
CRITICAL ANALYSIS OF INCULCATING THE CULTURE OF ADR AND CLIENT-CENTERED LAWYERING IN PRO BONO SERVICES IN INDIA

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ABSTRACT

Ensuring access to justice and promoting the rule of law are important aspects of the Indian justice system. Pro bono is one of the important aspects of ensuring the rule of law by providing a fair, humane, and efficient mechanism for access to justice. Article 39A of the Constitution of India provides equal justice and free legal aid to all citizens. However, the existing framework for pro bono in India is still not efficient, inclusive and responsive. This research paper examines the current framework for pro bono in India and identifies the challenges and gaps. Further, this paper considers the philosophical aspect of a foundational framework that evolves the culture of legal practice from a paternalistic and authoritarian to a client-centered approach that gives importance to individual dignity and autonomy. This philosophical shift is achieved through the inquisitorial system of judicial process. ADR is one mechanism of the inquisitorial system that empowers the clients to participate in the process and enables them to resolve disputes by mutually agreeable solutions.

This paper explored the current institutionalised framework of India related to pro bono by examining the "Nyaya Bandhu" programme and "Lok Adalats", or people's courts, that provide a statutory ADR mechanism aiming to provide access to justice to all. This paper proposes a system where emphasis is on the development of a holistic model of ensure a legal aid system that considers a more comprehensive and sustainable way of legal aid, where a pro bono lawyer is not merely a litigant but also a problem-solver. This shift is supported by pro bono lawyer's legal ethics and professional responsibilities that are crucial for effectiveness of this model. Further, the paper suggests that there is a need for the multi-stakeholder model where bar, bench legal aid organisations, researchers, and educators collectively participate to transit from a supply-driven to a need-driven system.

Keywords: Pro Bono, Justice, Client-centered, ADR.

Introduction

Pro bono is Latin term which means for public good, considering the context of legal services it consider as the practices of providing voluntary legal services to individuals and organizations who are not capable of getting access of legal services due to their financial conditions or any other condition. In this context the lawyers providing the services free of cost or in minimal cost as social obligation and responsibility towards needy people. However, with the changing time the pro bono services are not limited to a social responsibility of advocates but convert it as legal ethical consideration and professional responsibility. The principle of justice i.e. social, economic and political as enshrined in Preamble of the Indian Constitution support the idea of pro bono service.

The Indian justice system is currently facing a problem of judicial backlog that places immense pressure on all mechanisms to ensure equitable access to justice. As per the National Judicial Data Grid (NJDG) the pending cases across the country is more than 4.57 crore¹, which necessitates the need for urgent efficiency-oriented reform. While the pressure of disposal of cases in a speedy manner drives the force to solely focus on efficiency, not equitability, it can lead to a paradigm of transactional justice rather than transformative justice. Article 39A of Indian Constitution directs state to ensure 'equal justice and provide free legal aid to ensure that opportunity for securing justice are not denied to any citizen by reason of economic or other disabilities'². This nature of obligation on the state implies that the purpose of providing legal services is qualitative and must lead to assurance of justice.

However, the current legal aid mechanism is limited to the representation of marginalised communities in the judicial proceedings, ignoring the need for a more holistic and client-centered approach for legal assistance which provides equitable justice. This approach is, moreover, result-orientated rather than need-orientated. Considering the necessity of relieving the burden of the judicial system but not at the cost of compromising the right to justice of litigants. Consequently, there is a need for a balanced mechanism where client autonomy is protected within the speed-focused mechanism for dispute resolution. The convergence of the alternative dispute resolution (ADR) mechanism with the client-centered lawyering (CCL) in the pro bono services system is important not merely as a supplementary measure but as a

¹ National Judicial Data Grid (NJDG), 'National Judicial Data Grid (NJDG) | Department of Justice | India' <<https://doj.gov.in/thenational-judicial-data-grid-njdg/>> accessed 15 October 2025.

² The Constitution of India, 1950 art 39-A.

necessary measure for transformative justice.

In this paper, the researcher seeks to answer these three questions: 1. How does inculcating the culture of ADR in pro bono legal service promote access to justice? 2. How does client-centered lawyering help to deconstruct the paternalism approach of the justice delivery system, specifically in pro bono services? 3. What are the structural, institutional and professional reforms required in pro bono lawyering to achieve the goal of access to justice?

This research paper proposes that the juncture of purpose-orientated ADR mechanisms and action-orientated client-centered lawyering principles are essential to reform the pro bono system in India. This integration moves legal aid from a mere mechanism of the judicial relief system to an equitable service, while addressing the systematic power difference inherent in the lawyer-client relationship and maximising the access to justice in the true sense by fulfilling the constitutional principles of social and economic justice and the rule of law as embedded in Article 39A and Article 21 of the Constitution.

Conceptual Framework of Pro Bono, ADR and CCL

To analyse the inculcation of culture of ADR and CCL mechanism in pro bono legal service, it is important to conceptualize these three terms.

Meaning and Evolution of Pro Bono in India

The literal meaning of term pro bono publico is “for the Public good”.³ In legal context it refers as the voluntary legal services provided to those who cannot afford legal services without expectation of any remuneration.⁴ So pro bono is considered as the intersection of professional responsibility and social justice principle, where lawyers’ ethical duty is combined with the obligation of the state to provide equal justice and free legal aid.

In India, Pro bono is derived its foundation from article 39-A of the constitution. The Indian Judiciary expands the scope of this mandate consistently and includes it as right to life and liberty under article 21 of the Constitution. In the case of *Hussainara Khatoon v State of Bihar*⁵,

³ Pro Bono DOJ, 'Meaning and Context' <<https://probono-doj.in/meaning-context.html>> accessed 12 October 2025.

⁴ The Legal School, '8 Key Functions of NALSA: Free Legal Aid & Justice for All' <<https://thelegalschool.in/blog/functions-ofnalsa>> accessed 12 October 2025.

⁵ *Hussainara Khatoon v State of Bihar* (1980) 1 SCC 93.

Supreme Court held that right to free legal aid is an essential part of right to life and personal liberty under article 21 of the Constitution. Also, in the case of *Khatri (II) v State of Bihar*⁶, Supreme Court declared that it is the constitutional duty of the state to provide legal assistance to all at every stage of criminal proceeding. These judgments reflect the broader social justice aspect of the constitution with regard to pro bono services.

Legal Service Authority Act, 1987 provides the institutionalized framework and establishment of National, State, and District Legal Services Authorities, however does not explicitly provide the framework for pro bono legal work. Pro bono legal service still continues to govern through voluntary initiatives by law firms, lawyers, universities and others. The flagship program of department of justice Nyaya Bandhu launched in 2017 is one initiative that provide framework for pro bono legal services.⁷ This programe come with the objective to bridge the gap between lawyers' willingness to volunteer for pro bono service and beneficiaries' intent to get the assistance by providing digital technology leverage.

Despite the efforts challenges are still persist. The unawareness of the lawyers regarding institutional opportunity to engage in pro bono work and it is perceived as unremunerative obligation and not as professional duty are the main concerns.⁸ Also, pro bono services perceived as the litigation-centric and emphasis on the representation of pro bono lawyers in courts rather than client-centered holistic problem solving. This limited consideration affects the capacity to deliver sustainable justice outcomes for the clients.

Meaning and Nature of ADR

ADR refers to the mechanism of resolution of dispute outside the formal court system. The integration of the ADR culture in the justice delivery system provides collaborative, speedy and cost effective mechanism for dispute resolution. ADR mechanism integrates philosophy of participation and collaboration that allow the engagement of disputant in resolving disputes.⁹ In India the mechanism of dispute resolution through consensus is traced from

⁶ *Khatri (II) v State of Bihar* (1981) 1 SCC 627.

⁷ Press Information Bureau, 'NYAYA BANDHU Programme: Pro Bono Legal Services' (Press release, Ministry of Law and Justice, 9 February 2024) <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2004316> accessed 14 October 2025.

⁸ 'Legal Aid in India: Current Scenario and Future Challenges' Manupatra Articles (2024) <<https://articles.manupatra.com/articledetails/Legal-Aid-in-India-current-scenario-and-future-challenges>> accessed 13 October 2025.

⁹ Law Reform Commission of Ireland, Report on Alternative Dispute Resolution (Law Reform Commission 2010) <https://www.lawreform.ie/_fileupload/reports/r98adr.pdf>

traditional system of panchayats and community-based forums where dispute settled through dialogue and conciliation.¹⁰ After independence, state seeks to institutionalize these mechanisms in formal justice delivery system.

In India, ADR mechanism includes mediation, conciliation, arbitration and judicial settlements including settlement through Lok Adalat as recognized under section 89 of the Code of Civil Procedure, 1908.¹¹ And it regulated by different statutes that are the Arbitration and Conciliation Act, 1996; Legal Service Authority Act, 1987 and the Mediation Act, 2023. The regulation of the mechanism by statutes establish faster route to justice as well as ensure that resolutions once finalized are legally binding and equivalent to contractual obligation. The Supreme Court in different cases recognized the importance of ADR as integral mechanism for access to justice. In the case of Afcons Infrastructure Ltd v Cherian Varkey Construction Co (P) Ltd¹², Supreme Court made an observation that ADR is not merely an alternative method but an essential component of the justice delivery system. Also in the case of Salem Advocate Bar Association v Union of India¹³, Court directs the state for establishment of centers for mediation and conciliation at all levels of the judiciary for institutionalization of ADR. The need for the novelty in this mechanism is required regarding incorporation of concept of 'appropriate ADR' where lawyers at pre-litigation stage identified the nature of the dispute and in consultation with client select a best suited ADR mechanism for effective resolution.

Meaning and aspects of Client-Centered Lawyering

Client-centered Lawyering represents an ethical and professional consideration that provides priority to the client autonomy, dignity and their active participation in decision making at every stage of legal process.¹⁴ To incorporate the client-centered lawyering, lawyers'

¹⁰ V N Alok, Panchayats and Dispute Resolution: A Report Study Sponsored by Ministry of Panchayati Raj (Indian Institute of Public Administration 2023)
<<https://cdnbbsr.s3waas.gov.in/s316026d60ff9b54410b3435b403afd226/uploads/2024/07/20240719744521243.pdf>>

¹¹ Press Information Bureau, 'Government of India at forefront to promote Alternative Dispute Resolution Systems' (Press release, Ministry of Law and Justice, 2024)
<<https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=2003844>> accessed 15 October.

¹² Afcons Infrastructure Ltd v Cherian Varkey Construction Co (P) Ltd (2010) 8 SCC 24.

¹³ Salem Advocate Bar Association v Union of India (2005) 6 SCC 344.

¹⁴ Jonah A Siegel, Jeanette M Hussemann and Dawn Van Hoek, 'Client-Centered Lawyering and the Redefining of Professional Roles Among Appellate Public Defenders' (2017) 14 Ohio State Journal of Criminal Law 579
<<https://kb.osu.edu/server/api/core/bitstreams/42cd2ac6-9c1a-5dea-99ac-5dd6d29eb058/content>> accessed 15 October.

professional conduct rules and ethical duty is the driving force for them to provide transparent advice, avoid conflict of interest, intact confidentiality and support to clients in making informed decision.¹⁵ Client-centered lawyering generally consist of active client engagement, client informed decision making, collaborative method of problem solving and due consideration provided to socio-cultural contexts.

Interrelation of ADR, Pro bono and CCL

The convergence of ADR in pro bono system provides opportunity for client empowerment. As ADR enables the participation of individuals in resolution of disputes and pro bono mechanism ensures the access to legal assistance to economically or other disadvantaged individuals together develop a system where legal aid is not limited to lawyer-driven system but one where clients-centered approach in which client's social, economic and emotional realities taken into account.

The nature of ADR is collaborative where role of lawyers is beyond advocacy to problem solving, it aligns seamlessly with the ethos of client-centered lawyering.¹⁶ ADR methods like mediation and negotiation reinforce the client autonomy and provide the mechanism of sustainable resolution of disputes by reducing burden on adversarial system. This approach will transform pro bono legal aid into participatory and inclusive method and build up trust and satisfaction of the clients in the justice delivery system. Inculcation of ADR in pro bono service helps clients to not only achieve legal victory but also achieve personal and community reconciliation. This outcome is more meaningful for them than judicial decrees.¹⁷ Additionally, it provides pro bono lawyers a tool of reducing case backlogs and fostering culture of negotiated justice by handling disputes in more efficient manner. As stated by justice Krishna Iyer, "Access to justice is not merely access to courts but access to fair solutions."¹⁸ By integration of ADR in pro bono lawyering by promoting client centered lawyering move closer

¹⁵ Neeraj Sharma, 'Ethical Lawyering: A Way to Uphold the Nobility of the Legal Profession' (2021) 4(4) International Journal of Law Management & Humanities 488.

¹⁶ K Kruse, B McAdoo and S Press, 'Client Problem-Solving: Where Law and ADR Meet' (2015) 7 *Elon Law Review* 225.

¹⁷ E Gruodyte and S Kirchner, 'Pro Bono Work vs. Legal Aid: Approaches to Ensuring Access to Justice and the Social Responsibility of the Attorney' (2012) 5 *Baltic Journal of Law & Politics* <<https://doi.org/10.2478/v10076-012-0010-2>> Accessed 14 October 2025.

¹⁸ Dr Pooja Prashant Narwadkar, 'Equitable Access to Justice: A Constitutional Mandate' (2018) 24 *Bharati Law Review* 24-31 <https://docs.manupatra.in/newslines/articles/Upload/356D216C-DB8F-49C9-850E5C5C08DCEFD2._Narwadkar_Dr._IC_Prin._24-31__constitution.pdf> accessed 20 October 2025.

the India judicial system to achieving this vision.

Current framework of pro bono legal services in India

In India, current framework of pro bono legal service get its foundation from a complex system of constitutional protection, statutory considerations, institutional initiatives and professional responsibility that aims to provide access to justice for the marginalized and unprivileged people. Indian constitution under Article 39A added by 42nd amendment provides that state shall secure equal justice and provide free legal aid by legislative and institutional mechanism to economic weaker or other disable citizens of the country.¹⁹ In this way constitutional framework provides a foundational obligation on state to ensure pro bono legal services to all citizens.

Supreme Court while determining the scope of Article 39A expands by connecting it with article 21 and article 14 of Indian Constitution. In the case of *Hussainara Khatoon v State of Bihar*²⁰, Court opined that delay or denied legal assistance is violation of fundamental right of life under article 21 of the Constitution. This case highlights the interconnection of legal aid with fundamental rights. Further, in *Sheela Barse v State of Maharashtra*²¹, Court reinforced the notion of accessible, timely and effective legal assistance is necessary specifically for vulnerable people such as women, children and prisoners.

Considering the constitutional provisions and cases, constitutional framework provides two-fold purpose of legal aid; first is to ensure procedural justice by providing representation in courts and second is to promoting of substantive justice, it can be enforced through clients' participation in dispute resolution process. This twofold purpose clearly aligns with the principle of ADR, which emphasizes on mutually acceptable outcome and voluntary participation, as a mechanism of complementing the constitutional vision of equitable justice.²²

In the light of above-mentioned constitutional obligation, the Legal Services Authorities Act, 1987 was enacted by the parliament with a purpose to provide a formal and uniform framework for free and competent legal service to the marginalized sections of the country. This Act

¹⁹ The Constitution of India, 1950 art 39-A.

²⁰ *Hussainara Khatoon v State of Bihar* (1980) 1 SCC 93.

²¹ *Sheela Barse v State of Maharashtra* 1983 AIR 378.

²² Centre for Research and Planning, Supreme Court of India, *Legal Aid Through Law Schools: A Report on Working of Legal Aid Cells*

provides a framework for constitution and functionalities of The National Legal Services Authority (NALSA), The State Legal Services Authorities (SLSA), District Legal Services Authorities (DLSA), Taluk Legal Services Committees (TLSC), Supreme Court Legal Services Committee (SCLSC) and High Court Legal Services Committee (HCLSC).²³ The purpose of the establishment of these institutions is to ensure access of justice to each level throughout the country. It gives an opportunity to the economic weaker or other disabled people to get equal opportunity to get justice without considering their lack of ability to seek justice. Further, this act also considers that the person who satisfies the criteria as provided in the Act²⁴ shall be entitled to avail the services. It recognizes the duty of every lawyer to provide free legal services to qualified persons as provided in act.²⁵ This act also deals with the organization of Lok Adalats.²⁶ As per Act, legal service institutions of different levels shall hold Lok Adalats. The purpose of this is to provide the alternate dispute mechanism in the pro bono legal services so that speedy and effective disposal of the cases in a cost-effective manner should be ensured. In this process, the parties to a dispute arrive at a compromise or settlement and the matters that are settled attain finality. Further, in 2002 through an amendment, the constitution of permanent Lok Adalats for disputes relating to public utility services was introduced.²⁷ The act also highlights the promotion of arbitration, conciliation and negotiation for resolution of disputes.²⁸ In this manner, the Act in several provisions tried to institutionalize the ADR for pro bono purposes. Despite these provisions, the implementation of the provisions of the Act is inconsistent in different states due to an awareness gap, inconsistent participation of lawyers and resource constraints.²⁹

Bar Council of India rules on professional ethics supplement the statutory provisions. It imposes the ethical duty on lawyers to contribute to social justice. The rules recognize the duties of lawyers towards clients and impose a responsibility to advocate for the client's interest without affecting their autonomy. This principle is directly aligned to client-centered practice.³⁰

²³ Legal Services Authorities Act 1987 ss 3, 3A, 6, 8A, 9, 11A.

²⁴ Legal Services Authorities Act 1987 s 11.

²⁵ Legal Services Authorities Act 1987 s 5.

²⁶ Legal Services Authorities Act 1987 ss 19-22B.

²⁷ Press Information Bureau, Government of India, 'Legal Services Authorities (Amendment) Act, 2002' (PIB Release, 8 January 2002) <<https://archive.pib.gov.in/release02/lyr2002/rjan2002/08012002/r080120025.html>> accessed 24 October 2025.

²⁸ Legal Services Authorities Act 1987 s 4(f).

²⁹ Id at 22.

³⁰ "Rules on an Advocate's Duty Towards the Client" (Bar Council of India) <<https://www.barcouncilofindia.org/info/rules-on-anadvocates-duty-towards-the-client>>.

Other than statutes and judicial decisions policy initiatives has also taken to operationalise the pro bono legal assistance. The Department of Justice has launched a programme named as Nyaya Bandhu Programme where pro bono legal services juxtaposing with ADR practices.³¹ Under this programme, practicing advocates volunteering for legal pro bono work through mobile technology and connected with the eligible marginalized beneficiaries for delivery of pro bono legal services.³²

The constitutional and statutory framework provides the clear vision of integration of ADR in pro bono services. The Constitutional framework, the Legal Services Authorities Act, judicial pronouncements, professional ethical code and policy initiatives collectively establish legal institutional and ethical foundation. However, there is need of the effective implementation, lawyers' participation and client-centered approach for achieving the goal of substantive justice.

From Paternalistic to Client-centered Lawyering: Philosophical and Ethical Dimensions

The inefficiency in current legal system is not only strategic but also deeply rooted in a philosophical and traditional approach of paternalistic legal practice. This approach limits the client participation in mechanism and restricts his individual dignity and autonomy which is very important for access to justice. Indian legal system largely follows the adversarial model where lawyers act as authoritative. In adversarial model legal service providers has a mindset of the litigation-based resolution rather than non-litigation options. Historically paternalism found authority from Indian medico legal context. However, in medical field the ethical and legal discussion evolved and patient's right to self-determination recognized. In institutional culture of legal sphere still imbedded with this tendency where professionals intentionally limit the client's autonomy and justified their actions to take decisions for best legal outcome for the client's good.

The shift from paternalism towards client-centered approach is mandated by the constitution as recognized the commitment towards dignity. Client-centered lawyering provides a necessary shift where transparency and equalize power dynamic between client and attorney must be considered. CCL provide the principles where attorney needs validate the client's

³¹ 'NYAYA BANDHU Programme: Pro Bono legal services' Press Information Bureau (Government of India) <<https://www.pib.gov.in/PressReleasePage.aspx?PRID=2004316>> accessed 24 October 2025.

³² Department of Justice (Government of India) Pro Bono DoJ, 'About' <<https://www.probono-doj.in/about.html>> accessed 24 October 2025.

emotions and fear by actively present and listening his concerns. Crucially, it recognizes the non-litigation aspects moving from procedural litigation to client's holistic wellbeing and emotional comfort. So in this model the non-legal complexities are the main considerations that taken into account by attorney. The inclusion of CCL only possible through rooted philosophical aspects of utilitarianism and deontological framework. The application of principle of care ethics in legal aid practices is important to inculcate CCL. The other essential perspective to inculcate CCL in pro bono is the principle of decisional autonomy as recognized under article 21. Thus, integration of CCL is not merely a professional aspiration but important for protection of expanded scope of article 21.

ADR as a mechanism for inculcation of CCL

ADR is an important mechanism for client empowerment. It provides philosophical aspect to shift from adversarial system to inquisitorial system. As inquisitorial system aims to attain justice through inclusion and effort of all the parties. The court, police, prosecutor and defense all together works to determine the right adjudication for the particular dispute. ADR mechanism by prioritizing the mutual consensus framework and problem solving over procedural considerations facilitate this composite decision making and encourage the client's participation in decision making. The core philosophy that underlines the inculcation of CCL through ADR mechanism is the party autonomy, as it provides the right of self-determination to client. For marginalized people, autonomy is very important benchmark for quality legal aid. Disputes of marginalized population mainly related to land, utility access or domestic conflicts, where asymmetrical power or relations concerns involved. Traditional litigation mechanism is not able to resolves the root conflict. ADR provides a process where context-specific and relationship preserving solution is possible. The Indian legal system has explicitly promoted this shift by introducing the different ADR mechanism as mentioned above through different statutory or policy mechanism. Nari Adalats is such example where women empowered to resolve matrimonial disputes by participation.

Challenges and Gaps in Current Framework

Critical analysis of existing ADR mechanisms and Pro Bono lawyering

To consider the inculcation of culture of ADR and CCL principles, critical review of current institutionalized pro bono and statutory mechanism is prerequisite. The Lok Adalats and the

Nyaya Bandhu programme are two major initiative of contemporary framework that provide ADR method in pro bono lawyering.

The Nyaya Bnadhu program: Study on policy gaps

The Nyaya Bandhu program is great initiative for connecting registered beneficiaries with volunteer advocated for pro bono lawyering through a dedicated mobile application. This program comes under DISHA (designing innovative solutions for holistic access to justice) Scheme. It has achieved significant numerical outreach by connecting approximately 2.10 crore beneficiaries through different components. Tele-law: Reaching the unreached, Nyaya Bandhu (Pro-bono Legal Services), Nyaya Mitra and Legal Literacy & Legal Awareness Programme are the components of this scheme. The huge number of beneficiaries signifies the successful utilization of digital platform to promote access to justice and enhance connectivity.

However, this program is not filling the gap of institutionalization of the pro bono culture. The pro bono is ethically embedded in legal profession still remains as an unregulated and ad hoc method that largely dependent on the lawyer's personal motivation and beliefs. A primary problem lies with governance of pro bono lawyering is the absence of standardized policy framework. Due to unavailability of standardized framework, fragmented result and inconsistency in administration of legal aid visible across different regions. It impeding the any comprehensive impact assessment as well as limiting the efficient mobilization of efforts. Without mandatory and standardized guidelines program just become a platform for increasing the supply of minimal advice but not guaranteeing the quality and client-centered approached that is very important for meaningful delivery of justice. Under this program, if volunteer lawyers maintain that traditional approach of delivery system than it still limited to traditional system of justice delivery. The system still faces the similar considerations of paternalistic mindset and adversarial mechanism of justice delivery system that is lawyerdriven rather than client-driven. Here technology merely accelerates the quantitative numbers of pro bono service and structural considerations of conventional system still persistent.

Lok Adalat: statutory consideration to client autonomy

Lok Adalat or People's Court operates under Legal Service Authority Act established with purpose to resolve disputes that are pending in courts or at the pre-litigation stage by mutual consent or though compromise. The success of the Lok Adalat by their speedy, cost-effective

and accessible justice delivery system. It eliminates the geographical and financial barriers for marginalized communities. The decision of Lok Adalat called as award and deemed as decree of civil court and it is final and binding on all the parties. As it is coupled with the systematic pressure to resolve large number of cases present a severe threat to autonomy of client. The crisis of informed consent is apparent. Although, Lok Adalat members works as statutory conciliators and their duty is “to not pressurize or coerce any of the parties too compromise or settle cases or matters either directly or indirectly”³³. However, the credibility and genuineness of consent of the poor and unrepresented is still a question of concern.

The main problem lies with the Lok Adalat is the rooted power imbalances and institutional objective. Lok Adalat is highly effective for resolving transactional disputes such as utility bills, electricity claim or motor vehicle related concerns. It fulfills the institutional goal of reducing the burden of judiciary by resolving huge number of pending cases. However, the focus only on the quantitative criteria establishes a metric trap of judicial efficiency where success measures primarily on volume. This institutional force detached the system from considering the metrics of client satisfaction or informed consent of client and with this reason Lok Adalat perceived as potentially coercive by vulnerable groups. Thus, when consent is coerced and award of Lok Adalat is non-appealable profoundly violated the principle of equitable justice as ensured under constitution. It fundamentally violates the two important rights of client that are dignity and autonomy.

Considering the overall pro bono culture in India, it is unregulated and depends upon the individual lawyers’ willingness. Also lack of infrastructure, fragmented financial constraints, huge number of pending cases and inadequate representation of legal aid lawyers are current gaps in pro bono structure of India.

The Mediation Act 2023: Implications for Pro Bono Services

The 2023 Mediation Act offers special chances to integrate Alternative Dispute Resolution (ADR) procedures into pro bono service provision. This law promotes ad hoc mediation as well as institutional mediation through Mediation Service Providers (MSPs), with special provisions for court-annexed mediation centers and Legal Services Authorities that are

³³ National Legal Services Authority, 'Compendium of Legal Services Schemes and Regulations' (2022)<<https://cdnbbsr.s3waas.gov.in/s3100d9f30ca54b18d14821dc88fea0631/uploads/2022/06/2022062850-1.pdf>> accessed 24 October 2025.

approved as MSPs.³⁴

The Act's emphasis on affordability and accessibility in relation to pro bono services fits in perfectly with the constitutional mandate for free legal aid. It makes online mediation a feasible and cost-effective procedure, successfully resolving the geographic issues that usually make it difficult for people in rural areas to access legal services. This technological integration represents a significant chance to expand the availability of pro bono services.³⁵

Pro bono mediation services are made possible by the Act's mandate that contracts for government and public sector undertakings contain mandatory mediation clauses. Legal Services Authorities can use this requirement to increase the range of alternative dispute resolution (ADR) services they offer, which will be especially helpful to small and medium-sized businesses and individual litigants who are unable to pay for private mediation services.³⁶

But there are still a lot of implementation issues. The creation of the Mediation Council of India, the creation of guidelines for mediators and mediation centers, and the development of grassroots capacity are all necessary for the Act to be successful. Cooperation with regional bar associations, NGOs, Chambers of Commerce, colleges, and Panchayats will be necessary for the Act to be effective in pro bono settings.

Conclusion and Suggestions

The comprehensive analysis of the framework reveals that challenges in pro bono legal services are rooted in foundational conflict between idea of equal justice in the Constitution and the practical and structural reality. The underfunded lawyers and litigation-centric system are the significant problems of pro bono structure. Due to these problems the culture of paternalism and consideration of expediency overshadows the autonomy of the client and violate the right to dignity and self-determination of the client.

Inculcation of culture of ADR and client-centered mechanism is important to realize the constitutional principle of access to justice and substantive justice. This integration demands the shift in the philosophical aspect of pro bono service where lawyers need to work as a

³⁴ The Mediation Act, 2023 chp III.

³⁵ The Mediation Act, 2023 Preamble.

³⁶ Mayank Gandhi, 'A Critical Study of Mediation Process in India: The Challenges and Potential Solutions' (Jindal Global University, 17 April 2024) <<https://jgu.edu.in/mappingADR/a-critical-study-of-mediation-process-in-india-the-challenges-andpotential-solutions/>> accessed 24 October 2025.

holistic problem solver. Further the integration of advisory, principle of negotiation and social counseling roles must consider by the lawyers as principles of care ethics support the philosophical shift. The transformation in system is not just considered as moral endeavor but it is important for economical consideration with the high-quality comprehensive legal assistance.

The sustainability of the access to justice depends on a unified system where multi-stakeholders committed towards the need driven pro bono services. To inculcate the Holistic Model in pro bono lawyering, it is necessary to ensure comprehensive procedural safeguards for informed consent in ADR, mandatory professional training in collaborative dispute resolution, regulatory mechanism for incentivize the pro bono providers and effective monitoring mechanism for quality assurance. By adopting multi stakeholder model where ADR and client-centered lawyering adopted in pro bono services ensure the justice in true sense and beyond courtroom to an instrument of empowerment and dignity.

Suggestions

- Establishment of Multi-stakeholder cooperative model. In this model Bar, Bench, law schools, legal aid organization, educators and researchers collectively work for common goal to provide access to justice. This model designed in cooperative mechanism where interaction of the diverse group in single common platform where focus is to shift from supply-driven system to need driven system.
- To inculcate the culture of ADR in pro bono it is important to encourage the pro bono lawyers to get ADR certification and training that helped them to mediate, conciliate or negotiate in effective manner.
- Need to reform the professional and ethical consideration of pro bono lawyering. It can be improved by providing financial recognition and career advancement to pro bono lawyers with strong ethical monitoring mechanism.
- Institutionalization of compulsory ADR mechanism adopted in pre-litigation stage of pro bono lawyering. A compulsory "Appropriate ADR Identification Protocol" and Legal Services Authorities at the district level should manage pre-litigation ADR services as the primary points of contact, with the Nyaya Bandhu platform restructured

to emphasize pre-litigation dispute resolution and to integrate with the orientation programs of District Legal Services Authorities.

- Reorientation of legal aid authorities. To inculcate the ADR culture and CCL it is important to reorient their operational model and funding priorities. Authorities must redirect funds on long term and quality outcome constitutions. The investment of fund mainly on community based legal support system and pre-litigation needs assessment is considerable. The operational change required in the level of assessment system. The shift is required from quantitative impact assessment to qualitative assessment where assessment is not in the basis of mere numbers but on the basis of substantive delivery of justice
- Establishment of Community based Mediation Centers is necessary for providing legal information, pre-litigation dispute assessments, mediation services and follow-up counseling.
- Reform of current framework of Lok Adalat- To safeguard informed consent, it is necessary to implement mandatory Lok Adalat consultations, ensuring that all parties receive a minimum of 30 minutes of individual consultation with independent legal counsel. Additionally, written informed consent protocols should be established to document the parties' understanding of the nature of the dispute and the alternatives available to them, along with the right to representation at a nominal cost. The operational framework should be transformed to require explanations for the rationale behind settlement agreements, allow for withdrawal within 7 days without prejudice, and ensure that alternative remedies are preserved, meaning that settlements should defer rather than eliminate legal remedies. Quality metrics should shift away from measuring success solely by the quantity of settlements and instead focus on assessing rates of informed consent, the enforceability of settlements, client satisfaction, and equity of outcomes.
- Improvement of the Nyaya Bandhu Program is essential. Service quality standards ought to require initial consultations lasting at least 45 minutes, follow-up protocols that include two additional consultations after the initial advice, and a structured needs assessment that identifies the core interests of clients beyond their stated legal inquiries.

- Strategic Execution of the Mediation Act 2023 is necessary. Legal Services Authorities should be recognized as Mediation Service Providers in accordance with the provisions of the Act, leading to the formation of networks of Mediation Service Providers that include court-annexed centers, law school clinics, and community legal support centers. The integration of mandatory mediation clauses should facilitate the operationalisation of government contract requirements and extend to disputes involving public utilities. Pro bono mediation services should dedicate at least 30% of their institutional capacity to pro bono services, offering subsidized fees for economically disadvantaged populations through sliding scale arrangements.
- Legal Education Curriculum Reform that focuses on Alternative Dispute Resolution (ADR) and Client Centered Lawyering (CCL) for dispute resolution.