

## **The role of lawyers in strengthening access to justice in India**

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### **ABSTRACT**

In a democratic order, access to justice is an essential condition of justice and lawyers play an irreplaceable role in making the constitutional promises of justice a reality for millions of people in India. The article reviews the history and colonial roots of the legal profession, discusses the constitutional and statutory framework that seeks to ensure access to justice in India, and explores the various socio-economic and geographical barriers and enablers to equal access to justice. The article critically examines key judgments of the Supreme Court of India such as Hussainara Khatoon v State of Bihar, Khatri v State of Bihar, M.H Hoskot v State of Maharashtra, etc. which have influenced the evolution of jurisprudence on legal aid and access to justice. It also reviews the Advocates Act 1961, the Legal Services Authorities Act 1987 and the recent changes in policy and legislation that have changed the nature of the lawyer's work. The conversation continues on issues confronting both the profession and society such as pendency of cases, lack of legal knowledge, lack of infrastructure, digital divide and so on, with specific recommendations for reform, and ends with a statement of how lawyers can make a difference in a just society.

**Keywords:** The provision of justice, legal aid, lawyers, and the Legal Services Authorities Act, constitutional rights.

### **1. INTRODUCTION**

But in its true sense, justice is not simply a matter of law codified in the statute books; it is the lived reality of people who can effectively exercise their rights, claim their redress and engage meaningfully in the justice system. One of the most challenging issues in India, a continental-size nation with tremendous social complexity, is the delivery of justice to all people, regardless of poverty, illiteracy, caste, gender or location. The lawyer is at the heart of this conflict, subject to ethical obligations to the court, ethical obligations to the client, and the general ethical responsibility to the community.

The Preamble to the Constitution of India promises the people justice—social, economic and political. The 42nd Constitutional Amendment of 1976 added Article 39A to the Constitution that requires the state to ensure that the working of the legal system shall promote justice on the basis of equal opportunity and also provides free legal aid to ensure that no citizen is denied an opportunity to secure justice by reason of economic or other disability. However, there is a big gap between the aspiration of the constitution and reality. India has pending cases of more than 50 million in the court. More than two-thirds of undertrial prisoners languish in

jails without legal representation. Hundreds of millions of citizens are legally illiterate and don't know about their most basic rights.

Here, lawyers don't just represent the interests of their clients. Lawyers are interpreters and keepers of the law, they are agents of constitutional values, they are the link between the abstract nature of legislation and the concrete reality of the ordinary people. The legal profession in India is endowed with a very special responsibility; one that this article aims to explore in detail, from the rural paralegal to the Supreme Court advocate.

This article is organized as follows. Section 2 brings in a historical overview of the legal profession and access to Justice in India, covering the evolution of the legal profession in India from the ancient times till the colonial period and the present scenario. In Section 3, the constitutional and statutory framework is discussed. Section 4 examines the nature of “lawyers and clients” and dimensions of that relationship. Section 5 sets out factors that impact on access to justice. Marked cases are discussed in Section 6. Legislation and policy and amendments are covered in Section 7. The suggestions for reform are found in Section 8 and the conclusion is in Section 9.

The legal profession in India has undergone a historical and colonial transformation. The legal profession in India has gone through a historical and colonial metamorphosis.

## **2.1 Ancient Traditions**

Even prior to colonialism, India had a developed framework of conflict resolution which was based on dharma, arthashastra and customary rule. All three manuscripts, the Manusmriti, Kautilya's Arthashastra and Yajnavalkya Smriti, had detailed provisions in relation to the judges, witnesses and procedures. Customary justice was practiced with the advice of the village panchayat which followed local norms. There was no formal profession of lawyering but learned scholars (pandits) and mahajans would give parties legal advice informally. The principle of nyaya (justice) was engrained in governance and the king was seen as the ultimate dispenser of justice limited by dharmic obligations.

## **2.2 Colonial Transformation**

The British colonial enterprise had a significant impact on the legal system in India. Charter Act of 1726: Setting up of Mayor's Courts in all three Presidency towns of Bombay, Calcutta and Madras and the introduction of common law system and formal advocacy. The Supreme Courts under the Regulating Act of 1773 enabled the presence of English barristers and solicitors but Indians were not able to avail of their services due to language, culture, and higher costs.

In 1846, the Legal Practitioners Act took steps to control the new legal profession in India and, later, the Legal Practitioners Act (1879) enabled the practice of vakils who were trained in Indian Law in conjunction with English barristers. But a highly centralized and racially segregated class structure evolved, where Indians were constantly and systematically disadvantaged. Even in the face of these structural disparities, the legal profession became a hotbed of national feelings. Bal Gangadhar Tilak, Motilal Nehru, C.R. Das and most importantly Mohandas Karamchand Gandhi and B.R. Ambedkar used the law as a tool of the

profession and as a tool of political emancipation. Gandhi's legal training in London had a profound impact on his ideas of satyagraha; Ambedkar's doctoral thesis on colonial India's economy formed the basis for his lifelong struggle for Dalits' rights.

The first important legislation that was enacted to organise the Indian legal profession self-regulatorily was the Indian Bar Councils Act of 1926 which set up Bar Councils in the High Courts. However, it did not result in a single national system. Barristers, vakils, pleaders and mukhtars continued to jibberjabber at each other, as did colonial hierarchies and regional diversity.

### **2.3 Post-Independence Reorganisation**

The task of establishing a uniform, democratic body of the legal profession in close accord with the ideals of the new Constitution was the responsibility of legislators and the Bar following independence in 1947. Justice S.R Das, Chairman of the All India Bar Committee (1951) suggested merger of the profession. This eventually led to the formation of a single class of lawyers, the 'advocates', the formation of the Bar Council of India and the State Bar Councils, and the national standards fixation for education and professional conduct in law.

At the same time, the constitutional assurance of access to justice began to develop institutions – Legal Aid Committees in the 1960s, the P.N. Bhagwati Committee Report (1971) which recommended that legal aid be declared as a right, and finally the Legal Services Authorities Act, 1987, which laid the foundation for a nationwide structure for providing free legal services. Transitioning from colonial legal practice to a constitutionally mandated legal aid system is one of the biggest changes in India's legal history.

## **3. CONSTITUTIONAL AND STATUTORY FRAMEWORK**

### **3.1 Constitutional Provisions**

The Constitution of India gives ample basis for access to justice. Article 14 provides the right to equality before the law and to equal protection of the law. As explained by the Supreme Court in an interpretation of Article 21, the right to life is not only the right to live but also has a right to a fair trial, right to free legal assistance and right to speedy justice. Where a person is arrested, the right to consult and be defended by a legal practitioner of one's choice is guaranteed by Article 22(1).

The Constitution (42nd Amendment) Act, 1976 has added Article 39A to the Indian Constitution, which is the pivot of India's legal aid jurisprudence. The words are: 'The State shall make sure that the working of the legal system is in order to promote justice, on an equal opportunity basis, and in particular it shall provide free legal aid through appropriate legislation, schemes or otherwise, to ensure that no citizen is denied an opportunity for justice on account of his economic or other disabilities. Article 39A is a Directive Principle of the Constitution and not directly enforceable, but Supreme Court in the case of Hussainara Khatoon has held that the right to free legal aid is a fundamental right, which is implicit in Article 21.

### **3.2 The Advocates Act, 1961**

The main legislation of the legal profession is the Advocates Act, 1961. It creates the Bar Council of India (BCI) and State Bar Councils, sets educational requirements for enrolment, sets forth rules of professional conduct in Chapter V, and sets forth disciplinary proceedings. The BCI's Rules of Professional Standards mandate that advocates respect their client's privacy, do not have a conflict of interest, and respect the dignity of the court. Significantly, by requiring the BCI to establish standards for legal education and to recognise universities, Section 7(1)(b) of the Act makes the regulation of the profession dependent on the quality of the education provided.

The Act has been subject to criticism for being under-regulating and over-protective of the profession of law, and for weak enforcement of professional conduct standards and for erecting entry barriers which prevent candidates from marginalised backgrounds from accessing the profession. Although changes were made to the BCI in 2023, discussions about overhauling their disciplinary authority and the effectiveness of legal education persist.

### **3.3 The Legal Services Authorities Act, 1987**

The Legal Services Authorities Act, 1987 is the bedrock law relating to access to justice in India. It makes the National Legal Services Authority (NALSA) at the top level with State Legal Services Authority (SLSA), District Legal Services Authority (DLSA) and Taluk Legal Services Committees at the grassroots level. Legal aid is provided free of cost to the following persons who are not able to represent themselves due to poverty, Scheduled Caste, Scheduled Tribes, women, children, victims of trafficking, natural disasters, persons with disabilities or industrial workmen.

The Lok Adalats (people's courts) are provided for in section 22 of the Act for the settlement of disputes by mediation and conciliation. Promulgated by Lok Adalats, Awards are considered to be civil court decisions and cannot be appealed. In decades, Lok Adalats have resolved hundreds of millions of cases to offer an alternative and easily accessible dispute resolution forum.

## **4) The nature of the role of a LAWYER in terms of ACCESS TO JUSTICE**

### **4.1 Nature of the role of a LAWYER in ACCESS TO JUSTICE.**

The lawyer's dual and sometimes paradoxical role in India. The lawyer's role is to uphold the rule of law as an officer of the court, to assist the court in its duties to administer justice, and to ensure that lawsuits are not being used in an improper manner. The duty is mandated by the Bar Council of India Rules which bar misleading the court, giving false evidence to the court and anything that may lead the profession into disgrace. In *Ex-Capt. Harish Uppal v. Union of India* (2003), the apex court has clearly stated that the professional right of lawyers is non-existent and their duty is towards their clients and the court.

### **4.2 Agent of the Client**

At the same time, the lawyer represents and advocates for the client, and has the responsibility to be loyal, confidentially, competent and zealous in their representation. A lawyer serving the needs of a poor, illiterate and inexperienced clientele becomes particularly

significant in a country where most litigants are essentially poor, unable to read, and lacking in knowledge of the workings of the law. The attorney handles the representation of the client in court, as well as advising and counseling the client, drafting documents and negotiating on their behalf. Making a personal presence on the court a reality – rather than a formality – is difficult for the legal aid system.

### **4.3 Social Engineer and Rights Activist**

In addition to individual advocacy, attorneys have always been social engineers and rights activists. Public interest litigation (PIL) is a uniquely Indian jurisprudential innovation that emerged in the 1980s partly owing to law firms filing cases on behalf of underprivileged persons – bonded labourers and lost prisoners, as well as displaced persons and others who were unable to file cases on their own – on behalf of the Supreme Court. The Hon'ble Justice V.R Krishna Iyer termed Lawyers as "Social Engineers" and said that law is a "social instrument" and has a "constitutional duty" to change society.

This aspect of the lawyer's work is part of the larger jurisprudential concept of "legal empowerment" which goes beyond simply accessing the courts to empowering communities to know, use, and influence the law in their daily lives. It is a broader understanding of the scope of their professional responsibilities that is embodied in the lawyers who support civil society organisations, community legal centres and paralegal networks.

## **5. FACTORS AFFECTING ACCESS TO JUSTICE IN INDIA**

### **5.1 Economic Barriers**

Poverty is the most basic impediment to access to justice in India. The cost of legal action is high in India court fees, lawyer's fees, stamp duty, transportation fees, and the indirect costs such as lost work time can be steep for the majority of the population. The scope of free legal aid is still limited, although there is a legal aid scheme under the Legal Services Authorities Act. Research on the legal aid scheme has always indicated that the lawyers on panels are poorly paid, poorly trained for the work they receive and are poorly monitored, which leads to poor representation.

### **5.2 Legal Illiteracy**

The second is legal illiteracy which is an omnipresent problem. The Indian Constitution and the country's laws are drafted in a complex and technical language, with most of the people unable to read and understand. Citizens lack knowledge about their basic rights, about what they are entitled to from welfare policies, and of legal aid services. The lawyer is the first and foremost solvent between the citizens and the law and plays a vital role in making the law accessible and spreading legal information. The role of bar associations, Law School clinics and NALSA's legal literacy initiatives have made some progress, but there is still a long way to go.

### **5.3 Geographic Disparities**

Access disparities are high due to the vast geography in India. The courts are concentrated in urban and semi-urban areas and there are vast numbers of people in remote rural areas. Being remote, traveling to court, lodging, and missing work to go to court



disadvantages those who live in rural areas. This has been partly addressed through mobile legal aid clinics, legal aid camps conducted at the village level and expansion of Lok Adalats at the panchayat level but still systemic reforms are needed.

The average case pendency and delay have decreased.

The massive pendency of cases in Indian courts, which is estimated to be more than 50 million cases at all levels of court, is an obstacle to access to justice. In the words of the adage, justice delayed is justice denied. Poor people suffer from delay, and cannot survive the costs of long litigation, nor can they withstand the power of delay that the more powerful party obtains. The role of lawyers is not just to contribute to the delay via unnecessary adjournments and procedural manoeuvres, but also in looking for solutions to delay – via ADR mechanism, mediation, efficient case management etc.

### **5.5 Caste, Gender, and Marginalisation**

There are deep intersections between access to justice and structural inequalities of caste, gender, religion and ethnicity. Women often encounter obstacles to lodging complaints about domestic violence, rape and property rights, such as shame and guilt, illiteracy about the law and poor responsiveness by law enforcement and courts. The formal legal disadvantage and informal discrimination of dalits and Adivasis is evident in courts and police stations. LGBTQ+ people have faced hostility and criminalisation in the past and still do today. Lawyers, who come from a marginalised community, or who are social justice lawyers, are key to the countering of these intersecting barriers.

### **5.6 Inadequate Legal Education**

Education of lawyers in India is a serious concern. The profession is large and highly variable in quality, as more than 1,500 law colleges churn out thousands of law graduates each year. Too few graduates have the necessary skills, ethics and social awareness to be effective as an access-to-justice professional. Addressing this by recommending reforms through clinical legal education, skills training and curriculum redesign by the Bar Council of India and the Law Commission, the latter has been implemented with varying degrees of success.

## **6. LANDMARK CASE LAWS**

### **6.1 Hussainara Khatoon v. State of Bihar (1979)**

Hussainara Khatoon v. State of Bihar, AIR 1979 SC 1360 is perhaps one of the cases that has been instrumental in establishing the right to legal assistance in India. The Supreme Court received a petition for a Habeas Corpus in a newspaper report by Kapila Hingorani about the situation of undertrial prisoners in Bihar, who had been spending more years in prison than the maximum punishment for the offences they were accused of committing. In the opinion of Justice P.N. Bhagwati, writing for the Bench, the right to free legal aid to the destitute is "an inherent and essential part of the right to life and personal liberty enshrined in Article 21. The Court stated that this right cannot be denied to any accused person 'by reason of his poverty or indigence. The State was directed to immediately provide legal aid for all prisoners in custody of the State and to immediately release prisoners whose custody period had been longer than

the maximum period imposed on them for the offence. Hussainara Khatoon is the right precedent from where India got the constitutional right to legal aid.

### **6.2 M.H. Hoskot v. State of Maharashtra (1978)**

Supreme Court in M.H. Hoskot v. State of Maharashtra, AIR 1978 SC 1548, ruled that the right of appeal is a part of the right to personal liberty guaranteed under Article 21 and the State has to provide free legal assistance to the indigent accused for the purpose of appeal. Justice V.R. Krishna Iyer, in a famous concurrent opinion, expressed the 'social justice' aspects of the role of the lawyer with great eloquence, stating that 'the right to life and liberty under Article 21' entails the right to live with 'human dignity' and that 'the denial of legal aid to an indigent accused is a negation of that dignity'.

### **6.3 Khatri v. State of Bihar (1981)**

In Khatri (II) v State of Bihar, AIR 1981 SC 928, the Supreme Court had laid down that the provision of free legal aid must be made known to the accused person at the time of his first appearance before the Magistrate and before remand. The Court ruled that it was the duty of the Magistrate and the Sessions Judge to let the accused know of his right to get legal services free of cost by the State and failure to do so would amount to violation of Article 21. The decision thus established the proactive state and court obligations to provide access to lawyers at every stage of the criminal process.

Who was the author of the case of 6.4 Suk Das v Union Territory of Arunachal Pradesh (1986)? Who wrote the case of Suk Das v Union Territory of Arunachal Pradesh, 6.4 (1986)?

In Suk Das v. Union Territory of Arunachal Pradesh, AIR 1986 SC 991, the Supreme Court reiterated that not providing free legal aid to an accused who cannot afford to get a lawyer is a violation of Article 21, and conviction without this would be set aside. The Court stressed that this right is not dependent on the accused formally applying for legal aid.

### **6.5 Sheela Barse v. State of Maharashtra (1983)**

In Sheela Barse v. State of Maharashtra, AIR 1983 SC 378, the Supreme Court heard a PIL based on a letter of a journalist pointing out the situation of women prisoners in the jails of Bombay. The Court ruled that female prisoners should be housed separately from male prisoners, should be examined by female physicians only, and that they receive legal aid. This case was a classic example of the lawyer's jurisdiction in public interest litigation, which is one of the ways to get justice for the most marginalised people.

### **6.6 PUDR v. Union of India (1982)**

In the case of Peoples Union for Democratic Rights v. Union of India, AIR 1982 SC 1473, the Supreme Court ruled that the construction workers of Asian Games project sites were subjected to forced labour as a result of the under-payment of minimum wages on these projects and thus the minimum wage provisions in Article 23 were violated. The Court's decision to recognise PILs by lawyers and civil society organisations representing the workers who were unable to petition the Court was a major shift in the function of lawyers as advocates of access to justice.

### **6.7 State of Haryana v. Darshana Devi (1979)**

In State of Haryana v. Darshana Devi (AIR 1979 SC 855), the Supreme Court has ruled that the requirement of payment of court fees as a condition of access to courts can be a denial of justice against the poor and that this must be waived in favour of the poor. In this case, it was determined that rigidly applying the procedural hurdles to access court without considering the litigants' capacity was a denial of access to court and was in violation of Article 14 and 21.

### **6.8 Anita Kushwaha v. Pushap Sudan (2016)**

In Anita Kushwaha v. Pushap Sudan, (2016) 8 SCC 509, the Supreme Court explicitly declared that the right to justice is one of the fundamental rights and highlighted the four elements of access to justice as proximity of courts, affordability of judicial proceedings, speedy justice and a fair and just outcome. "The right to access to justice is not a procedural right but a substantive fundamental right based on Article 14 and 21. This was a significant enlargement in the constitutional rights to access to justice, for which a lawyer's role is crucial.

## **7. Laws, policies and amendments**

### **The Legal Services Authorities Act, 1987 and its Amendments**

The Legal Services Authorities Act 1987 has been amended on several occasions since its introduction with a view to enhancing its reach. The provisions of Permanent Lok Adalats (Section 22A-22E) were added to the 1994 Amendment, and it is their function to resolve cases of disputes concerning public utility services, such as electricity, transportation, postal services, insurance, hospitals, on a permanent basis and with binding awards. The 2002 Amendment included pre-litigation mediation and changes to the legal aid rules.

The National Legal Services Authority has issued Regulations and Schemes periodically to further the implementation of the Act. NALSA's schemes consist of Acid Attack Victims, Women with Disabilities, Child Friendly Legal Services and Legal Services for Senior Citizens. Under the NALSA (Free and Competent Legal Services) Regulations, 2010, there are quality standards that are laid down for the panel lawyers and there are supervision mechanism laid down.

The Advocates Act 1961 was amended in this manner and certain reforms are proposed.

The Advocates (Amendment) Bill, 2023 was introduced in the Rajya Sabha proposing big changes in the legal profession's regulatory system. It recommended increasing the scope of the definition of 'legal practitioner' to include some non-advocate legal professionals; expanding the BCI's disciplinary powers over advocates; and the regulation of foreign lawyers engaged in India in the context of 'cross-border transactions'. The Bill was taken from the general list, and referred to a Standing Committee, in the face of a lot of debate within the Bar. The subject of reform of the Advocates Act has frequently been raised in the context of discussions about access and quality of the legal profession.

### **7.3 The Protection of Women from Domestic Violence Act, 2005**

Protection of Women from Domestic Violence Act, 2005 is a pioneering Act which brought a significant change to the rights of women subjected to domestic violence. Lawyers



are at the heart of this piece of legislation; Protection Officers, who help women who have been aggrieved to file applications and access services are often drawn from the legal profession. Section 23 of the Act also provides for free legal services for aggrieved women, while lawyers are obligated to provide assistance to clients seeking Emergency protection order, Residence order and Monetary order.

#### **7.4 The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989**

SC/ST (Prevention of Atrocities) Act, 1989 (as amended in 2016) is a framework for the protection of the most marginalised communities of India from caste violence and discrimination. The role of lawyers is very important in registering FIRs, conducting investigation and giving legal help to the victims as per the Act. The Amendment of 2016 added a special provision that offences under the Act shall be tried in the Special Courts within two months of the charge sheet being presented, highlighting the need for speedy and efficient legal representation.

The Right to Information Act 2005 is said to be a 'sunshine law' giving citizens the right to demand transparency and accountability from public bodies. Lawyers have leveraged the RTI to uncover information about cases under litigation, to reveal wrongdoing in administrative processes, and to help their clients claim democracy rights. Legal aid groups provide training to the community in filing RTI applications as a practical way to go to justice outside the court.

The legal empowerment programme utilises models and skills developed under NALSA Schemes. NALSA schemes and Legal Empowerment Programmes are linked.

NALSA has formulated more than a dozen concrete legal services schemes for the benefit of vulnerable groups. The schemes are: the NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015; NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015; NALSA (Legal Services to Mentally Ill and Mentally Disabled Persons) Scheme, 2015; and NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015. The lawyers appointed as the panel advocate in these schemes have to represent the clients in the court free of cost, organize legal literacy camps and help the clients to avail the benefits from the government. These are schemes that are a major expansion of the lawyer's role beyond litigation to legal empowerment.

#### **7.7 Mediation Act, 2023**

The most recent and most important legislation in the domain of ADR in India is the Mediation Act, 2023. It contains an extensive statutory definition of mediation, makes the pre-litigation mediation mandatory for civil and commercial disputes, creates the Mediation Council of India and endorses settlement agreements that are reached through mediation as final and binding. The Act is a highly lawyer-intensive document, in the sense that it is mediated, served as a tool to advise parties on mediation, and in certain limited scenarios, used to oppose mediated settlements. The Act will help alleviate the backlog of cases in court and increase access to cost-effective methods of resolving disputes, as part of a changing perception of the role of the lawyer in providing access to justice.

1. As Lawyers, facilitate access to justice by improving access to legal representation and legal assistance. 8. As Lawyers, promote access to justice through access to legal representation and legal assistance.

### **8.1 Reform of Legal Aid Quality**

The most pressing reform measure is to enhance the quality of legal aid service. Legal aid lawyers who participate in the legal aid program should be fairly compensated, regularly trained and held to account and subject to meaningful supervision. At the DLSA level there should be a sustainable system of quality audits, client feedback and panel renewal based on quality of service. The story of the implementation of National Health Mission that introduced healthcare infrastructure to primary level with focused investment and monitoring should motivate the same commitment to be put into legal aid infrastructure.

### **8.2 CLT and Law School Clinics**

All law schools should be required to have a legal aid clinic with working AND trained faculty to assist real clients. Clinical legal education helps future lawyers develop the skills they need to practice law and it also helps to increase the scope of legal services. The provisions of the Rules on Legal Education 2008 of the Bar Council of India, which introduced clinical courses in the curriculum, must be strictly followed and improved to keep pace with the best practices in clinical courses in other jurisdictions including South Africa, the United States and Kenya where strong clinical courses with proven access to justice results have been established.

### **8.3 Paralegal Empowerment and Community Legal Workers**

The legal profession has much to gain from community legal workers and paralegals' potential to increase access to justice at the grassroots. The NALSA's paralegal volunteer programme has seen the training of tens of thousands but didn't have a systematic integration with the formal legal system. There is a need for a formal career ladder for the paralegal that includes specific competencies, training requirements, and supervision by the lawyer to vastly increase the availability of legal services to remote and underserved areas.

### **8.4 Technology-Driven Access**

The COVID-19 pandemic has kicked off the use of technology in court proceedings and virtual trials, e-filing and online dispute resolution have become a part of the Indian legal landscape. These changes should be embraced by lawyers and legal aid organizations. Qualified practitioners created and managed mobile legal aid apps, online legal counselling services and AI-based legal information services can revolutionise access to justice for citizens who are geographically remote or mobility challenged. Similarly, the digital divide needs to be resolved: access to the internet, digital literacy and language accessibility of technology-based legal services must be met to achieve equitable outcomes.

### **8.5 Pro Bono Service (obligatory)**

To practice in several jurisdictions, lawyers must perform a certain number of pro bono hours annually, as a requirement for practice. It's time for India to implement a similar rule. The Bar Council of India should prescribe for the Continuing Legal Education that there must be a minimum of 20-25 hours of pro bono legal service in a year, either through legal aid

representation or legal literacy camps or any other alternative method of providing legal services to the needy. This will not only increase legal services and help to foster a professional ethos of social responsibility.

### **8.6 Speedy Justice and Case Management Reforms**

The problem of pendency in the courts is a responsibility shared by lawyers and the courts and State. Bar associations should adopt codes of conduct to discourage dilatory tactics, unnecessary adjournments and frivolous appeals. The Court Management System changes suggested by different Law Commission reports, such as the maintaining of strict deadlines, category-based case management, and frequent settlement conferences, should be supported by the Bar. Effective, client-focused litigation should be an ethical standard, not a management choice.

The Bar Councils (BICI & State Bar Councils) have to be more effective in exercising their disciplinary jurisdiction. Professional misbehaviour (negligence in legal aid matters, abandonment of a client, exploitation of a vulnerable litigant etc.) must be investigated quickly and penalised commensurately to the extent of the misbehaviour. Orders should be published and procedures transparent in disciplinary proceedings, this will help to deter misconduct and reinforce the public's trust in the profession.

## **9. CONCLUSION**

The relationship between lawyers and access to justice in India is at once deeply historical and urgently contemporary. From the lawyers who led India's independence movement to the public interest litigators who expanded the frontiers of fundamental rights, from the legal aid advocates who secured freedom for undertrial prisoners to the mediators who resolve family disputes without litigation, lawyers in India have been indispensable agents of justice. Yet the gap between the constitutional promise of justice for all and the lived reality of millions of citizens remains wide.

The structural barriers explored in this article poverty, legal illiteracy, geographic remoteness, case pendency, caste and gender discrimination, and inadequate legal education cannot be addressed by lawyers alone. They require coordinated action by the State, the judiciary, civil society, and the legal profession. But the profession bears a special responsibility. Rooted in a constitutional framework that explicitly mandates access to justice, armed with the legal knowledge and advocacy skills that ordinary citizens lack, and occupying a privileged position in the social and political fabric of the nation, lawyers are uniquely positioned to bridge the justice gap.

The landmark judgments of the Supreme Court from Hussainara Khatoon to Anita Kushwaha—have repeatedly affirmed that access to justice is a fundamental right, not a discretionary benefit. The Legal Services Authorities Act, NALSA's schemes, the Mediation Act, and successive legal reforms have created an institutional architecture that, if fully and faithfully implemented, can deliver justice to every citizen. But architecture without inhabitants is inert. Lawyers must inhabit and animate these institutions with competence, integrity, and commitment.

Ultimately, access to justice is not a problem to be solved once and set aside. It is a continuous, evolving challenge that demands constant reflection, reform, and renewal. In a country as diverse, complex, and unequal as India, the lawyer who strengthens access to justice whether in a Supreme Court chamber or a village Lok Adalat, in a legal aid clinic or a community rights campaign—is performing nothing less than a constitutional duty and a civilisational obligation. The strength of India's democracy depends, in no small measure, on the strength of its legal profession's commitment to justice for all.

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