functioning of LSIs. This is despite the availability of legal aid volunteers and Anganwadi workers tasked with sensitizing the public about the legal empowerment programs. Similar social barriers exist for women in engaging with Lok Adalat and other dispute resolution mechanisms.²²

Another key concern is the poor access to legal aid among SCs, STs, and migrants. The inability to navigate the legal system, especially when dealing with local authorities, is often a major deterrent from pursuing legal action. PLVs act as a liaison between the rural poor and legal aid institutions. However, the India Justice Report 2023 highlights several inadequacies in the functioning of the PLVs, including their poor training and limited access to legal aid resources.²³ This is partly because some states lack the necessary budget or human resources to tackle the volume of legal cases. There is therefore a need to improve legal aid and justice delivery mechanisms while also increasing the capacity of the PLVs. Though Bihar lacks these vital justice resources, the state has registered considerable institutional improvements in the last five years.²⁴

Table 2 - Socio-Legal Assessment of Legal Aid Delivery in Kaimur District

Parameter	Existing Position	Key Challenge	Suggested Reform
Legal Awareness	Periodic legal literacy camps	Low public awareness	Continuous village-level legal literacy programmes

²¹ (2022) 10 SCC 51.

²² Ashish Kundu Anshu, *A Critical Analysis of the Legal Aid System in India*, SSRN Electronic J. (2024), <https://doi.org/10.2139/ssrn.4856118>.

²³ National Legal Services Authority, *Statistics*, <https://nalsa.gov.in/statistics/> (last visited Aug. 4, 2026).

²⁴ Tata Trusts et al., *India Justice Report 2025* (4th ed. 2025), <https://indiajusticereport.org>.

Legal Representation	DLSA panel lawyers and LADCS	Variation in quality	Regular evaluation and specialized training
Digital Access	Tele-Law through CSCs	Digital divide	Expansion of digital infrastructure and assisted access
Women-Centric Services	NALSA schemes operational	Social stigma and low reporting	Collaboration with SHGs and Panchayats
ADR Mechanisms	Lok Adalat functioning regularly	Limited awareness regarding ADR	Increased community participation and awareness campaigns

UNION AND BUDGET AND LEGAL AID

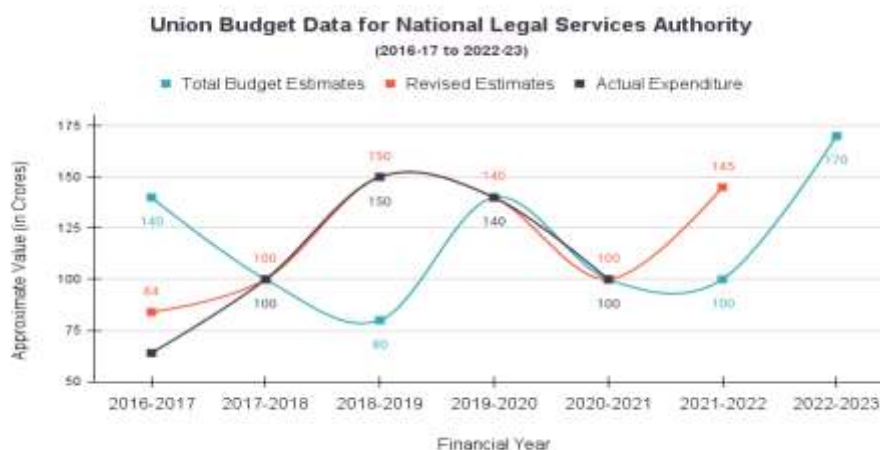
The sustainability of legal aid institutions is intrinsically linked to adequate financial support and budgetary prioritization by the Union Government. In recent years, the Union Budget has reflected a gradual policy shift from merely expanding legal aid institutions to strengthening their quality, digital infrastructure and institutional capacity. Under the Demand for Grants of the Ministry of Law and Justice, allocations have increasingly recognised that access to justice constitutes an essential public service requiring sustained financial investment. The budgetary provisions for the National Legal Services Authority (NALSA) have witnessed a steady upward trajectory, with allocations increasing from ₹197.11 crore (Actual 2024–25) to ₹200 crore (Budget Estimate 2025–26), ₹220 crore (Revised Estimate 2025–26) and ₹250 crore under the Union Budget 2026–27²⁵. Simultaneously, dedicated funding has continued for the Legal Aid Defense Counsel System (LADCS), which seeks to institutionalize quality criminal defense by engaging full-time legal aid defense counsels at the district level. The continued increase in budgetary allocations demonstrates the Government's recognition that merely establishing statutory authorities is insufficient unless they are supported by adequate financial resources for infrastructure, professional manpower, training and technological innovation.²⁶

²⁵ Department of Justice, Ministry of Law & Justice, Government of India, *Detailed Demands for Grants 2026–2027* (2026), <https://www.doj.gov.in/static/uploads/2026/04/3c4c2ad0f9be910b61965800465762f9f.pdf>.

²⁶ Ministry of Finance, Government of India, *Expenditure Budget 2026–2027, Demand No. 65—Ministry of Law and Justice* (2026), <https://www.indiabudget.gov.in/doc/eb/sbe65.pdf>.

Budgetary support has also facilitated the expansion of technology-enabled justice delivery mechanisms. Significant allocations have been made for the e-Courts Phase III Project, which aims to establish a paperless, digitally integrated judiciary capable of providing seamless access to litigants across the country. Digital initiatives, such as Tele-Law, e-Seva Kendra, online dispute resolution platforms and virtual court facilities, have become particularly relevant for rural districts like Kaimur, where geographical remoteness often increases the cost of accessing legal institutions.²⁷ These reforms complement the constitutional mandate under Art. 39A by reducing procedural barriers and enabling economically weaker citizens to obtain preliminary legal advice without travelling long distances. However, the effectiveness of these initiatives depends upon parallel investments in digital literacy, internet connectivity and village-level facilitation through Common Service Centers and Para Legal Volunteers.

Nevertheless, budgetary enhancement alone cannot guarantee effective access to justice. Independent assessments have observed that disparities continue to exist in the utilization of funds across State Legal Services Authorities due to administrative delays, shortage of trained personnel and uneven institutional capacity. Consequently, greater emphasis must be placed on outcome-based budgeting, periodic financial audits and performance evaluation to ensure that increased allocations translate into measurable improvements in legal literacy, legal representation and timely dispute resolution. Future Union Budgets should therefore priorities district-specific funding, capacity-building of legal aid lawyers, strengthening of DLSAs, continuous training of Para Legal Volunteers and expansion of community legal education programmes. Such targeted financial interventions would substantially enhance the institutional effectiveness of legal aid and advance the constitutional objective of ensuring equal access to justice for rural and marginalized communities.²⁸



*Figure 1 - Understanding Legal Aid Budgets in India*²⁹

²⁷ *Ibid.*

²⁸ Supreme Court of India, *Budgetary Grant*, <https://www.sci.gov.in/important-links/budgetary-grant/> (last visited Aug. 4, 2026).

²⁹ Justice Hub, *Understanding Legal Aid Budgets in India* (Feb. 4, 2022),

CONCLUSION AND A WAY FORWARD

Legal aid is a critical aspect of justice delivery in India. The Constitution and Legal Services Authorities Act provide a solid legal framework for ensuring free and effective legal aid to poor and vulnerable groups. However, as Kaimur demonstrates, the presence of legal aid institutions and services is not sufficient on its own to guarantee access to justice. Multiple interrelated factors, including low levels of legal literacy and awareness, infrastructural shortcomings, lack of legal aid resources, and quality of representation available, greatly affect poor people's ability to seek and obtain justice.

The state must therefore take concrete steps to improve the effectiveness of LSIs by promoting legal literacy, providing better funding and support for legal aid lawyers, and ensuring that vulnerable groups have access to legal aid services. Though the introduction of alternative justice delivery mechanisms such as Lok Adalat and Tele-law has improved access to justice, more institutional support is needed to make digital legal aid services scalable and sustainable. Community mobilization, especially at the village level, is key to achieving legal empowerment and ensuring access to justice for all.

Legal aid institutions must reorient their efforts from simply expanding their coverage to improving the quality of justice delivery. First, legal literacy should be promoted on a continuing basis through regular school lectures and workshops in villages. Alternatively, the Panchayats, Service Centers, and Self-Help Groups could be utilized as platforms for legal education and awareness. Second, the DLSA should develop performance indicators for legal aid lawyers and evaluate their performance based on the clients' satisfaction with the legal services rendered.

Third, Tele-Law should be complemented with physical legal aid by organizing legal aid camps at the village level. Fourth, collaboration between Law and Legal Services Authorities, police stations, and local governments should be prioritized in order to identify and register people in need of legal aid. Finally, the government should conduct social audits of legal aid programs in order to effectively ascertain the strengths and weaknesses of the existing legal aid infrastructure.