
HOW CAN INDIA LEVERAGE GLOBAL LEGAL TECH INNOVATIONS TO ENHANCE ACCESS TO LEGAL AID SERVICES IN RURAL INDIA

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ABSTRACT

Access to justice is the backbone of the Indian Constitution. This right, enshrined in Article 39A, remains largely elusive for marginalised communities of the country, such as her rural citizens. Despite statutory frameworks like the Legal Services Authority Act, initiatives under NALSA, and mandatory assignment of legal counsel under BNSS, actual utilisation of free legal aid services remains minimal in India. Various barriers, such as lack of awareness, poverty, geographical restraints, and systemic inconsistencies, make inefficient dispensation of justice inevitable. This paper aims to establish the challenges and explore how India can draw on international practices to bridge such gaps. These strategies, when used with governmental collaboration and support from private actors, would significantly increase access to free legal aid services in the country. The aim is to identify holes in the system and provide ways to ensure justice is an accessible reality to every citizen of the country.

Introduction

Justice should not only be done, but manifestly and undoubtedly be seen to be done.¹ This prominent principle underscores that while justice must exist in theory, there must be earnest efforts from the sovereign to ensure its bona fide dispensation and accessibility. While agents of justice might not be far-fetched for the ones with means, an economically and geographically disparate State like India would need to take proactive steps to ensure justice for all. The sovereign thus made efforts to ensure equal opportunity to secure justice for all citizens of India through the 42nd Amendment in the Constitution², making it a constitutional right to get free legal aid, for members of weaker economic sections of the country.³ Additionally, Section 341 of the Bharatiya Nagarik Suraksha Sanhita⁴ (BNSS) and the National Legal Services Authority (NALSA) Act⁵ work together to extend legal aid to marginalized citizens.

As of 2023, approximately 64% of the population of the country inhabits rural areas.⁶ However, communities living in such villages continue to face significant barriers to accessing legal help. Economic hardships (Poverty rate at **\$2.15** a day 12.92% of population in 2021)⁷, lack of legal awareness⁸, geographical differences (15.6% of all litigants travel between 50 km and 300 km to reach the courts for hearings)⁹, and complex legal procedures¹⁰ often prevent these citizens from receiving the support they need.

To bridge this gap between legal entitlement and legal access, India must truly look beyond the currently available infrastructure to expand access to legal aid (almost 80 percent of India's population is eligible for free legal aid. Yet since 1995, barely 15 million people have availed

¹ Lord Hewart, *R v Sussex Justices* [1924] 1 KB 256.

² The Constitution Act 1976.

³ The Constitution of India, a 39A.

⁴ Bharatiya Nyaya Suraksha Sanhita 2023, s 341 (bnss 2023).

⁵ The National Legal Services Authority Act 1987 (LSAA 1987).

⁶ 'Rural Population- India', *World Bank*, <<https://data.worldbank.org/indicator/SP.RUR.TOTL.ZS?locations=IN>> accessed 21 March 2025.

⁷ 'Country Profile', *World Bank*, <<https://pip.worldbank.org/country-profiles/IND>>, accessed 21 March 2025.

⁸ *Suk Das & Anr vs Union Territory of Arunachal* [1986] AIR 991.

⁹ 'Access to Justice Survey 2015-2016', <<http://www.dakshindia.org/>>, accessed 21 March 2025.

¹⁰ Ananya Bhattacharya, 'India's constitution is 30 times longer than America's - and still growing', *Weforum*, (2 October 2019) <<https://www.weforum.org/stories/2019/10/india-constitution-over-30-times-long-us/>>, accessed 21 March 2025.

it)¹¹.

This paper examines India's efforts to proper dispensation of equal opportunity to seek justice and analyses existing barriers in the realm. The paper additionally looks at methods adopted by International States for the successful usage of technology to improve legal aid services. By drawing inspiration from these international examples, the research identifies strategies that could be adapted to fit India's unique challenges and needs.

Legal Framework for Legal Aid in India

Article 39A of the Indian Constitution was added through the Constitution (42nd Amendment) of India Act 1976. The article ensures the provision of free legal aid to ensure equal opportunity to seek justice.¹² Legal Aid means to provide free legal aid and practical help in legal matters to the impoverished sections of society.¹³ The Legal Services Authority Act, 1987, was enacted to fulfil the above-mentioned vision to increase access to justice. The act entailed the formation of a National Legal Services Authority¹⁴, State Legal Service Authorities¹⁵ and Lok Adalats¹⁶ using funds from the Legal Aid fund available in respective jurisdictions¹⁷. The autonomous entities strive to provide free legal aid services to those in need. Additionally, when an accused is unable to be represented by an advocate due to lack of means in criminal trials or appeals, Courts must assign an advocate for the purpose of defense on State expenses¹⁸. In *Sheela Barse v State of Maharashtra*,¹⁹ it was held that access to Legal Aid in India to the economically disadvantaged is not only a constitutional right according to Article 39A²⁰, but also a part of Articles 14²¹ and 21²² of the Constitution. These statutes and judgments work collaboratively to ensure, at least in theory, that every individual gets access to legal representation when they are accused of committing an offense under the *Bharatiya Nyaya Sanhita*²³. Finally, there are

¹¹ Shishir Tripathi, 'India's Legal System: Legal aid for the poor or poor legal aid?', *Money Control*, (8 October 2024, 8:57pm) <<https://www.moneycontrol.com/news/opinion/indias-legal-system-legal-aid-for-the-poor-or-poor-legal-aid-12837689.html>>, accessed 21 March 2025.

¹² The Constitution of India, a 39A.

¹³ <<https://dictionary.cambridge.org/dictionary/english/legal-aid>>, accessed 21 March 2025.

¹⁴ LSAA 1987, s 3.

¹⁵ LSAA 1987, s 6.

¹⁶ LSAA 1987, s 19.

¹⁷ LSAA 1987, s 15-17.

¹⁸ bnss 2023, s 341.

¹⁹ [1982] 2 SCC 96.

²⁰ The Constitution of India, a 39A.

²¹ The Constitution of India, a 14.

²² The Constitution of India, a 21.

²³ bnss 2023.

various traditional dispute resolution avenues in the tribal as well as rural parts of the country that help provide assistance for legal matters in less crucial cases. While there are statutory efforts made to provide free legal aid services, the rural citizens of the nation still face hindrances, as already discussed, to access legal representation.

The present scenario of Legal Aid in India- drawing inspiration from global technologies to improve it

What is meant by the duty of the State to ensure a fair defence to an accused is not the employment of a defence counsel for the namesake. It has to be the provision of a counsel who defends the accused diligently to the best of his abilities.²⁴ There is one legal aid clinic per 127 villages, as of March 2022.²⁵ The per capita spending on free legal aid, including NALSA and state budget allocation, is merely Rs. 4.71²⁶. This data raises concern when we realize almost 80% of India's population is eligible for legal aid, but downwards of 2% use it fruitfully²⁷. Only 50% of the majority of the states' funds allocated for legal aid services are used by them, using almost half of the budget allocation due to lack of bureaucratic efficiencies and campaign awareness.²⁸

Hussainara Khatoon v Home Secretary, State of Bihar²⁹ is a landmark judgment regarding legal aid that stated prisoners accused of bailable offences, undertrial, should have access to legal aid to get bail and help in proceedings for the same. In the case of Mohd. Hussain v The State of Delhi³⁰, which was a death penalty case, the lawyer failed to show up for multiple hearings and appear to examine multiple witnesses, highlighting the shortcomings of the legal aid services in the country. Where one is accused of cases attracting punishment or life imprisonment, lawyers with a minimum of 10 years of experience should be allowed to give

²⁴ Ramanand @ Nandlal Bharti vs The State Of Uttar Pradesh, [2022] 5 SCR 162.

²⁵ 'Legal Aid', *India Justice Report*, (4 April 2023, 12pm)
<https://indiajusticereport.org/files/IJR_2022_Legal_Aid_Backgrounder.pdf>, accessed 21 March 2025.

²⁶ 'Legal Aid', *India Justice Report*, (4 April 2023, 12pm)
<https://indiajusticereport.org/files/IJR_2022_Legal_Aid_Backgrounder.pdf>, accessed 21 March 2025.

²⁷ Shishir Tripathi, "India's Legal System: Legal aid for the poor or poor legal aid?", *Money Control*, (8 October 2024, 8:57pm)

<<https://www.moneycontrol.com/news/opinion/indias-legal-system-legal-aid-for-the-poor-or-poor-legal-aid-12837689.html>>, accessed 21 March 2025.

²⁸ <https://indiajusticereport.org/files/IJR_2022_Legal_Aid_Backgrounder.pdf>, accessed 21 March 2025.

²⁹ [1980] 1 SCC 98.

³⁰ [2012] AIR SC 750.

legal aid, given the gravity of the matter³¹. However, legal aid clinics have lawyers with way less experience, the majority of experienced lawyers going for independent litigation with time.

Despite existing legal frameworks in the Indian context, the lack of access to justice, especially in rural areas remains a concern. To address these challenges, we can draw inspiration from innovative practices adopted from across the globe, especially in countries with similar socio-economic conditions, that can help in the better dispensation of free legal aid to rural citizens.

Kituo Cha Sheria was one of the first non-governmental organisations established in the country of Kenya to disseminate legal advice to the marginalized citizens of the country.³² While it started with a handful of members giving free legal advice, the organisation has seen exponential growth in both lawyers and clients. During the covid-19 pandemic, the organisation started mHaki, a helpline number where clients could send SMS to get legal advice from their in-house lawyers within 48 hours.³³ This initiative was launched in 2020, where it received 1,649 queries through the platform in the first half of its operation itself. Various developing countries use the platform mLegal, which is again a platform that provides free legal advice w.r.t. the various facets of law.³⁴ There has been a drastic growth in the number of mobile connections in India, with the number being 1.12 billion mobile collections, or 78% of the Indian population³⁵. It is also worth noting that while the number of mobile connections is high, only a fraction of these people have access to an internet connection (751.5 million internet users).³⁶ However, we can also consider the fact that there are multiple people using the same cell phone in certain sections of the country.³⁷ By providing legal aid services through

³¹ Anokhilal v State of Madhya Pradesh, [2020] AIR SC 232.

³² <<https://kituochasheria.or.ke/about-us/>>, accessed 21 March 2025.

³³ Annual Report 2020, Kituo Cha Sheria, page 19 <https://kituochasheria.or.ke/wp-content/uploads/2023/11/Annual-Report-2020b_compressed.pdf>, accessed 21 March 2025.

³⁴ Sean Martin McDonald, Innovations Case Discussion: mLegal, *Massachusetts Institute of Technology*.

³⁵ Simon Kemp, 'Digital 2024: India', *Data Reportal* (21 February 2024), <<https://datareportal.com/reports/digital-2024-india#:~:text=India%20was%20home%20to%20462.0,percent%20of%20the%20total%20population.>>>, accessed 21 March 2025.

³⁶ Simon Kemp, 'Digital 2024: India', *Data Reportal* (21 February 2024), <<https://datareportal.com/reports/digital-2024-india#:~:text=India%20was%20home%20to%20462.0,percent%20of%20the%20total%20population.>>>, accessed 21 March 2025.

³⁷ Simon Kemp, 'Digital 2024: India', *Data Reportal* (21 February 2024), <<https://datareportal.com/reports/digital-2024-india#:~:text=India%20was%20home%20to%20462.0,percent%20of%20the%20total%20population.>>>, accessed 21 March 2025.

SMS in India, we would remove the barrier of access to internet connection in rural areas of the country (around 70% of the population)³⁸.

Mobile legal aid clinics are developed in various nations in the world, like Georgia³⁹, where legal aid services are on wheels- meaning legal aid clinics travel to various rural and marginalised areas themselves and offer free legal advice. They help in dispute resolution, documentation and paperwork, and provide law related advice in villages prone to crime and disputes. A similar mobile legal aid clinic is established in Maldives, which gives legal advice on civil, family, employment, contract, land, and other issues.⁴⁰ India can establish services resembling the aforementioned, bridging the gap of access to quality legal aid due to geographical constraints. Mobile legal services can be established by the State legal authorities based on stats available, with the help of law universities to reach tribal, agricultural and economically weaker sections of the country. Members of such legal aid organisations can travel to such marginalised areas prone to crime and take justice to them.

DoNotPay is a law-based AI-Chatbot established in the US that provides legal advice for free with the help of AI⁴¹. While the software is still evolving, it aims to reach the end goal of helping people save time and money when looking for legal assistance.⁴² While making an AI chatbot with the same concept would not be very fruitful in the Indian context, the country can make AI platforms that would help in translation to regional languages and vice versa, increasing accessibility of the available number of free legal aid providers. Additionally, since there is a disparity in the number of legal aid service providers and lawyers in India, these platforms can be used to bridge the gap. An AI-chatbot could be developed, funded by statutory clinics, that would help in decreasing the workload of lawyers. This could be through the way of bookkeeping, giving basic legal advice, proofreading, and so on. Marginalized citizens with internet access can also use these platforms, if developed in the way, to get legal advice in their regional languages, for free, by ways of translation of statutes, explanation of laws and judgments, helping fill paperwork, getting information of avenues w.r.t. legal clinics or

³⁸ Shruti KA, V Ihita G, Sachin Chaudhari, A Survey on Rural Internet Connectivity in India, *ResearchGate*, (August 2021), <https://www.researchgate.net/publication/356427097_A_Survey_on_Rural_Internet_Connectivity_in_India>, accessed 21 March 2025.

³⁹ 'Legal Aid on Wheels Reaches Remote Communities in Georgia', *UNDP*, (18 October 2023) <<https://www.undp.org/georgia/press-releases/mobile-legal-clinic>>, accessed 21 March 2025.

⁴⁰ <<https://www.pilcmv.org/projects-mobile-legal-aid>>, accessed 21 March 2025.

⁴¹ <<https://research.contrary.com/company/donotpay>>, accessed 21 March 2025.

⁴² <<https://research.contrary.com/company/donotpay>>, accessed 21 March 2025.

governmental cites and legal reasoning of the query on hand. Online legal aid platforms like LawRato, Vakalatnama, and ProBono India, with an already established reach, can instil such ChatBots in their features to provide better access to legal services.

Victoria Legal Aid is an organisation established in Australia that runs a 24*7 legal aid helpline where citizens can get free legal guidance throughout the day.⁴³ This organisation provides services in times of crisis, such as wrongful imprisonment, appearing before a criminal court and emergency legal advice, in addition to the usual legal aid services. They also offer services through websites, explaining how one is supposed to reach out to a lawyer financed by the organisation if one does not want to avail of the helpline service. Organisations already established in India can include the feature of helplines and increase their efficiency in providing on-call guidance. Such forums can then spread awareness of accessibility in prisons where one is confined but cannot afford a lawyer, or in rural areas of the country with the help of State Legal Authorities. This would allow citizens of India inhabiting the rural areas to speak through call or WhatsApp. They can also get legal advice through their phones, about their rights and the next steps pertaining to criminal charges against them or reported by them before traveling long distances to courts.

Conclusion

Ensuring access to legal aid is essential to fair trials in a just society, yet millions in India remain excluded from access due to geographical constraints, lack of awareness, and low demography-to-aid ratios. While statutory provisions in the country mandate free legal aid services, their implementation in the country remains weak.

By adopting global practices, like Kenya's SMS-Based legal advice, Georgia's mobile legal clinics, AI Chatbots, or Australia's 24*7 helplines, India can bridge the gap, while not increasing workload or decreasing the efficiency of the present workforce in the free legal aid sector substantially.

A strategic collaboration between the Government, private sectors, and legal institutions could create a digitally inclusive legal aid system, in a way that actually helps marginalized citizens of the rural sectors of India. All in all, justice should not remain a statutory right- the legal

⁴³ 'Speak to us', (30 January 2025) <<https://www.legalaid.vic.gov.au/speak-to-us>>, accessed 21 March 2025.

system, including the independent law practitioners of the country, need to make earnest efforts to make it a lived reality for all citizens of the nation, regardless of their geographical or socio-economic conditions.